

LAKE COUNTY PLANNING BOARD
April 10, 2013
Lake County Courthouse, Large Conference Room (Rm 317)
Meeting Minutes

MEMBERS PRESENT: Bob Kormann, Sigurd Jensen, Steve Rosso, John Fleming, Janet Camel, Brian Anderson, Rick Cothorn, Roland Godan

STAFF PRESENT: Joel Nelson, Robert Costa, Lita Fonda

Bob Kormann called the meeting to order at 7:01pm.

2013 BOARD CHAIR AND VICE CHAIR SELECTION:

Steve nominated Bob Kormann for chair. Bob encouraged people to vote for other interested parties. Rick noted that Bob did an admirable job.

Motion made by Steve Rosso, and seconded by Rick Cothorn, for Bob Kormann as chairperson. Motion carried, all in favor.

Motion made by Bob Kormann, and seconded by John Fleming, for Steve Rosso as vice-chairperson. Motion carried, all in favor.

MINUTES:

Steve offered some corrections. He checked on wording of ‘manufacturers’ home on pg. 4. Joel thought it had been written that way in what he read from the regulations, so this was left as written. Steve moved to 3 lines from the bottom of the 2nd to last paragraph, where ‘manufactured of mobile’ should read ‘manufactured or mobile’. On page 5 around the middle of the last paragraph, he read an awkward section. ‘It said it to him’ was changed to, ‘It said that to Joel.’ Steve pointed out on pg. 10 that the second was attributed to Steve Jensen, which might mean Steve Rosso or Sigurd Jensen. Sigurd said to give that motion to Steve Rosso.

Motion by John Fleming, and seconded by Rick Cothorn, to approve the Dec. 12, 2012 meeting minutes as corrected. Motion carried, 7 in favor (Bob Kormann, Sigurd Jensen, Steve Rosso, John Fleming, Brian Anderson, Rick Cothorn, Roland Godan) and one abstention (Janet Camel).

UPPER WEST SHORE ZONING DISTRICT & REGULATIONS AMENDMENT (7:08)

Robert Costa presented the staff report. (See attachments to minutes in the April 2013 meeting file for staff report.) He pointed out the handout of public comment received after the staff report deadline. (See attachments to minutes in the April 2013 meeting file for handout.) He gave background about why staff proposed these changes. A landowner, the United Methodist Camp and Conference Center, located along Lakeshore Drive, was attempting to remedy some zoning violations. One question they asked was about the 65% petition requirement in the zoning regulations to propose an amendment as a landowner and what that meant. No proposal had yet come in from them. Staff looked into the question and consulted with the Lake County Attorney. It was determined that an applicant would have to get 65% of the affected area,

essentially almost the entire zoning district depending on the proposal. Staff felt that requirement was unreasonable, so that was why staff proposed the amendment. Of the 12 land use regulations that Lake County administers and enforces, only 3 had language similar to this with the 65% requirement for text amendments. These also require 65 % real property owners' petition for map amendments. Staff felt the requirement was still applicable for map amendments and did not propose changing that. The amendments would just be to the text amendment procedure. Joel mentioned they got the proposed amendment [language] from the East Shore Zoning District, updated in 2009. It was the most recent local zoning district that was updated. Robert explained that there were also some small changes as far as punctuation, capitalization, consistency in naming boards, pronouns and so forth.

John asked for clarification regarding differences between map amendments and text amendments. Robert pointed to the map on the last page of the proposed amendment packet. A, B, C and D were subdistricts. A map amendment might change the boundaries of a subdistrict. A text amendment could be submitted concurrently. Joel added with a map amendment, you could create a new subdistrict or annex land into the district. John checked that if you had different regulations in different districts, if you changed the districts, you changed the regulations for a particular place. Joel affirmed. Robert said you wouldn't be changing the text, exactly. It would change which properties were in what subdistrict, or even in a district. Text was things other than the map.

Roland checked that right now, a landowner who wanted to do a text amendment change had to do a petition involving 65% of the affected landowners. The proposal was to eliminate that, so someone would just approach the Board for a text amendment and then the five legal notices would be the only notification given to the affected landowners? Robert said no. The way it was proposed would be identical to what staff had done now. Legal notice would appear in the paper for the Planning Board hearing, and 2 weeks in a row for the Commissioners public hearing. The legal notice was posted online. This time around, posting was requested for the West Shore News, although Robert wasn't sure that it appeared. There would be at least 5 places in the zoning district where it was posted. Joel noted they'd gone beyond the legal requirements. Roland said purpose of the legal notice was to notify people who would be affected. According to the letter received, people who were not in the area wouldn't be notified unless they received the Leader or got online. Joel said that everybody was on notice, per the legal notice requirements. Roland said he was asking about the practical requirements. Joel explained that when there was a statutory notice requirement, once that had been met, everybody was on notice.

Roland thought the 65% petition requirement was in place as a practical way for local-affected individuals who might not come across the legal notifications to be notified. Joel thought that number could have been chosen because they wanted some protection that the 40% protest provision would likely not be successful. He couldn't say whether that 65% was wanted by the County or local citizens. It seemed like to get notice out to 65% of the affected area in a zoning district with thousands of properties was substantial, let alone get people to join together to sign a petition. Roland pointed out they were going from 65% to zero. Joel said there was one. There was still the protest provision. They were going to follow the statutory requirements. Planning staff could propose amendments such as this, and that was what had been done.

Rick asked how this compared to circumstances in other counties. Were they breaking ground here as far as changing from 65% to a new protocol? Joel didn't know what the other counties had. They were probably breaking ground when they required 65%.

Robert mentioned he hadn't finished running through the staff report yet. He suggested that he finish the report. He asked Steve if he had a question about legal notice. Steve referred to the 12 districts that were mentioned. The latest regulations were like the revisions recommended. Three of those 12 had the 65%. Those were the extremes. Were there regulations with other percentages? Steve and Robert agreed to talk about this later in the meeting.

Robert continued with the staff report, giving page numbers per Bob's request. He showed the information available on the website. He highlighted the section with changes so those in attendance could see what was unchanged and where the changes were. Changes began on pg. 17, in section IX, with the exception of gender pronouns, capitalization, proper and consistent references to various boards and governing bodies, and with those exceptions, these should be identical to [this section in] the East Shore Zoning regulations, which were the most recently updated regulations. He described some of the small changes. Item IX.B.1.b contained the 65% petition for real property owners. A few small changes were made to the map amendment section to make it more consistent with the East Shore Zoning regulations, but nothing significant. The rest of the document, including the definitions, was not changed except for section IX.

Robert summarized the public comment letter received after the staff report was done, which was opposed to the amendments. He clarified that Planning staff were not aware of the meetings that the camp representative had with the Lake County Attorneys' office. Planning staff independently requested interpretation from the Attorneys' office on this. The contact by the camp was unknown to Planning staff until they received the Attorneys' letter after the staff requested interpretation from that office. Regarding the letter, he also clarified that there were many reasons it was difficult to get 65% signatures. He may have said that snowbirds and second homeowners were among the reasons it was difficult to get 65% but that alone was not the reason why staff proposed this amendment. For staff, it didn't matter if there were second home owners or people living there full time. Staff believed the 65% was unreasonable.

