

**LAKE COUNTY BOARD of ADJUSTMENT**  
**March 12, 2008**  
**Meeting Minutes**

**MEMBERS PRESENT:** Jack Meuli, Tim McGinnis, Mike Marchetti

**STAFF PRESENT:** Sue Shannon, Joel Nelson, Lita Fonda

Tim McGinnis called the meeting to order at 4:00 pm.

**Motion by Jack Meuli and seconded by Mike Marchetti to approve the February 13, 2008 meeting minutes as written. Motion carried, all in favor.**

**AMARAL VARIANCE & CONDITIONAL USE**

Joel Nelson presented the staff report.

Joel affirmed for Jack that the creek location on the map was off.

Tim asked about #4 on pg. 5. Joel said he wasn't sure how staff would enforce that. Tim asked about the construction of the lower retaining wall. Joel replied there was no permit requirement for the retaining wall. Tim asked if staff had an opinion on the other road that comes out of the south part. Is that something where the applicants would deal with MDT? Ken Miller, representing the applicant, said that it was extremely steep, and would be hard to traverse.

Mike asked if the lack of willingness to put something in writing was standard. Joel replied that he hadn't asked the Bigfork Fire Dept for comment on a project like this in a while. There have been comment letters in the past. It may be that they didn't have concerns.

Tim asked about the Board's discretion in dealing with finished vertical surfaces in determining what that can or cannot be. Sue referred to the purposes and intent of the zoning. Tim asked for her interpretation. She read from page 1 of the zoning regulations. If the Board felt an exposed vertical surface would somehow affect the natural environment or property values in the area, the Board could set conditions appropriately.

Mike had asked some of his neighbors in the East Shore Zoning District what they thought about the wall. Once the wall was completed, their concern was vegetation be put in to blend the wall in or lessen the visual impact of the sight of that wall.

Tim asked regarding #11 on pg. 7 if a date could replace 'as soon as possible'. Joel thought it was reasonable to set a date.

Ken Miller spoke on behalf of the applicant. A number of lots in this area were steep. This building site was chosen to minimize the amount of building on the slope, and also to avoid putting it on a prominent ridge top. It's got the backdrop of the hill behind it. It's steep and rocky without much natural vegetation as it is. After the wall is complete, they're working out a plan to plant trees to screen it and to find things that would want to grow on the steep, rocky soils

and not have roots that undermine the wall and push it over. He and Joel had different calculations on the average building heights. The grade varied quite a bit on the left and right elevations, and they calculated different ways. It did have a broad face, facing the highway. They were trying to minimize the footprint on the steep slopes. There's a garage and 2 floors of living area. He had one conversation with Chief Chuck Harris and one with Fire Marshall Matt O'Farrell at Bigfork Fire Dept. Neither one expressed grave concerns. They expressed they'd visited the site, they could get emergency vehicles up there, and with some vegetation thinning such as being planned, it would be more fire-wise and more defensible. They felt they could access the roof

With regards to the bedrock, in talking with neighbors, it seemed like the shallower bedrock was found at lower elevations closer to the highway. Further up, the bedrock was deeper. They might or might not hit bedrock when excavating for the basement and garage. In that case they could excavate more accurately with a rock hammer on an excavator rather than blasting. He thought that would be better and be quieter than blasting. He's been in contact with Ken Lambeth of the MDT. They'd work with him for recommendations on safer ingress and egress on the curved road that goes back across the property. He detailed some points about the access on the map. For the retaining walls, APEC Engineering had looked at those, and at designing the new one that's needed. He showed a conceptual idea with colors chosen to blend in to the existing environment.

With noxious weeds, he addressed these in a report. This would be easy to convert into a weed management plan. [Inaudible] for silt protection for the construction wasn't a problem, to make sure the little soil present didn't wash down into the highway barrow ditch. They'd use some straw waddles and straw blankets. For stormwater management, they weren't using the barrow ditch for Highway 35. The water won't stay put on the hillside, and some does reach the ditch. An increase in stormwater runoff created due to the impermeable surface of the structure will be dealt with onsite. They'll backfill the retaining walls with washed gravel and separate that from the native soil with a geotextile fabric. The inside of that washed gravel infiltration gallery is plenty of room to hold back the storm water. Terry Murphy (Lake County Environmental Health) was doing the wastewater design for this. The Amarals worked out an easement agreement with the neighboring landowners to have their wastewater on a neighboring parcel.

Ken asked whether or not setbacks included roof eaves. With the current structure design, 1.5 feet of roof eave extended into the setback area. If necessary, they'd make up the 1.5' somewhere to narrow the structure. Joel explained that roof eaves are included. Sue commented that anything attached to the structure has to meet that setback.

Tim asked about the roof color and retaining wall color. Someone answered that the roof would be a grey-black asphalt shingle. Pictures for the retaining wall look were shown, and he spoke about components of the wall and how they would go with the house.

Tim asked how quickly the straw bales and measures for the disturbed surfaces could be put in place. Ken thought barring weather difficulties, they could be up in a week or two, assuming the supplier in Missoula had them in stock. Tim suggested two weeks from today as the date for the

related condition, rather than 'as soon as possible'. Tim said it sounded like they weren't going to blast, but if they did, he confirmed that they'd follow the conditions.

*Public comment invited.* None offered. *Public comment closed.*

Jack thought if they followed the staff recommendation, it covered things. Ken thought with the setbacks, they could narrow the porch on the north side of the structure. Mike said regarding the Fire Department letter, as long as MDT approved for egress, it would be fine. Tim said he'd like to see something from them on the south access, since they're careful about how many accesses go onto the highway. Maybe bring that to their attention. He thought they'd want another ingress/egress, maybe emergency only.

**Motion by Jack Meuli, and seconded by Mike Marchetti, to approve the variance request with the staff recommendations and with MDT comment addressing the southerly approach. Motion carried, all in favor.**

**Motion by Jack Meuli, and seconded by Mike Marchetti, to approve the conditional use request with the staff recommendations. Motion carried, all in favor.**

**OTHER BUSINESS:**

Sue updated the Board regarding the Meng appeal from last month. The Board determination has been appealed to District Court, and she updated the Board on the situation.

Tim asked about the appeal on the decision regarding revoking a permit. Sue clarified what project this was, and that this would come before the Board next month.

Sue mentioned an RV park/eatery expansion would also be on the agenda next month, as a conditional use.

**Motion by Mike Marchetti, and seconded by Jack Meuli, to adjourn. Motion carried, all in favor. The meeting was adjourned at approximately 4:50 pm.**