

LAKE COUNTY BOARD of ADJUSTMENT
February 14, 2007
Meeting Minutes

MEMBERS PRESENT: Lucille Buchmann, Jack Meuli, James McKee, Sue Laverty

STAFF PRESENT: Sue Shannon, Joel Nelson, Alex Hogle, Lita Fonda

Lucille Buchmann called the meeting to order at 4:00 pm

Lucille corrected that Fred Mueller was listed rather than James McKee in the 'Members Present' section of the December 2006 minutes. **Motion by James McKee, and seconded by Jack Meuli, to approve the December 2006 meeting minutes as amended. Vote unanimous to approve minutes.**

Motion by Jack Meuli, and seconded by Sue Laverty, to approve the January 2007 meeting minutes as presented. Vote unanimous to approve minutes.

FRIIA/STAGE COACH LAND REALTY INTERPRETATION/EXCEPTION REQUEST

Joel Nelson presented the staff report.

Marc Carstens spoke on behalf of the applicants. They didn't think they were coming in for a subdivision review at this time so they don't have the floodplain analysis in hand or the wetland area totally in hand. Today they want to get an interpretation of the density map clarified. Five-acre density is tied to a unit. A defining thing for a unit is piped water. These are dry storage units. They aren't intended to live in or do business out of. They are intended to store. He knows well that if they are able to go forward, their next step is subdivision review, during which they would be required to generate an awful lot more information. In his phone conversations with the applicants since the staff report was received, the applicants have agreed to limit the division as outlined in the County Commissioner letter to the Board of Adjustment. Jack confirmed with Marc that they would go with everything the Commissioners had said. Marc pointed out that there will probably be additional things from subdivision review.

James asked Marc about the little black boxes on the plat. Marc explained it was a proposed storm water management plan. Jack asked if these were storage units that the applicants would rent out themselves, would this have come before the Board. Joel said it would not, and affirmed what brings it before the Board is the condominium nature, that the units are sold, and under individual ownership.

Public comment:

Bob Stone: He just heard that if these were rented storage units, this wouldn't come before the Board. There's already one unit there. It's a residence. Doesn't it say a residence or a business?

Sue Shannon: That would have to be addressed prior to development as far as what they're going to do with the existing unit and how it would be incorporated into the business. It couldn't

be maintained as a residence with this other business going on, on the property. You'd have to address how the house would be incorporated into the business.

David Calahan: For the single-family dwelling, if that's used for a caretaker, it's all one business.

Bob S: Where is the storm water going to go?

Marc C: Given Board allowance to answer directly, he said storm water management is actually a procedure in place in MT for some time. Typically, you need to accommodate a storage retention area for the amount of storm water generated due to the non-impervious surface area of the improvements. He explained how this is generally calculated. There are a few ways to deal with it. It comes down to the auspices and review and approval of the Dept of Environmental Quality. This was demonstrating a swale system here.

Bob S: Before these were going to go all the way to the end, where was the swale?

Marc C: Every blue square is a swale that is sized.

Sue Ball: She is the Wetlands Conservation Program Coordinator for the Tribe. She wanted to express concerns that they have with regards to shallow groundwater and existing wetland, and the buffers that they'd recommend. A lot is consistent with the Planner's recommendations. She mentioned some of these. There is some opportunity for improving wetland and riparian buffer function on the site. There are several concerns, and there may be more opportunity to comment, depending on what the action is here today. She handed maps to the Board members and Marc Carstens.

James: He asked Sue B if she had more or fewer concerns if this were to go forward under the County Commissioners' suggestions.

Sue B: Storm water review wasn't clear. From a non-regulatory standpoint, she's looking at trying to protect wetland and riparian functions and values. This is an area that's very close to the creek, has very shallow groundwater and high impervious soils. The wet swale and the north end do have wetland and riparian concerns. When you add more hard surfaces, you add risks of water pollution and other things. They just have to look at what the storm water and buffer agreements would be.

Mason Niblack: He owns and operates a management and consulting firm, Blackwood Associates, and has a contract with an adjacent storage unit facility, South Shore Storage. He is against the proposal for non-business reasons. He wanted to be clear that his arguments have nothing whatsoever to do with business or business competition. He wanted to talk about some of the disappointing and, he felt, highly inappropriate types of proposals for this particular use for this particular piece of ground. He spent some considerable time working for the Dept of Fish, Wildlife and Parks, and was heavily involved in the development in a number of kinds of properties that were both wildland/wetland related and in areas in which there was a fair amount of human traffic, such as fishing access sites. He's been a contractor and built residences in MT.