Joel returned to Steve's question about the other zoning districts, which were all over the board. Masumola Zoning and Lake Mary Ronan were both vague. Finley Point and Swan Sites were the same as Upper West Shore. East Shore was what the proposed text was based on. Lower Bug Creek required petition by 40% of the landowners. Historic Kootenai Lodge, which was based on one private subdivision, required the majority of the unit owners within the condominium. Stone Ridge Estates could be initiated by any affected party or entity. The 3 citizen-initiated zoning districts were really vague and basically bound by law to be initiated by citizens according to law. For the Density Map and Regulations, those could be initiated by any individual or organization with a contract to own or responsible for the management of land or resources in Lake County. It could be someone who managed a piece of land. Steve asked when the latest revision date was for Lower Bug Creek, with 40%. Joel replied that was 1997.

John checked on pg. 18 in IX.B.1.b whether it was currently 65% or a single landowner. Robert agreed that a single landowner could initiate an amendment, but they needed the 65% to get beyond the front desk. Joel clarified that to get the application accepted for processing, they needed the 65%. It cost a substantial amount of money for text amendments, at \$650. John asked how hard it was to do an amendment after it was initiated, and what the next steps were. Robert replied it was the same process they were following here. John noted one person could start a possibly expensive process or 65% could. One person could keep them pretty busy. Joel said if they wanted to pay the fee, which was in the fee schedule.

Steve referred to procedures starting at the bottom of pg. 17. He checked for the reason of the proposed addition of language in IX.B.1.a. Robert said it was to allow for legal notice. Steve thought that revision should be left out or expanded. Joel thought it was moot. The main thing was the Commissioners' public hearing was the one referenced by state law and needed 45 days of notice, so this wasn't that important. Steve thought it was confusing and suggested leaving it out. Joel explained they wanted to use something that was in the existing regulations that made sense. The East Shore regulations made sense and they didn't want to deviate from something that seemed to work. [The East Shore regulations revision] was done prior to the recent amendment about the 45 days of notice for the Commissioner public hearing. It didn't conflict with that amendment; it worked.

Janet offered some language that might clarify. She suggested, "...at least thirty (30) days prior to *the next* regularly scheduled Planning Board meeting *at which the proposed amendment would be heard.*" Steve agreed that clarified the statement. Bob asked about state law. Was it state law to review in 30 days? Various people said no. Bob continued. If they had two major subdivisions in an evening and it got late, would they have to jump into zoning? Janet replied no, it said at least 30 days. It didn't specifically state that it would be at the next meeting. Bob said they didn't want to be in a position where someone walked in and wanted this heard tomorrow.

Steve checked that these procedures were to be followed regardless of the requestor, and IX.B.1.b only came into play if a property owner made the amendment request. An owner or agent had to sign the application for the amendment. If the Planning office suggested an amendment, that didn't have to be done. Joel affirmed. Steve thought maybe they needed to say 'if an amendment was filed by a landowner' since that was the only time this procedure needed to be followed. In IX.B.1.c, he suggested the applicant should provide the names and addresses of all property owners within the amendment area, as well as adjoining. Janet suggested adding '*within and*' just prior to 'adjoining' in IX.B.1.c.

John checked if this was a citizen initiated zoning district. Joel thought it was initiated by landowners to some extent but it was a county zoning district rather than a citizen initiated zoning district. Lake County had a history of doing hybrids that [inaudible] came through county zoning statutes. Janet asked if Jerry Sorensen worked on this one. Steve recalled the process. He thought it was in 1994. Joel confirmed. There were prior zoning regulations, which may have been called Crescent Bay. He thought Forrest Sanderson worked on the Upper West Shore regulations. Janet thought Jerry started working on districts around the lake, and then Forrest took over. John checked that the regulations were initiated by the county and then agreed

to by the landowners in the area. Joel explained that private people were involved. He thought they held local meetings. Steve remembered it as the county offered help if a group of people in a certain area wanted to define an area. Joel thought to some extent it was Lake County and the local citizens working together to initiate a process.

Janet asked about the process. For proposed subdivisions, adjacent landowners were notified by letter. She checked with Joel that didn't happen with zoning regulations, which Joel confirmed. To address Roland's concern about proper notification, she suggested appending 'and letters shall be sent to those property owners' to IX.B.1.c, to provide that additional notice. It made sense to her that if you were to delete the 65% because it was cumbersome and hard to get agreement, at least you could notice the people. That would address the concern raised by the Clarks in their letter. Joel said that wouldn't apply if there weren't an amended area. Janet said it would be the whole area. It seemed better to her to be safe than sorry. She knew sending letters to that many people was expensive. If you already had the onus on the applicant to provide the names and addresses then sending a letter might provide the answer to satisfy the folks who felt they didn't get enough notice. Text amendments could affect quite a few things, like density or setbacks that might harm the value of their property in their estimation. Joel gave the example if 5000 properties had to be noticed at \$10 each. Did that seem reasonable? Janet checked that it was \$10 to send a letter. Robert explained that it was certified mail. Joel noted the actual postage cost was somewhat less than \$10. Janet asked if there were that many parcels in a zoning district. Joel estimated 7000 to 15,000 properties. Brian said even at \$1 per letter for your envelope, paper and regular stamp, you were still going to pay a lot.

Roland asked about the purpose of line c. Joel thought if a text amendment that only applied to a small area was proposed, the applicant had to give Planning the adjoining property owners. He didn't think it was intended to apply to thousands. Roland asked if it would be unreasonable to contact 1 to 50 maximum adjoining property owners if the applicants were providing the names and addresses of adjoining property owners. Text amendments could affect an adjoining property owner. Joel tried to envision a proposal where a proposed text amendment would fit the description. Janet thought regular notice might be sent. A text amendment could be anything and would affect everyone in the district, not just the adjacent property owners. A text amendment would change the regulations for everyone unless it was specific to a subdistrict. Joel added it could be proposed to only affect a handful of properties. Janet said that each subdistrict was fairly large. How could there only be a handful of properties in a subdistrict? Steve said in the text amendment, you could create a much smaller subdistrict and have special regulations for those few. Janet said in that case it would make sense to notify everyone. Did it have to be by certified mail? With about 29,000 people in the county, how could there be that many parcels in one zoning district? Robert said population census data looked at people who were there when the census taker came to the door at a certain specific time. The population didn't look at how many parcels there were, or how many homes had been established. Janet realized that, but it wouldn't be greater by ten times the amount. There was usually a factor weighted in the census to account for seasonal inhabitants. It was usually at least 90% accurate.

