

**Lake County Board of Adjustment
June 8, 2005
Meeting Minutes**

Members Present: Fred Mueller, Jerry Winkley, Lucille Buchmann, Clarence Brazil

Staff Present: Sue Shannon, Joel Nelson

Meeting called to order by Jerry Winkley at 4:00 p.m.

Fred Meuli moved to approve the May minutes. Lucille Buchmann seconded.
Vote unanimous.

Johnson Conditional Use

Sue Shannon gave the staff report recommending approval. Clarence Brazil asked about access to the back parcel and Sue Shannon reported that there was a dedicated easement in Yellow Bay Townsite off of the property. Density was discussed. Lucille Buchmann moved to approve, Clarence Brazil seconded. Vote unanimous for approval.

Ouellette Variance

Sue Shannon presented the staff report and explained the setback variance request from 30' to 12'. Jerry Winkley questioned whether this was an after the fact permit and Sue Shannon responded no, they're building a home and haven't begun the garage. Sue Shannon passed around color photos. Jerry Ouellette explained the situation with his construction. Fred Mueller moved to approve with conditions. Lucille Buchmann seconded. Vote unanimous to approve.

KRDS – Agnew Variance

Sue Shannon discussed the staff report and the setback requirements in East Shore Zoning and stated that there was an available alternative. Jerry Winkley asked whether the addition needed to be attached to the main home and alternatives were discussed. John Agnew showed photos of the property and explained his plan and that the shoreline hadn't changed in twenty years. He further explained his mother's disability and the necessity of a one-level building for her to access. Clarence Brazil said he wasn't happy about the variance. Fred Mueller suggested the Board hang tough on the 50' setback. Jerry Winkley stated they can't build in the shoreline anyway. Clarence Brazil moved to disapprove, Fred Mueller seconded, vote unanimous for disapproval.

Meek Appeal

Sue Shannon presented the staff report and discussed zoning in relation to petitioner's request. Sue Shannon read overviews from the most recent public comments submitted to the Board. Fred Mueller asked if this was the same trainer and learned that it was. Jerry Winkley asked if the trainer owns the property and Sue Shannon answered no.

Donnie Meek said that the owner's and trainer's names were jointly on the Fish, Wildlife & Parks application. She provided the Board with copies of letters and photos in support of the

project and discussed the composition of the compound, the transportation & the cages. She reported that the grounds were cleaned daily and there was no smell. Further, she reported that the neighbors of Wild Eyes in Columbia Falls never had problems with the wild animals.

Fred Mueller asked how to keep the wolves from howling and Donnie Meek said the neighborhood dogs bark louder and longer than the wolves. Jerry Winkley asked why the Meeks waited until April to apply with the County when they had applied to the FW&P last November? Meek thought FW&P was copying Lake County.

Ms. Nelson rebutted Kathleen O'Neal's letter that fencing and one year's care would surmount \$150,000. Donnie Meek said money is not an issue as they make money from photo sessions.

Kathleen O'Neal works for this type of business. She's been hearing on the radio requests for donations [to Wild Eyes] for over a year and reports that the present owners claims loss of money for the last three years. Her concern is funding. She works with feces daily and it does smell. She works in rehabbing animals and knows what is involved.

Sue Laverty reported that her info says that Nelson is the only name on the FWP application. She argued that the menagerie is not compatible with the Swan Sites Zoning. Problems would cause detrimental, catastrophic costs to the County. It will affect the Homeowners Association as their insurance will not renew if the menagerie passed. She suggested that this project be placed in a less zoned area for public health & safety.

Ed Noelde noted that educational purposes are not noted in the zoning. He quoted MCA and suggested that harmony was the intent of the zoning and that this project is not compatible with zoning.

George Field is concerned with safety and suggests that bolt cutters equal loose animals which equals public safety issue.

Kathy Walsten says Wild Eyes smells and they walk the animals down the road on a leash.

Mike Close is concerned with safety and says they claim no issues in 20 years but suggests that across the country escapes effect the neighbors. He is concerned with the spread of disease in open-air confinement. Who'll handle the safety issues – who do you call if there's a problem, Bigfork QRU? Kalispell Regional? Who?

John Snyder agrees 100%.

Maren Griffith urges denial as it is against zoning and covenants.

David Annot is opposed and wants his property rights protected in this zoning area.

Peter Hoveland agrees with previous comments. He requested to see the previous facility and was ignored.

Joseph Schneider says their service station is junked and wonders why they want wild animals, too.

J.P. understands a violation occurred in the old facility regarding human contact and that's why he thinks they have to move.

Christine Cole didn't get information on safety, confinement, anything else. Doesn't want increase in taxes.

Donnie Meek agrees with safety concerns and says her plan exceeds state and federal requirements for fencing. ½ of the area is roofed and there's an exercise area. They will have shelter, electric fence, and security cameras. She talked to several people with the County and she found she would be allowed to dump in the containers next to their property. The covenants are vague and were created for Swan Sites 3. Safety is their number one issue. This is not a kennel. Thank you.

Kathy Walsten called Mark Nelson who said infectious waste is not accepted in the dumpsters.

Donnie Meek says that Lake county knows carcasses are in the dumpsters all the time.

Fred Mueller asked why Fish & Game hadn't made a decision. Sue Shannon says that FWP ensures that regulations are met. Jerry Winkley closed the meeting to Board discussion & action.

Lucille Buchmann says that zoning allows service area and residences. Clarence Brazil agrees that the intent for local services is to keep people from driving to Bigfork for groceries and gas. She says that watering the pens will put the urine deeper. Lucille Buchmann acknowledges that escapes are made and even the best prisons aren't escape proof.

Fred Mueller suggested a restaurant using a bear to draw patrons is like coming in the back door. He also wants to know about he junk vehicles. Lucille Buchmann says that Finley Point is not far from the Swan Valley and feels it is a safety issue.

Jerry Winkley said if there is an issue, call 911.

Fred Mueller said if there has been a conflict, he wants an up to date report on these animals.

Lucille Buchmann moved to uphold the Zoning decision and deny conditional use. Clarence Brazil seconded. Vote unanimous to deny.

OTHER BUSINESS:

Sue Shannon welcomed Noel. Fred Mueller wanted to know if the Commissioners would send more money to keep good planners and Sue Shannon is hoping so. Fred Mueller moved to adjourn, Lucille Buchmann seconded, vote unanimous.

[Meeting adjourned]