He thought 4 areas needed to be addressed, in terms of looking at this as a viable proposal. 1) The question of need: There are already ads for condominium storage units locally that have not been sold. To his understanding, there has been no demonstrated need that these will fill a different role, a better role than the current available ones in the area. 2) If he were a contractor proposing this, he would know that inside of 5 to 10 years, they'd be sinking out of sight. 3) There is the question of the aquifer, the wetlands, and how an environmental statement would have to be done to address those particular concerns of wildlife. He thought this one was addressed well and appropriately in the report. There are a number of wildlife issues in the area. He thought that this proposal would be rejected by Fish, Wildlife and Parks Dept in its present form. 4) This is asking for an exception to a public document, the Growth Plan, which has been in place for some time. This proposal in its present form attempts to overcome the intent of the Growth Plan.

Terry Calahan: She lives south across Hwy 35 from this proposed development. She agreed with Mason Niblack. The current storage units came in before the growth policy, and do not fit the environment. She encouraged the Board to think seriously of using the Growth Policy to deny this request. They live with the wildlife, and the wildlife and creek would definitely be affected. They've worked for 25 years to make the creek better.

Bob Stone: He showed where his property is located. As far as the wetland work, he dug a hole 2 years ago in April at the top of the highest ridge on the southern property and hit water 4' down. The subject property has a high point around 2915 shown on the map and low of 2908. The ground water is very high. The creek runs to the north, into Flathead Lake, within a half mile of the subject property. Work done on the south end of the property, anything that might pollute the water is not going to be less damaging if it's at the south end. Making the project smaller doesn't mitigate as much as you think. He noted that coming back 100' for a buffer eliminates an estimated 10 units. He hoped the Board read the public comment letters. He highlighted from his about the spirit of this density regulation and map.

Public comment closed.

Lucille mentioned that she drives by this place regularly. She felt it's the wrong place for the business. She felt it would be more appropriate near where the condos are. People in the proposed area have their own storage and don't rent units. The current place isn't always full. This would be a large number of owners (83, even minus the 36) on less than 5.5 acres. She asked if the doors on the units would be garage-sized, appropriate for a boat. Marc confirmed. She expressed concern about responsibility for spills.

Sue Lavery agreed. She didn't feel it was an appropriate property for this type of development. The Board is being asked to interpret about the density regulations and Growth Policy. The applicants have taken a very narrow interpretation by saying that a unit is what's piped by a water system. She didn't think it blended in with the Growth Policy, and it didn't maintain the rural character of the surrounding agricultural areas surrounding this parcel. It will not lessen congestion in the area. She didn't know how it promotes public health. It is creating new parcels. She opposes the total impact on the wildlife, groundwater and wetlands. One residential

unit, as it is currently developed, is probably enough for that particular type of parcel. She does not support this proposition. James McKee agreed.

Motion by James McKee, and seconded by Jack Meuli, that the interpretation/exception request be denied. Motion carried unanimously.

KAMURA/GOLDES VARIANCE—FINLEY POINT

Alex Hogle presented the staff report, and pointed out various maps.

Jack clarified with Alex that the applicants are asking for a variance from the lake access regulations that occur within the buffer strip regulations of the zoning district regulations. James McKee asked if this was to have a 16' road instead of a 6' one. Alex responded that they are requesting a 12' road rather than a 6' one, for the intent of taking regular-sized vehicles to the lakeshore. No other variance is requested but it would have impact on the approved restoration plan. A 2' x 2' swale was approved at the base of the approved retaining wall, represented by the yellow line at the base of the helical pier wall. Additional storm water features were not included. Buffer strip regulations at the setback of the 50' point allow for the access to continue to be utilized but it would be narrowed down to 6' in width. It provides access for lakeshore owners, yet the sides would be vegetated and act as a natural filtration to assist in mitigating storm water runoff and providing additional stability to the slope. Sue L clarified some map points with Alex.

Clint Fisher spoke on behalf of the Kamuras. He thought the real issue was whether or not the applicants should have to submit a request for a variance to restore a roadway. The road was built in 1989, and permitted prior to the current regulations. Current regulations allow a grandfathered use to continue unless the use or structure is destroyed or demolished by fire or other natural cause. He felt the conclusion that a major rain event destroyed the roadway was wrong. He handed out some pictures to the Board, taken a week after the rain event, and commented on these. In his opinion, the roadway exists. He didn't think they had an obligation to request a variance, and that it's in the jurisdiction of the Board to determine that the road was not destroyed by a natural event. In that case, the variance would not be needed. The engineers working on the property have a rehabilitation and revegetation plan to incorporate. The bank is extremely unstable at current.