Brian said that in Finley Point, there was one area at least with a tremendous number of parcels. Joel said there were thousands. They hadn't done an analysis. He did know it was a substantial number. They could pull up a GIS map and have a quick look. Janet said [the letter] didn't have

to be certified. Steve thought they needed to consider that because the 65% referred to area, people had large properties in 1994 and before, where you might have been able to hit 65% by contacting 10 or 20 people. As those large properties had been subdivided, the numbers of owners had gone way up, especially in these areas close to the lake where small lots could sell for a lot of money. Sixty five percent might not have been a huge task 20 years ago, but it was today. That was part of the reason this kind of thing was being considered. Coming up with a solution based on what they thought the reality of the distribution of ownership and sizes of lots and number of people in the district today would also be trouble because changes would affect that. He suggested thinking of changes in the regulations that were independent of things like how many properties or how big, so they didn't have to change them as the zoning districts grew. Janet pointed out that as properties were subdivided, they had to comply with the zoning regulations.

Steve referred to the top of pg. 19, in IX.B.2.a. What was 'expand or complement' intended to mean? Robert thought complement meant that the land uses were similar. He didn't have a great answer for why expand was there. Steve thought they should figure out the intent and have some words that met the intent. He suggested in addition to 'complement', they could mention land that would be added to the district would be of similar land uses or topography or whatever the choices were, but to explain what the intent was there. Robert thought 'complement' was good choice. When zoning districts like these were established, there were going to be existing non-conforming uses. To require more than complement might be difficult. Steve gave an example where someone might think in a subdivision or subdistrict with no businesses might be complemented by one piece of land with a gas station and convenience store, although it was an entirely different use. If the idea of complement was to combine similar uses, then they should say that rather than leaving it up to someone's interpretation of complement. Maybe it came from there and just got moved. Roland suggested using the word compatible.

Joel noted that the GIS wasn't working for a visual [of the parcels in the district].

Bob returned to Steve's concern in IX.B.2.a. Steve said he was satisfied that staff would try to come up with the intent of the paragraph, and add words to reach that intent.

Bob checked if someone proposed being annexed into the district, if they would come before this Board. Joel affirmed. Bob thought Steve's example with the convenience store was well taken. 'Complement' could mean different things to different people. He wasn't sure if it was the right word to have in there, and suggested some language. People needed to realize it would come before the Board to be reviewed. Joel mentioned that was in state law. Bob agreed, but what would it hurt to add it in? Robert thought that as far as interpreting and enforcing, it wasn't the most appropriate place. Bob focused his concern on the wording 'shall complement'. He gave a West Shore example where someone had an apple orchard, and might see a retail apple stand on the highway as complementary, next to the apple orchard and next to the highway. It might not be complementary to somebody else. Janet suggested '*be compatible with*'. Robert agreed that compatible would be a better word than complement, and would be more to what the Board was looking for. Joel checked that this would read 'shall expand or be compatible with'. Janet corrected that 'expand' would be removed, so it would read 'shall be compatible with'.

Steve thought they might get insight into the wording by looking at the stricken portions IX.B.1.b.

Public comment opened:

Linda Clark: She explained that her name was on the letter from Allen Clark and others. They felt the notification process could possibly improve so people who were adjoining or right across from the area were notified directly. It worked both ways. It was hard for the church camp to get 65%. It was hard for the neighbors to get in touch with people who weren't in the area year-round. She felt as property owners, their rights were being jeopardized. The percentage was going from 65% to 1. Maybe there was a different percentage that could be used. There were a couple of people added on after this letter today.

Chris Hagar: He was the chair of the Board of the United Methodist Camp. There still seemed to be some confusion over the 65%. Was it 65% of the area or of the owners? There was a significant difference there. That's why they went to the County attorney. It was not clear in the regulations as to which one it was. When they were trying to make their decision as to whether or not to apply for a text amendment, they wanted to know and make sure they did the right thing. On a practical level, how did they get the addresses of people who were not residing there? Did they send letters to just the addresses of people living there or did they have to figure out the addresses of snowbirds and travelers. How did they go about this to notify people? He understood Linda's concerns. She happened to be at their board meeting and found out about this meeting. She lived there and it was of critical importance to her to know what was going on. He appreciated that. They all had the same notification whether it was for the school board meeting or whether it was land use changes or whatever it was. That was why they had public postings. Regardless, he was trying to find out how they were to go about notifying people? If they could supply addresses, what addresses did they supply?

Robert: Regarding the question on the 65%, the way the language was written currently, it was requiring a petition in favor of the request signed by the real property owners representing at least 65% of the land area to be included in the application. Whether you talked about 65% of the land area or 65% of the real property owners depended on the specific proposal, and exactly what the affected area was, to a certain degree. Staff struggled with this. There was an interpretation difficulty. That was another reason they were trying to make this simpler from an application process. It was up for interpretation and they did their best based on the advice they could get from their attorneys, and what seemed practical and what the actual application affected, to a certain degree.

Chris H: He complimented Joel and Robert for their efforts to clarify this. It was difficult for someone out there to try and make an adjustment or decide if they wanted to go after a text amendment or map amendment without knowing what goal they were shooting for. He thought their goal was to clarify that. He asked if the Planning Dept had a sense of how many people there were.

Robert: They weren't prepared to answer the question.

Chris H: Was there an approximate number?

Joel: He would just say thousands.

Robert: In answer to the question on how an applicant got the address, property ownership was public information, and included in that was the address for their tax statements. When staff sent information or notices to a landowner, they used what the tax assessor had. [The camp] wouldn't necessarily go to Planning, but if they came to Planning and said they needed to do this, staff would help them to at least getting the addresses.

Chris H: His understanding was they'd go to staff to get the addresses to give to Planning.

Robert: Staff would help them find out how to get the addresses.

Chris H: He'd go to them to find out what the official addresses were.

Robert: Staff would try to help him.

Chris H: He understood. [Robert] was being helpful, and he appreciated that. He was just trying to understand the process so when they went forward, they had an understanding.

Robert: Right now, he wasn't sure to whom to send him. If he came to the Planning desk, staff would do their best to help him.

Brian: That information was available online, although it might not be up to the minute.

Public comment closed.

Bob saw that they might need a motion for page 19 to change IX.B.2.a to eliminate 'expand' and insert 'be compatible with'. Janet noted there was a change on pg. 18 at the top in IX.B.1.a so the end portion would read, 'at least thirty (30) days prior to the next regularly scheduled Planning Board meeting at which the proposed amendment would be heard.' Under IX.B.1.b, the beginning would read, 'If the request for amendment is being made by a landowner, the owner of record or his/her authorized agent shall sign....' John asked about the strikeouts in IX.B.1.b. Board members replied they still needed to discuss that. Janet covered a change to IX.B.1.c, where 'within and' would be inserted prior to 'adjoining'.