Johna Morrison, of APEC, spoke on behalf of the applicants. She was in attendance with Eric Garberg, an engineer who can answer technical questions. She was concerned that Sue Laverty might be at a disadvantage, not having been here at the previous meeting on this property. Johna specified that the roadway would be 12' and 50' long for a total of 600 square feet, compared to a 6' x 50' path of 300 square feet. They're asking for 300 more square feet to make the lakeshore more accessible. She felt the 300 square feet less of road compromises the safety and wellbeing of the applicants and their families. The applicants have a family member who cannot access the property via a 4 wheeler or golf cart, nor could the applicants in their later years. She believed that strict compliance with the conditions of the variance would limit the reasonable use of the property and would deprive them of having a road like other adjacent landowners have. The topography, lot size and shape of the property also create a hardship. If the property were flatter and larger, they wouldn't need a road access to the lake. The surrounding properties share

the same problems, but their roads weren't covered by the mudslide. She felt the hardship was created by a natural disaster, and was not an economic hardship. She said that no alternatives exist to access the lake safely. The variance is the minimum to alleviate the hardship, to safety travel up and down the road. She related a personal experience with the road. She felt that it was unsafe to go down it in a non-enclosed vehicle. She felt the amount of use of the road was being blown out of proportion.

Laura Kamura said they were traumatized by the June 05 rains through the damage to the property and concerns over the safety of their children. They were eager and willing to do hard and expensive clean-up work, and did what they were told. They received guidance from Don Wood. A cease order was placed on the property in June 06. They thought they were complying. They bought the property in June of 03. They had summer 04 to enjoy it. They feel devastated by the loss of ability to enjoy the lake since June 06. They would in no way purposely violate the land. They now dread coming to the lake. The costs so far have exceeded the 20% down to buy the property. It's gone from a dream to a nightmare. They want to do what it takes to enjoy the peace and serenity again.

Ted Mattlich (sp?) spoke on behalf of the Goldes, who live in Helena. He read the meat of their letter, which explained that the request for the variance is due to a desire to return the property to what it was when they purchased it. Since 2 families share the access, safety considerations indicate the necessity of a wider road. It would be decreased from the original width. There are some weekends where both families use the road, and both have large extended families including elderly who require assistance to get to the lakeshore. Therefore they see a need for the wider road. There would still be ample room for the designated plantings, which will obscure the road from the view on the water.

He added that with a golf cart, it's roughly 4' to 5' wide, which leave 6" on each side. He saw this as a safety issue on a steep slope, especially for older people. He noted that the Goldes and Kamuras are the nicest people he's worked with.

Public comment:

Ralph Sidebottom: He described where his adjacent property is located. He has a dock that they maintain with a footpath, using a golf cart and a wheelbarrow. They try to keep the lakeshore as natural as possible. At present, he's not in favor of the variance request. He felt the present problem needed to be resolved before a variance is considered, nor would vehicle access help this. He's in favor of enjoying the lakeshore in as much of its natural beauty as can be maintained, and not in favor of it becoming a parking lot. He mentioned that as far as usage, he felt it had been far understated.

Public comment closed.

Sue Laverty assured people that although she was not at the November meeting, she's thoroughly read through the materials and the minutes and testimony. Lucille noted that she and Jack viewed the property in November, and James and Sue L viewed it in the last week or so, so they've all been down there to look at it.

Jack asked questions about Don Wood's involvement. Sue said he'd had contact with Mr. Kamura. The violation was issued by the Planning Office, not Don. Don was there at the time of the violation, when they went to look at the site, when they realized there were soils going into the lake. Alex said there had been a lakeshore construction permit issued for a boathouse for the Kamura family. It was not completed within its timeline, and no extension request was made on it. There was sloughing of materials from the storm event, and there was removal of the material. It was appropriate what Don had said to remove the mud materials on the road. However, if you compare the pictures from Clint Fisher with the actual site, you realize something else has occurred there. There aren't plants there today, and the bank above the road has grown in height dramatically. The excavation of the boathouse facility of the Kamuras was actively being done after the permit expired, with heavy machinery in the lakeshore protection zone, and in the 50' buffer strip zone without a permit. It was done in an unprofessional fashion, whereby, as photos indicate, piles of material were loaded on the existing wooden seawall and entered the lake. Sue continued that Don permitted a boathouse on the property in 2005. She believed he went down after the storm event to discuss how to deal with the material that sloughed onto the road. After that visit, he hadn't been there for many months up until the violation. Jack asked if what Don told them when he was there before, didn't get done. Sue wasn't sure what he told them. He went down with them when they issued the violation, and he was very surprised at the activity that had occurred on the property since the last time he was there.