Steve suggested finding what the total area was of the district or of the subdistrict that would be affected by the change. Then he'd multiply by .65 to find 65% so he'd know what the acreage was of that 65%. Then he would go to the state website. There was a Cadastral website that had a map where you could zoom in and click on a property and the name and address for taxes of the owner would pop up. It also told you how big the property was. He'd look at the map and pick some big pieces of property so he could get a lot of acreage with each person. Once he'd gotten a total number of properties that would add up to 65% of the total area of the affected district or subdistrict, he'd contact those people and see if he could convince them to agree with him on the amendment. That was quite a process and it would vary, depending on whether you

were doing the subdistrict or the full district. He thought it might be possible to reach the 65% with a few hundred people. It was still a lot of people to contact.

Chris understood and thought that was a process worth considering. Recognizing the concerns that Linda and her husband had, it seemed to him that he could theoretically cherry pick the large lots or those not in his immediate area and get their permission and basically throw it in the face of Linda. He didn't want to do that; they felt that was wrong because they felt like they were good neighbors and they wanted to continue to be good neighbors. Steve explained this was just the very first step in the process. Once you had the owners of 65% of the land on the petition, then the process started. Certainly people needed to be included. He thought one of the advantages of contacting that many people was that they would tell neighbors that they were contacted, and word would get out. Some absentee owners, such as those whose grandparents bought the land and the kids had never been there, would not be involved. He thought the people who were involved would hear about it.

Steve observed if this amendment went through, then you had another problem. If someone wanted to make an amendment and managed to keep it quiet, they could push something through that not many landowners would know about until it was too late. As properties were subdivided and the number of owners to be contacted to reach a total of 65% of the land got bigger, it made the idea of a landowner suggesting an amendment impossible. The task was so huge that you might as well not do it. He thought there needed to be a balance. The landowners needed to have a realistic opportunity to make an amendment to the zoning regulations. In the same respect, they wanted to protect the majority of the landowners from getting something pushed down their throats that they didn't know about. One suggestion might be to reduce the percentage to a more reasonable percentage, say 20%. It would require that in that 20% would be all of the properties that were adjacent to the person making the request. You couldn't go away to the other side of the district. If you only needed to get 10% or 20% of the people in the district on your petition, you had to include at least 70% of the people who were your neighbors, or something like that. He didn't know how to word that, but it might be a compromise. Joel noted there could be text amendments that affected every property in the district. Steve agreed.

Brian said in order to protest you needed 40%. Would it be fair to say that if you had to have at least 40% to protest it, shouldn't you have 40% to go forward? It was really hard to get 40% as well. He agreed that 65% sounded unobtainable or very, very difficult. If you dropped the petition percentage, you might drop the protest number down to a similar number.

John suggested that as a compromise, you could forget the number and go with simply adjacents and try it out. Robert commented that a problem they had with the previous Board of Adjustment process for the church camp property was that immediately adjacent property owners were notified. Some of the people who signed the letter of comment received for the amendment were the same people who had been aggrieved by Planning's policy on that Board of Adjustment process. They might not be adjoining, but it affected them, maybe through an access roadway that a specific use of property had to access or it might affect an easement or so forth. He thought they were moving towards a good idea, but they might consider the fact of the previous issue on this. Some people still weren't satisfied with the immediately adjacent notice. There wasn't an exact perfect solution yet. Part of the public process was trying to get to somewhere

good right down the middle. Staff didn't have those answers. That was part of the reason why it was a public process. There was the Board input, with all the different experiences of Board members, and there was input from the public. Staff couldn't do this without all of you. Staff wanted the ideas and the debate of ideas. They didn't know the perfect answer. They were just trying to get there.

Steve said when he lived in the Salt Lake Valley, there was a distance used for notification. Robert said it depended on the jurisdiction. Steve explained they put a compass on the map at each corner of the subject property and drew a 300-foot circle. Any property crossed had to be notified. It was a way to notify the neighbors, even though they might not be adjacent. One situation here was that someone on a lakefront point might be adjacent to one neighbor behind them on the point and the lake.

Janet saw the problem as being they were talking about any text amendment, which could affect everyone in the district, and that solution didn't work. Steve agreed. Roland referred to pg. 18, IX.B.1.c, where it stated the applicant shall provide the names and addresses of all property owners within and adjoining. Did that leave them open to liability if there were 8,000 property owners, 7,999 were provided and would the process be nullified if the 1 person said they weren't notified? Rick thought it would not, because you were still in compliance with the law. You'd still be doing your standard notifications with the papers and so on. Roland asked why to do it if it wasn't necessary to follow it. Janet checked if [IX.B.1.c] applied to map amendments. John noted they were working in the text section. Was it also under the map section? Joel pointed out [section IX.B.1.c] didn't say what they did with that. Steve wondered if this requirement wasn't very practical anymore. Robert said not unless they were going to propose something where it would be useful. Janet reiterated letters would be first class due to the expense. Maybe this could be specified for controversial issues or a potential issue that could cause a hardship. Steve observed that was subjective. Janet agreed.

Bob asked if the Commissioners would send letters to everyone, given the financial situation in the county. Joel couldn't speak for the Commissioners, but he said it seemed like a lot of money. Janet asked if the fee could be adjusted based on the number of letters that would have to be sent, and also suggested modifying the number to the owners of at least 40% of the land area. Steve thought the idea might be that if they were going to require a petition at all and lower the 65%, that the names and addresses provided by the applicant should be those on the petition. Robert said if the petition language was kept, they would still have to submit a list. Steve agreed, but thought they could take IX.B.1.c out. They would need to provide the names and addresses of people on the petition, but not everybody who owned property in the entire district. Roland thought the purpose of the radius or a percentage was to get the seed of discussion going among the property owners. The whole question was a balance. Do you notify everybody or no one? There had to be something in between. He liked the seed concept, to establish a seed quantity, whether by radius or simply by percent land or percent of deed holders. It really didn't matter. The goal was to get public notice and discussion started. The real issue was the matter of coming up with a number that made sense both to the county financially and for constituents that were affected by the zoning.

Joel said there was still state law that provided for minimum standards for notice. There was a statutory requirement. It was nice to give more notice, but if you met the legal requirements, you met standards. Roland understood that. He gave the example of Skyline Drive and additional signage and advertising and notice above state law so people would know about the road closure and things would go smoothly. Robert asked how much it cost to do all that. Roland listed costs from the Journal as \$400, article on the front page was free, the signs they put up were probably \$50, some time, they added reader boards on both ends of Skyline, whose cost was absorbed by the contractor's part of a [inaudible] bid. He thought it was a small amount given the size of the project. Joel said the relative high cost of the application fee was \$850 for a map amendment based on the cost of the Planning Dept. He estimated \$500 or more to run the newspaper notices. He estimated that the Planning Dept spent \$800 on notices for this proposal. Roland didn't think the Board wanted 8000 notices sent out. He thought they wanted something reasonable other than what the state law said. Joel reiterated that it was more than state law. It was to be determined what was adequate.

Steve said the petition process put the onus of notification that the process was starting on the applicant. Even if the percentage were reduced to 5%, the applicant would have to contact some neighbors and people in the district. The word would get out and the process of people being aware of someone wanting to change the regulations would begin. That would be a reason not to reduce the 65% to zero. If the percentage were kept at some level, it would force the applicant to at least make some contact with some neighbors before they made their application. Janet liked the idea of reducing it to 40%. It would be consistent with the other zoning district that had 40%. What was the point of the 40%? Several answered, and she summarized that 40% was needed to rebut.

Brian referred to the recent East Shore zoning amendment on which the proposed amendment language was based. Had there been contention or things brought up on this at that time? Joel didn't recall any. Brian asked if the thought was to try to standardize to this language when zoning changes came up. Joel thought they probably got to that section in the East Shore update and used the language from Upper West Shore, Finley Point and Swan Sites, and somebody noticed there was a problem there. He thought they tried to back off to something more reasonable. There were plenty of statutory guidelines for legal notices. They said anybody could file an application and the legal noticing would be covered. There was a protest period after the Commissioners passed a resolution with an intention to adopt. Forty percent of the people could get together and protest, so it was covered twice. There were 4 legal notices that had to be in the paper, 5 postings in the district, plus what they did for Planning Board noticing, plus the website, plus things posted around the courthouse.

Bob said that Linda stated in her letter 'due to what we consider a minimal and antiquated notification system we only became aware of these proposed amendments this past Sunday.' He asked Linda what they could have done to make that notification better. Linda said the papers it went into weren't necessarily the most popular to read. She asked where on the street it had been posted. Joel explained that they were required to post at least 5 signs in the district in public places. They posted seven. She asked about the posting on Zelezny. She didn't recall seeing one. Joel said sometimes they get blown down or people rip them down. She noted she did look

at what was posted on stop signs. [Editor's note: In at least some places, posting on stop signs is against codes.] Joel recalled a tree above the mailboxes and newspaper boxes.

Bob asked Linda and Steve if the county placed a reader board at, for example, the Rollins store, along the highway, and it said zoning change, contact this number and a date, if that would be effective. Steve said there were already bulletin boards around. There was one in the post office. Robert mentioned this was one of the places they posted a notice. Linda said those boards got kind of [inaudible]. Steve suggested using something that was for county notices only in those rural areas. The existing boards get used for fundraisers, raffles, lost dogs and sales. Linda added people did take the notices down. She put something up at the grocery store and it was down the next week. She thought the Interlake was read throughout the valley more than the Advertiser or the other paper. She never read the legal section of the paper. When they read it, they wouldn't have recognized [the notice] as having anything to do with it. They were confused by the verbiage and the legal description.

Linda definitely agreed with the idea that adjoining property owners needed to be notified and maybe a circumference used so that you were getting more than that. Part of their property ran along the Methodist church camp road. She didn't know that the property owners that were adjoining the camp on the Methodist Camp road that went out of state were notified on the first hearing. Somehow there had to be a better notification process so they weren't scrambling and finding this stuff out at the last minute. They were trying to work together and be good neighbors. It was important to all of them.

Roland returned to the tax assessor information as a point source for the address information. He thought the tax statements should offer an opportunity to be on an email list for notification of such items. Those emails could come in and be entered into a database for mass mailing. Then you could establish a communication with constituents about changes. He lived on Masumola Road for a while, and in September, he was the only one there. He could have asked for changes then, and no one would know, no matter how many signs he posted. He thought they should continue doing the notice they were doing, and add email to it. Brian said email would be wonderful, but it would be tough to protect that list. Every business in the county would want that list.

Karen Davison, the camp manager, said she was new to Montana. It seemed like the county did their due diligence to notify the community by state law requirements. The camp was having a community get-together. They put notices out and told Linda. They just wanted to start the process for whatever kind of amendment they were going to do. The amount of money they were talking about for a small non-profit religious organization seemed to be off the charts. In comparison, there was only one other district that required 40% and the others didn't require any percent. What was so special about the Upper West Shore district that they had to have 65% or even 40% and spend so much money? Someone might be out there who didn't want to contact neighbors, but the camp did. They just wanted to start the process. She explained that Linda came to their board meeting on the weekend and expressed an interest in being a board member. She sat and listened to everything. If the camp wanted to be protective of that, they wouldn't have let her in, but they wanted to be good neighbors. Karen went to Mark Russell [County attorney] because she didn't understand this stuff. It sounded like this group was having some

difficulty also. Mark had told her he sent his answer to Planning and suggested she talk with Planning. The camp may have blown it in the beginning, before she was there. They were really trying to do it the right way, now. It seemed like they were being punished, whether it was 65% or 40%. They were going to contact their surrounding neighbors and tell them what was going on. They had a party coming up to get together on April 25. They wanted to talk and be friends.

Bob said the Board understood that, and not to take this personally. This was an overall thing for the zoning district. They knew the camp's intentions were good. That didn't mean the next person's intentions would be good. This had to be taken on district-wide. Karen said she understood that. If there was only one other district that had to do 40%, everyone else was doing nothing, and they were doing 65%, something was wrong with that picture.

Joel clarified that there were 2 other districts that were at 65%. Steve summarized that there were 3 districts at 65% and one at 40%. The rest either had no rules at all or had it the way that the amendment was written. He checked that the proposed change to not require anything at all was really in just a few districts. Joel clarified that only one other district had the proposed language. In effect, there were other districts, including the Density Regulations, that had no requirement. Either a landowner, or in the case of the Density Regulations, somebody who managed land could [inaudible].

Janet pointed out that the people didn't fight this when the zoning district was established. If they were against it, they would have spoken up at the time the zoning was passed. Because they weren't all represented here, she was personally hesitant to make such a major change that could affect other decisions in the future. She was taught that if people didn't believe they had proper notice, it was grounds for a lawsuit. It depended on the state statutes. If someone was raising a concern, she felt uncomfortable removing that paragraph at this point, unless they could come to a compromise solution. That was her opinion.

John asked staff if there was an ideal they wanted to reach for all of the zoning districts. If there was an ideal, he suggested they try to move that way. Currently there were 65 percent and nothing, and 40 percent in between. He didn't think that was proper for any county. They had to have some standardization. If it meant going to 40% for now, fine. He would rather find out what staff thought would work in this county. Joel said if he was going to make the zoning districts the same for this requirement, he would probably do something like Masumola or Lake Mary Ronan where it was so vague, they would go with state law. When the legislature updated things every few years, they would be in compliance with state law. There was plenty of legal notice in state law. What he learned from the County Attorneys' office was there was a statutory notice requirement. If you met that, everybody was on notice. It was nice to go overboard, but who judged how far you go overboard and then what are the expectations after that? John said there was a sense of responsibility. They had to hold people responsible for paying attention. He wasn't saying anybody was irresponsible. He was saying this seemed impossible. They would be there until midnight trying to rewrite these regulations.

Joel referred to Roland's mention of emails. He just went to a state floodplain conference. DNRC was talking about a Twitter account for floodplain stuff. If there was flooding going on, or if someone was updating regulations, or if there was a new floodplain administrator, someday

that was going to be the expectation. [Inaudible.] It was possible to put [information] on the website and if people were paying attention, that was going to get the most notice out to the public.