Clint Fisher pointed out that Russ Kamura was present, if they wanted to ask him about the communications. Jack explained he was asking why there's a discrepancy in the department. Sue didn't think Don was asked about the road and wasn't sure that he'd given an indication about it. Alex noted that regardless of a discrepancy in communication, a property owner is responsible to be aware of regulations that are applicable. There were numerous regulations violated. There was natural destruction on the property and there was new development. This combination required that the site come into compliance with the regulations. He confirmed for Lucille that the new development was unpermitted. They are trying to address the regulations that are applicable.

James asked where things stand on the argument that the road was not destroyed. Alex responded that the easements exist. The road as it was within the easement gets down semantics. It was certainly damaged by the slumping of native materials during the rain event. This was addressed in the original conditional use request to allow for repair of the site. Sue felt the exposed soils are from the heavy vehicles that were going down to the location of the boathouse to excavate. The pictures in the staff report were looked at. James asked if the staff contention is that the road was destroyed at some point in time, and therefore the existing use was terminated. Sue L noted that pg. 18 of the photos looked like that. Alex said that it's also in question because of the date that the original road was made. There's not a copy of the original permit.

Returning to James' question, Alex said the applicants were doing work to repair the road. This is included in letters from the conditional use request. He thought it would have been so slumped upon, that you'd have to clear it to drive a vehicle down it. Is this destruction or minor repair? The road itself exceeds 25% so therefore would have required a conditional use permit to

clear it. Referring to the buffer strip requirements, new development requires a permit. Excavation within the 50' area has to be lake-related. It was interpreted as new development and repair of a road that was at least partially destroyed. He referred to a photo that shows a channel carved through the road by erosion. James didn't think the road was destroyed by this event; he and Jack felt it was hurt worse when the work was started to dig out for the boathouse. Alex mentioned the expired permit was posted, with clear terms and expiration. Jack asked what the boathouse had to do with the road. Alex replied that the construction of it has affected the road. Jack thought that construction along the road affected it the most. Alex referred to photos of ATV's submerged in mud.

James thought we could get bogged down in technicalities of whether or not the road was destroyed. He keeps coming back to what is going to be the best fix for this property, and how to get the least amount of slumping into the lake, and runoff problems. He didn't see that a 12' road from the red line to the black line gets the applicants that much farther. You'd have to back up the road anyway. He thought the 6' access path would be adequate. He thought the additional vegetation to help control the slumping of the rest of the road would be of benefit and would help control the erosion problems that already exist. Sue L agreed. The road steepness would benefit from the extra vegetated area in that zone from runoff in the future. This would be in compliance with other properties on the lake, and it would be beneficial to the property and the lake.

Motion by Sue Laverty, and seconded by James McKee, to deny the variance request to increase to 12'. Motion carried unanimously.

ARROWHEAD RV RESORT DENSITY VARIANCE

Joel presented the staff report. Two additional letters of public comment have been received since the staff report was mailed. One was from the Water Resources Division of the Dept of Natural Resources and Conservation (DNRC), which expressed concern about the existing water right to serve the development. The other was from Keith and Sharon Williams, who also object to the variance request.

Jack asked what this changes, since this is an RV park now. Joel replied that they're modifying the configuration of the RV park, which requires a fresh Planning approval. There was no previous Planning approval before to modify. It would be an RV park, but not for transient use. It would be for long-term lease of the sites, where people would own a Park model RV and would be leasing or renting the site. Sue explained that as proposed, the land would not be for sale, in response to Lucille's question. Lucille pointed out that in Johna's letter on behalf of the applicants, she refers to ownership in the future. Sue thought this was being viewed as a potential; the subdivision regulations do state that with a condo ownership, no land can be transferred. It can only be a unit. She wasn't sure that this would have the potential to condo in the current subdivision regulations. Lucille asked about an RV park (Pines?) on the East Shore, where after the zoning came in, they sold this and let people bring them in. She wondered if this could happen here. Sue said that was the first use of the condominium exemption in state law, and she thought there was a mistake made with those.