Steve thought there were 2 separate issues. One was notice of meetings or changes. Asking that someone with a proposal for an amendment to discuss this with other people in the area and get a consensus that they were not the only one who wanted the change was also an issue. That was the issue they were talking about. The notice of the meetings and public hearings were state statutes. He agreed that they met the state statutes and property owners had a responsibility to pay attention, as difficult as that was. This other idea was that if you were going to suggest a change to the regulations, you at least had to discuss it with a few of the neighbors and come to some conclusion that there was some sort of consensus and you were not the only one who wanted the change. Then you'd come to the county, so the county wasn't dealing with a situation where someone who happened to have the \$650 was trying to pull a fast one. The challenge was where to draw the line. A lot of people seem frustrated with the regulations and wished there were no regulations. It wasn't the Planning Board, or staff or County Commissioners who created the regulations. It was the guys who tried to slide under the rules who could be blamed for all the regulations.

Chris said what they were talking about was modifying the regulations. Everyone who would be affected had been notified. It was in the newspaper and public notification had been done. It was being discussed now, giving an opportunity for people to provide input. Why did the Board and county require a higher standard for the individual homeowners than for themselves? The homeowners had to pay a price and notify everybody, which he didn't disagree with, but the county didn't have to do that. They posted it in a reasonable place, which was what state law said, and put it in the newspaper, and you tried to identify the issues that might be of concern to the public. It would be an onerous burden for the county to send letters to each individual owner. He didn't think that was right that they focused on the Methodist Camp. . He thought Janet focused on the appropriate thing in looking at this broadly. He thought Steve was correct in terms of saying the bad apples created this, the people who tried to slide underneath and do things that were detrimental to people's property or the county as a whole. He commended both Robert and Joel for trying to get some sense of equity here. He thought there were two standards here, a lesser one for the county and a much higher standard for the homeowner. He didn't necessarily think that was wrong in one respect. Notification needed to be out there, but it ought to be on [inaudible].

Bob asked what people thought about 40%. John thought it was too high. Steve thought they needed a percentage with a requirement that the percentage be close, within a half mile, of the person who was leading the effort. Rick asked why it wasn't uniform throughout the county. Steve mentioned he went to the meetings when the Upper West Shore zoning was started. It was the same deal. There were notices in the paper and notices in the post office and at the fire hall. At the last public revision, he and Jerry Winkley were the only ones at the meetings.

Bob said they needed to have a number to start the discussion. Roland asked for clarification on whether it was 65% of the land or 65% of the people. Various people clarified that it was the land. Joel explained that it was 65% of the land included in the application. Bob checked with

Joel that his recommendation was to keep it vague like with Lake Mary Ronan. Joel said if he was updating all of the zoning regulations, he would probably go with something like that, but what they were talking about was this proposal. They had a lot of language in there that seemed to make sense. They modified it based on another recent update, so they didn't revert back to something that was really vague. They were trying to keep the changes minimal to make things reasonable. Janet thought that made sense if there was no one opposed, but they had a list of opposed landowners. Each zoning district was unique. If no one opposed this on the East Shore, that was the East Shore landowners. Zoning was tailored to the landowners in a specific area. It was great to try to make things consistent but they were getting opposing comment in an area where people had already agreed to these regulations. Joel pointed out they got a letter signed by one individual. He doubted there had been misrepresentation. If they had 20 landowners, that was a certain amount. They were having a public hearing, and a recommendation would go to the Commissioners with a recommendation from this Board. He wasn't opposed to this Board changing things based on public comment but they did need to go through this process. He wasn't hearing a rationality behind making it any particular percentage. He was just hearing that more than 1 would be better. Rick thought the only rational was that when you had disparate numbers throughout the county, it would give you a legal toe hold if you wanted to argue it one way or another that in his district, he couldn't have the same options that they had in other districts in the same county. That's why he thought the uniform aspect would be good.

Robert said another really difficult thing was that Lake County was in an unusual position in terms of most jurisdictions that enforce land use regulations in that there were 12 different land use regulations to enforce, each with different procedures. A lot of jurisdictions have one zoning regulation with lots of different subdistricts, so the amendment procedure would be similar for the subdistricts. In Lake County they worked with interpreting and enforcing 12 different ones. They were trying to come to some point where they could administer the regulations and in the same way respect the people who lived there, and what they wanted and what they needed. He thought that was a difficult thing to do anywhere. That was why they needed a wider discussion than just the letter. Ideally these amendments would have been part of a comprehensive regulation update, where they could go up to the Upper West Shore and meet with landowners as was done for the East Shore update. Right now, they were trying to be efficient and fair and get somewhere where they could enforce these regulations.

Roland referred to statistics from a recently completed census project on the number of full-time versus part-time residents who lived here. That factor could be considered. Where a state statute might work in a homogenized area where people were there year-round, this was an area with tourists, snowbirds and part-year residents. That was one of the monkey wrenches in this process. Chris thought that provided justification for different percentages, and would also indicate those people who were most significantly affected by changes as far as land use or zoning. That would give a basis for the Board to make a decision. Roland commended Chris for his public involvement in notification. They needed to protect people from those who were not as considerate. Karen said Linda and the letter wouldn't be here if it weren't for Linda attending their board meeting, and them sharing it with her. The only reason Karen knew about the meeting was she happened to pick up a newspaper when she was down here for another meeting. Linda said potentially neither one of them could have known.

Bob asked how often the zoning regulations were reviewed. He knew they were behind. Joel thought these were reviewed on the 5th and 10th year, so 2015 would be the next review for Upper West Shore. Someone said they missed 2010. Joel said by comparison, there were 1997 regulations that had yet to be reviewed. It was a grand idea, but sometimes it was hard to meet that.

Bob said they seemed to be at a standstill. They either dealt with IX.B.1.b or left it as it was and waited until 2015, which would be the time they would have more input from the zoning district. They needed to go forward to give a recommendation. They either needed to change IX.B.1.b based on the proposal, leave it the way it was or make some other changes. Rick thought it seemed like the people here were nice, reasonable and responsible. He didn't know from the letter if the concern was based on the proposed camp's activities or if the concern was primarily that the process was being changed. Would a variance be a way to get this off the table or was there another way to resolve the issue? Joel said the camp represented that they would like to make it so the church camp was a conditional use rather than a prohibited use. They would submit applications and not have to show that there was a hardship, but rather show that it met the conditional use criteria. They couldn't submit an application for an amendment because they would have to get 65%. That was why everyone was here tonight.

Chris said staff accurately depicted the situation. They were in a subdistrict that didn't identify the church as a permitted use, yet an adjoining subdistrict which had no church camps had a statement allowing for them. They believed it was reasonable to think that an error had been made. Staff were trying to get something down so they could reasonably proceed to try to correct what he thought was an error. They were well beyond the discussion for tonight. He mentioned the Lutheran and the Presbyterian camps in the area. He felt they were asking what they thought was a reasonable approach to this. The Board had many things to consider and he didn't envy them having to look at the whole district. This was why this talked about the Methodist Camp. At this point in time, staff were trying to clean up a mess. [The camp] was trying to work with them to do what should be done, and they wanted to work with the Board as well. They realized that it applied broadly to the whole thing. You couldn't just make something that singled out one little entity. They understood that and wanted to help. They also didn't have a lot of money, and were trying to provide a service to a religious body and to other educational bodies in order to do a benefit. He thanked people for listening, and he thanked Robert and Joel for their efforts.

Rick asked if there was a midpoint that would protect their rights and concerns. It seemed like there was a lot of reasonableness here. The Board could almost step out of this if there were something like a variance. Robert commented that the camp recently applied for a variance to expand certain structures that they wanted to go forward with. There were no current applications to review or consider. It would be a benefit to the neighbors and the entire zoning district to get them as a conditional use because that review was more stringent on its effects on neighbors and adjacent properties and the entire zoning district. When the Board of Adjustment reviewed a variance, it was limited and talked more about hardships and unusual circumstances. In this case, the camp wasn't recognized one way or the other. That was the hardship. When it was a conditional use, there was a review that would be based on [the conditional use criteria] and they would have to meet [those standards]. If they didn't meet that, there would be

conditions on the approval that they not affect neighbors or easements or whatever. They had the right to apply for variances. He thought from the Planning Department's perspective, being a conditional use would be of value for the entire zoning district and owners.

Joel added that when staff first discovered this issue, for efficiency, his initial reaction was that they should plan on a public hearing for Finley Point, Swan Sites and Upper West Shore. They knew this one had an immediate impact on these folks who might propose to amend the boundary. Because it was a problem, they wanted to go ahead and deal with it. It was a problem for three large zoning districts that they wanted to fix. If another solution such as a variance was available for the camp, they would still need to deal with this.

Roland said they were discussing two separate issues. The Methodist Church wasn't in here. He was in favor of doing something separate to solve their problem, but not changing everything for what appeared to be one problem. Joel said that it was a problem. Roland didn't think they needed to do this right now. They needed to deal with her issue. Joel said anyone who wanted to propose the slightest change in any of the three districts he mentioned would meet this roadblock. Now that they were aware of the problem, he thought they should fix it. It was something that could be solved. They might not come up with the perfect solution with which each person in this room would agree. Since people seemed to be hung up, he suggested taking a straw poll. Board members could say whether or not they should come up with some sort of number, and what each one thought that number should be. He clarified this was if they wanted to keep some of the language proposed to be crossed out in IX.B.1.b and require a percentage to sign a petition. Roland asked if the camp's problem could be addressed independently of this. Whatever number the Board came up with would probably be harder than just addressing a variance. Chris said the Planning Dept could recommend that the camp become a conditional permitted use. That would be a simple solution to the problem. Various people expressed that they couldn't do that. Chris said that was the issue as far as they were concerned. It was already there and wouldn't go away. He thought the percentage needed to be discussed. Karen said that they might as well leave this until 2015 if they were going to leave this at 65% because the camp wouldn't do anything until 2015 in that case. Chris added they couldn't afford to do anything in that case.

Bob confirmed with Robert that the Board of Adjustment would handle a variance or conditional use. Joel clarified that right now it was not a conditional use for the camp. Janet checked that right now, they could apply for a variance based on what they wanted to do. Karen said they'd already done that. Janet asked if they'd been denied. Karen said no. Chris and Karen explained that every time they wanted to do something at the camp it would be \$500 per variance. Linda said that pertained to expenses of owning land. She gave the example of the cost of having a home resurveyed.

Janet said the issue had been raised that some people in this zoning district didn't feel there was enough notice. Maybe they could provide enough notice and could revisit this again. She wasn't comfortable changing this until she felt like people had been notified. She knew they followed state law. She thought they should do a little bit more because a concern was raised and they would be affecting everyone in this district, because of their issue. If the camp had been given the variances, they could proceed and [the Board] could have a little more time to try to come up

with a solution. Joel said when they left here tonight, they should be able to stop at the grocery store and pick up a third newspaper that this had been noticed in, and there would be more. Janet said there were constituents saying they hadn't done an adequate job. Joel said they always would. She agreed but added this was a far-reaching change to something to which a lot of people in the zoning district agreed or they would have protested years ago. Joel said they had legal requirements, and they exceeded them. Joel said they were complying with the current procedural requirements for an update. Janet thought they should provide more notice and maybe have another notice on this issue along with the other zoning districts. [The camp] wasn't being harmed right this moment. They were able to proceed with what they needed to do right now.

Chris and Karen disagreed. Chris explained that they were not able to do the east bathhouse. They'd done the west one, with a variance. They were able to complete the manager's office with a variance. They were pursuing on as best they could but they couldn't change the footprint in any way and there were other things that they could not do. Karen described that they wanted to put in handicapped accessible facilities in the west bathhouse. Because they were not allowed to expand the footprint, they had a handicapped functional. Now the Feds could come after them if they really wanted to and they were not accommodating the people that they served. They had seniors in their church congregations who were in wheelchairs and needed handicapped accessible facilities. They couldn't do that in the west bathhouse. They couldn't start the east bathhouse. So it was an inconvenience. Janet asked if they had a master plan to bring all of this forward at once. Chris replied no. They had to have the money to do it. Janet checked that they could get permission to make the changes. A number of people spoke, including comments on the \$500 fee and that the approvals lasted for one year. Linda said there were other issues. They were red-tagged for RV sites. If you were going to open this to the floor, there was a bunch of stuff going on that would have to go through this process. She thought tonight was just this one thing.

Janet thought if they changed the percentage from 65% to 40% or even 30% that they would still be providing some protection for the landowners to provide comment. Rick double-checked with Robert as to why it was okay to have disparate numbers in the zones. Robert didn't have an answer or ability to comment on that. It was just fact. Joel noted [the regulations] were updated at different times by different staff members. It went through processes like this at different times with different people. On request, he recapped how [this amendment requirement] was listed in the various zoning regulations.