Sue L asked if the desire of the applicants was to change from an RV park where one drives up and rents a space, to long-term rental of the space. James noted that the Park models are more permanent looking. Lucille said that they would stay there. Jack noted that some stay there all the time now. Sue L asked if the Park models would be rented like vacation models. Sue explained that as proposed, the pads with sites would be leased long-term. You'd buy that Park model unit as it's already placed on the site. These units have stick-built structures attached to them, so they're pretty permanent. The RV Park models are classed as an RV by the building codes. They are more of a permanent type structure. You don't haul one down the road with you while you're on vacation and stop at RV parks. Sue L asked what happened at the end of a lease. Sue responded that you could offer to sell it to the next person, or you could pull it out of there and put it somewhere else. Sue L asked if these would be new to the site. James replied there are some already there. Joel specified that 3 are there already.

Johna Morrison spoke on behalf of the applicants. They have 2 options, since the drain field has failed. They can replace the drain field, or they can go through review and rearrange, take out some spaces and possibly condominiumize. They first spoke of a 10- to 25-year lease where you buy the Park model. Now they're thinking it would be better to condominiumize those units and sell them so people actually have ownership. They are here for the variance to go ahead with subdivision review to rearrange and lessen the number of units. With subdivision review and possibly condominiumizing, this would remove the transient use. People would be landowners with a stake in the property. The park has been in existence since at least 1971. Park models are more permanent but they are removable. They are made to set up to look permanent. The appearance of a cement foundation with the skirting is from Styrofoam panels in cement. They blend in with the surroundings better than the mobile homes or RV's. The applicants have proposed 31 units. They may do 21 instead. If the variance is denied, they will continue with their 37 sites.

James agreed that the Park models are less intrusive. His concern was with the impact of water use and septic use. How many RV pads equal the impact of a Park model? Johna noted that the laws for sanitation and non-degradation consider these as RV's. Perspectives on impacts were discussed. Johna said that, per the data they've seen for Park model subdivisions, capacity of that RV site doesn't go over 65%. James asked if that's for the RV pads, where people can bring their RV and park for the weekend, there's never more than 65% filled at any time. Johna didn't believe it exceeded that—that's not what she's seen in the numbers.

Sue noted that DEQ is also wrestling with the comparison of Park model flow rates to RV flow rates, and whether to calculate a Park model as an RV or give it its own number. Lucille pointed out the concerns of the DNRC on water use. Johna thought that their concern was for 31 NEW sites. Sue notes that this would have to go through subdivision review, and the application requests comments from DNRC. Johna planned to call DNRC to clarify.

Jack asked who at Chief Cliff for the fire department was talked to. Johna couldn't reach someone there, so she talked to Tom Maloney of the Polson Rural Fire Dept about what the Uniform Fire Code was. She thought Big Arm was disbanded. (Public disagreed.)

Lucille reiterated that the request is for a density variance. It's currently in the 1.5 acre density area. Sue added that they're trying to demonstrate they're an existing use, and their density isn't going to vary from the existing use. The licensing permits show the existing use.

Public comment:

Tom Sadecki: He spoke against the proposal. He said the Geisers did make a move when noticed of a violation. On the Park models, these are considered an RV at the time of purchase. An RV cannot exceed 400 square feet. Once additions are attached, they exceed this. The residents were fine with it being an RV park. The owners have chosen to move in the Park models, and are advertising cabins for sale. The difference is that you can buy this and come year-round, and this would be 31 units. The RV park is seasonal. He felt they should have to adhere to the Growth Policy if they're going for subdivision review. He's with the Polson Rural Fire District, and is in charge of Station #2 in Big Arm. The parcel under discussion is in the Chief Cliff Fire District. This is a density issue.

Jackie Baldwin: She lives about 1 mile east and is opposed to change the use from an intermittent trailer park to the more permanent Park models. The Geisers even say that the units are trouble to move, and they take a lot of work. She thought they should either continue it like it was before and be grandfathered, or realize that they have to limit the density. They were emptying their sewage into the lake and got a fine. She thought they were appealing that. It conveyed to her the attitude that they are just there for a small time to develop this and make the money. The rest of the people can have one septic tank per 1.5 acres and 1 structure of housing. If the atmosphere of the trailer park is to be changed, they should fit in with the rules set up by the County. She asks the Board to recognize this and to stop it now, to stay with the limits.

Ron Friez: He stands behind what Tom said in his report. He thinks it's plain what the 1.5 density rule tries to accomplish. He didn't think that this accomplishes that.

Public comment closed.