Motion made by Janet Camel, and seconded by John Fleming, to modify from 65% to 40% of the land area. Joel checked that the stricken language would be kept, and 65% would be changed to 40%. Janet affirmed. It would be consistent with one other zoning district. It was a lower percentage, which should be less of a hardship. Steve commented that at a quick glance there was about 10,000 acres in the Upper West Shone zoning district. 65% would require signatures from people that own 6,500 acres. If they changed it to 40, it would require signatures from people that own 4,000 acres. Sigurd felt they should support staff and work towards something more universal. Roland asked if there was a possibility of lowering 40 to 25% to get back to the 'seed' function of starting discussion. It didn't coincide with the 40% for rebuttal, but given the figures just quoted, it was still a huge amount of 2,500 acres. It was much better

than zero notification proposal and maybe a little more reasonable and financially capable for the applicant. Rick said you couldn't look at an individual applicant. It had to be equitable across the board and the same for everybody throughout the county. That was why he didn't like the different numbers. Someone said that might be a goal to shoot for in the other zones. **Motion failed, 3 in favor (John Fleming, Janet Camel, Roland Godan) and 5 opposed (Bob Kormann, Sigurd Jensen, Steve Rosso, Brian Anderson, Rick Cothorn).**

Motion made by Janet Camel, and seconded by John Fleming, to modify from 65% to 20% of the land area. Rick had the same trouble with this motion as the last one. **Motion failed, 3 in favor (John Fleming, Janet Camel, Roland Godan), 4 opposed (Bob Kormann, Sigurd Jensen, Steve Rosso, Brian Anderson) and 1 abstention (Rick Cothorn).**

Steve said the staff decided they wanted to make an amendment. The Board was here tonight without contacting owners of 65% of the land because it was the staff who did this. In the same respect, if they looked at the regulations themselves, church camps were a conditional use in subdistricts A and C, but not in B and D. He referred to the map on the last page. The staff could recommend an amendment to add church camps to B and D, just like in A and C. That may have been an oversight when the regulations were written. Joel explained that they were hesitant to propose something to the benefit of one individual landowner. He gave an example. Rick thought that was reasonable. He asked if it was in the Board's purview to suggest that the staff initiate such a thing. The concept he saw was valid. Robert said the Board could make amendment proposals themselves. He didn't know they would necessarily direct the staff to make it. If the Board felt that way, they might as well propose something. Joel said it would have to be that they would recommend that the Commissioners incorporate those into the Commissioners' decision. The Commissioners had the authority to make changes late in the process. He thought there could come a point where they'd say it was excessive and [inaudible]. Rick said if it was still respecting their rights, maybe this would be responsive government that could get something done a little quicker. Joel strongly suggested that they didn't pursue this.

Brian said someone already brought up that more things were going to go on than what the Board heard about. John checked that they would rather see it happen in a formal proposal, in black and white, so they'd know what they were voting on. Various people agreed. John continued that they'd been trying to make it appropriate or easy enough for these people to come to this government to make their proposal without changing the zoning.

Joel asked if there were other motions. Roland said they didn't have the homework for other numbers. He thought they were trying to stay away from a zero number. What happened if the Board didn't do anything? Janet asked if then the Commissioners would vote without a recommendation from the Planning Board. Joel read from the statute regarding the requirement. Essentially the Board was supposed to make a written report for the recommendation. Roland said he saw two issues here. He compared it to City Council voting for an open container permit. He'd be comfortable granting that, but this was like an open container permit for anyone whenever they wanted. He thought they shied away from that. Joel said they would be setting forth a process that relaxes a certain requirement. That's what they were talking about doing before, to grant an allowance for one [inaudible] and that was what they were trying to avoid.

They were trying to make sure this amendment addressed the entire zoning district. There was a problem. It seemed very excessive to require 65% of such a large zoning district. John said that the problem was that it was 65% of the land. They should be saying a percentage of the people in the district. Joel replied that the protest provisions had two different things. There was language about agriculture and timber. He believed the protest language had been determined unconstitutional by the Supreme Court.

Motion made by Steve Rosso, and seconded by John Fleming, to modify from 65% to 10% of the land area with a minimum of 25 landowners in IX.B.1.b. He thought that would prevent someone from just going to Plum Creek, who might own 1,000 acres, and get just one person on a petition. Rick thought that negated the ‘big money, big property’ as more important than the little property guy. Joel asked about someone putting properties into 25 LLC’s. Bob suggested changing that in 2015. Robert asked exactly how Steve wanted that worded. Steve said, “...a petition in favor of the request signed by *a minimum of 25* real property owners representing at least *10%* of the land area....” Someone thought it at least worked and gave a much more attainable number, and still gave a lot more protection to everybody else than just the one person. Joel envisioned interpretation issues. **Motion carried, all in favor.**

John brought up IX.B.1.c for discussion. He thought it was problematic. Steve thought c could be struck. Janet thought the applicant should provide the names and addresses of adjoining property owners for proposed map amendments. The people who would be affected really needed to be notified for a boundary change. Joel pointed out that was discussed at the bottom of pg. 18 and in pg. 19.

Motion made by John Fleming, and seconded by Janet Camel, to strike IX.B.1.c. Motion carried, all in favor.

Motion made by Janet Camel, and seconded by John Fleming, to:

- 1) **Change the end of IX.B.1.a to read ‘at least 30 (30) days prior to the next regularly scheduled Planning Board meeting at which the proposed amendment would be heard.’**
- 2) **At the top of pg. 19, for IX.B.2.a, replace ‘expand or complement’ with ‘ be compatible with’.**

Motion carried, all in favor.

Motion made by Janet Camel, and seconded by Steve Rosso, to add at the beginning of IX.B.1.b: “If the request for amendment is being made by a landowner, the landowner of record....” Motion carried, all in favor.

Janet explained for Karen that essentially what this was saying, was instead of having to get the owners of 65% of the land area to sign a petition to change these regulations, you only had to get owners of 10% of the land area, and you needed to have a minimum of 25 real property owners. At least 25 landowners had to sign the petition. Steve said this would be 24 plus yourself. They weren’t eliminating the paragraph. They were trying to keep some notice in the process. Joel added this was subject to interpretation by the zoning administrator. Steve suggested if they weren’t happy with this, they could go to the Commissioners meeting, tell the Commissioners

they weren't happy and try to convince them of another change. Bob added the Board just advised the Commissioners. Steve asked Joel if the Board needed to do something with the findings of fact. Robert said the Board made changes. Steve thought the findings of fact were pretty vague. Joel asked if the Board was adopting the findings of fact. Steve thought they had to do that. Joel said [inaudible]. John thought they just did. Steve didn't think their changes affected the findings of fact. He agreed with the findings of facts. The Board changed the details of the process. He didn't think they'd changed their attitude about the findings of fact

Motion made by John Fleming, and seconded by Sigurd Jensen, to accept the staff findings of fact, and to accept the amendments as already passed by the Board. Motion carried, all in favor.

Steve said to the public attendees that if this didn't sit well with them then they could see the Commissioners on May 7. Linda Clark felt like the pendulum had swung. She didn't feel represented. She thought there did need to be consistency in the county. Maybe this was how you started. It was still a big zone where people agreed to this zoning. It was cut down to a very small amount. Steve noted this was just to get the process started. It didn't mean that it would go through. Rick commented this was an advisory board. Bob explained the Commissioners could take this and say no and keep it the way it was or they could change it totally. This Board advised. Linda thanked them for their time.

OTHER BUSINESS (9:50)

There would be a subdivision amendment item next month.

Motion made by Rick Cothorn, and seconded by Janet Camel, to adjourn. Motion carried, all in favor. Meeting adjourned at 9:51 pm.