James asked if these were habitable year-round. Sue confirmed. Board members commented that these are much more permanent. James liked the idea of reducing the density initially, but has concerns on the impact of going from RV pads with intermittent use, where there's not more than 65% full, to having permanent structures on them that can be lived in year-round, where you've gone to having 21 to 31 cabins on a 4.52 acre piece.

Sue commented that it's been a struggle. With Paradise Pines and Paradise Cove, which are RV parks on the East Shore that were condoed, Park models have come in and people are living there year-round. It's a far cry from what the use was. They're having problems with the septic systems with the different types of uses. Staff have tried to come up with a policy to define these RV Park models, based on existing rules. There are transportation rules, license requirement rules from the State, and Environmental Health and Planning staff took it to the Commissioners to adopt as a policy. A lot of people from these parks disagreed with the proposed definition. The Commissioners did not adopt it. So the Park models are considered RV's. You could try to limit the use of them by setting a date, for instance you can only be leasing them from May to October. With this one, hopefully we can address some of those types of concerns in the

subdivision review and approval. It would not require the Park models to be hauled out, but would regulate the use.

James would like to see them improve the septic system and get it away from the lake. Sue L thought the redesigning was much better. Lucille preferred the 21. Jack confirmed with Sue and Johna that they were proposing all the sites for Park models, with no RV sites for temporary visitors. Lucille verified with Johna that some are with additions and some are not. In the RV and trailer court regulations, you have to have a 15-foot separation between each unit. James asked how firm the owners were on moving to 21 for a number rather than 31. Johna thought this was looking pretty good. Lucille, Johna and others though this could be made a condition of approval. This would significantly reduce the density in there. Johna clarified that there is a house on one of the sites, which would be one of the 21. Jack noted that 10 of the units there now are permanent trailers. James asked if their intention was to keep it seasonal or to have year-round residents. Johna said their intention to keep it very limited, not to say someone would not come up for Christmas. Sue checked that their intention was not to advertise those as full-time rental units. A man in the audience said that it's being advertised as a 55-and-older community, with Park models for sale starting at \$199,000. Lucille asked if the trailers next to the road now, which are slated to be taken out, have been occupied year-round. Sue said that whether or not they have been, they had the intention to be. They were approved as mobile homes, not RV's.

Sue L summarized that 1 house and 10 units have been there then, of potentially 21 units. James added that would put them at .22 acres per unit, which is better than .14, but still isn't 1.5. He's still not enthusiastic. A woman in the audience was concerned that the sewer issue was not being addressed, which was why most of the people were here. Her concern is about what this will do with the lake. Lucille thought it's a given that the sewer has to be moved. A man in the audience said the issue was that it's no longer an RV park. The top 10 trailers were always seasonal, and the RV's would come and go. James clarified that this Board has a limited purview to consider, and it does not deal with septic systems. What's on the table is the density issue. Technically and legally, the Park model without the additions is an RV. He's looking at this as an opportunity to take a site that's currently established for 37 RV's and reducing it to 21, with a better septic system. The sanitation is required; they have to go through the sanitation dept and get that approved, separate from this issue. He sees the Park model as having more impact as a unit than what they have as an RV pad, but technically and legally they are considered equivalent.

Motion by Jack Meuli to approve the variance request for 21 units total on this parcel.

Sue noted that they are taking the transient use out. The Board can condition their approval with lowering the density, or time limits or whatever is appropriate to address. It will have to go to the Planning Board for subdivision for rent or lease review. Sue affirmed for James that they can ask for the Planning Board to put some sort of transient use policy to be put on it at that point.

Motion by James McKee to amend the motion (to approve the variance request with the number of units reduced to 21) by adding to it a request to the Planning Board to implement a seasonal use policy.

Sue explained to the public present that this is only one of many processes the Geisers will have to go through to change the use and design of their RV park. This is a determination on the number of units that can be proposed. The next step is to go through the subdivision for rent or lease process, which goes to the Lake County Planning Board and looks at issues such as access and use of the park. Concerns on water or sewer systems will be put on the record at that time. It goes to the Board of Commissioners. If it receives preliminary approval, it will go to DEQ, where the formal review on water and sewer system on the property will be done. Public comment regarding water and sewer is required to be submitted with the DEQ application. A general murmur of conversation broke out.

Motion to amend seconded by Sue Laverty. Motion carried, Sue Laverty, James McKee and Lucille Buchmann in favor and Jack Meuli opposed.

Motion (as amended) seconded by James McKee. Motion carried unanimously.

OTHER BUSINESS

None.

Meeting adjourned at 6:46 pm.