

**LAKE COUNTY PLANNING BOARD
APRIL 13, 2005**

Meeting Minutes

MEMBERS PRESENT: Steve Hughes, Lisa Dumontier, Fred Mueller, Bob Kormann, John Fleming, Jerry Winkley, Jack Meuli, Clarence Brazil, Ken Miller

STAFF PRESENT: Sue Shannon, Sean Conrad

John Fleming called the meeting to order and invited a motion to approve the last meeting's minutes.

Jerry Winkley moved to approve.

Jack Meuli seconded.

Vote unanimous to approve minutes

KOOTENAI LODGE

John Fleming introduced the Kootenai Lodge proposal and informed the public that the County Commissioners will have a public hearing on April 19 at 1:30 pm.

Sean Conrad provided a brief overview of the Staff Report and highlighted some conditions of approval, including #8, 13, 16, 19, 20, and 21.

John Fleming requested anyone video or audio taping to let the Board know. No respondents.

Dave DeGrandpre thanked the Staff & the Board for their work and then discussed the modification made to the plan. He addressed the setbacks, vegetative buffer, reduction in roadway impervious surface, improvements of roadway outside of subdivision, limitation of 3 docks with 8 slips each, reduction from 65 to 57 buildings. He further said that page 39 of the Staff Report, second paragraph from the bottom would not affect adversely. He addressed condition of approvals #19 that modifications should be allowed, #20 that the 50' setback on Sunburst Drive should be 20' or non-existent buffer, #31 offsite drain field used would require amended covenants and if not further public review would be required.

Steve Hughes inquired of alternative sewage disposal sites and DeGrandpre said the Milhous Group was convinced the covenants could be amended or they would come back for further public review.

Bob Kormann questioned and discussion determined the utilities under the houses are old and will be abandoned. He also asked if a jet ski is defined as a boat. No definitive answer. Dave DeGrandpre stated that it is a conceptual plan.

Bob Kormann asked if there was any dredging to take place and Dave DeGrandpre answered no. Kormann also asked if there were any plans for refueling boats and DeGrandpre responded that there were no plans at this time.

Bob Kormann asked if the bridge was usable and would it keep its aesthetic capability. DeGrandpre reported that a 3" layer of concrete would cover the bridge and would support a fire truck.

Bob Kormann asked where the wells would be placed and Jay Billmeyer responded off the Clubhouse they would have a pump house and then the other well would be approximately 250' north. Both wells are expected to be 180' deep and would have a well protection zone.

Clarence Brazil asked if everyone who has a condo could launch a boat? DeGrandpre answered that he didn't see why not.

John Fleming warned the public to keep it civil. He then asked about the frontage footage relative to the lake and the river. DeGrandpre reported a total of 2400' frontage with 1300 feet frontage being on the lake.

Jack Meuli asked if there was to be any recreational vehicle restrictions? Are people going to park their RVs and boats near the house? DeGrandpre agreed that was possible.

John Fleming opened the meeting to public comments with opponents speaking first.

Sue Laverty argued for 1.5-acre density and warned that this project needs careful planning.

Clint Fisher is an attorney for the Swan Lakers & the homeowners of the Ridge subdivision. He reported that amended covenants were recorded today that disallow sewage disposal for off site residents.

Justin Trodick expressed road concerns on Wapiti Lane with the increased traffic & speeds on improved roads. He worried about the cost of police, fire and emergency services.

Keith Laverty expressed fear of the road improvements and the effect on public safety.

Bradley Worth wants to keep the character of the area as it is and is concerned about the rich folks. He pleaded with the Board to "protect us from the destruction & evisceration of our neighborhood."

Joe Potozny wants to preserve open space and questioned how many Swan Lakes are left in Montana, or left in the United States?

Richard Davies brought The Last Best Place, welcomed Paul Milhous to Montana and questioned the aquifer capacity. He stated that the development needs modification.

Kim Richards is in the luxury development business. He says there's no nexus between density & historic preservation and that lower density equals higher revenue. Tourists want to facilitate locals.

John Snyder brought aerial photos and handouts. Reports that the number of docks in the first 10,000' of the lake is 49. He questioned the measurement of the high water levels and inquired about the 100-year floodplain.

Hugh Corn doesn't want to see 57 more boats on the water. He thinks serious accidents will result. He discussed boats & boat launches. He does not approve of the CC&Rs or the docks and wants to restrict use of the boat ramp to thwart funneling watercraft.

Carol Davies discussed the effect on local services. She disclaimed hearing Sean Conrad in the Staff Report and discussed waste disposal at the Ridge. She wants to see the Milhous Group abide by the covenants.

Denny Kellogg wants tertiary sewer treatment with better capabilities.

Sarah Hansen from the Office of Historic Preservation says the density is too high, reports that the Milhous Group is not using the tax credit and urged the Board to protect the Lodge.

Hawkin Ensign appealed to Paul Milhous to preserve the natural aesthetic & density.

Joe Felker says that 3066' is the high water level in the proposal but there are other measurements. Need to set a standard to determine accurate setbacks.

Char Dale described her walk the night before with pastoral descriptions. She urged the Board to preserve this for the future.

Jim Ramsey from Texas discussed scenic views and open spaces. He provided aerial view with proposal drawn in and compared it to the Milhous art.

Doug Morton gave an overview of Swan Sites homeowners association and reported that the Swan Sites zoning protects 838 acres of property. He requested a 2.5-acre density and suggested that that is the average of surrounding properties. He suggests 17 units as density. He also suggests that the lake and the river are shallow and dangerous and suggests 12 docks.

Tracy Axelberg is an attorney and says, "Not in our backyard." He insists that this proposal must be concurrently reviewed on the Joint Application Form as per MCA 17-36-105. He filed in court to arrest proceedings.

Jack Morton says the covenants don't preserve as well as they should. He proposed covenants that prohibit commercial and less than thirty-day rentals. He wants restrictions for the number of boats allowed on the lake. He thinks historical heritage is being ignored.

Peter Leander also requests 1 unit per 1.5-acre density. He says a new septic site should mean begin the whole review again. He wants open space, lighting, number of boat slips, expansion of footprints and docks addressed. There is always the threat of suit and claims that property rights lie with the property owners and the surrounding residents.

Sheriff Bill Barron reports that his protection/response ability is at a crisis point and that the Board needs to look at that closely with all developments. He sends his standard letter, but warns it's worse than that.

Peter Leander thinks Dave DeGrandpre's rebuttal is neither appropriate nor fair.

Nicole Lansen wants helipad use restricted to emergency use only.

John Fleming opened the meeting to proponents.

Tim Fox said that 57 boats won't be in the lake at the same time and that the road impacts are blown all out of proportion.

Brent Hall used to be a planner in Flathead County and urges everyone to work together and support the Planning Staff & their expertise.

Susan Milner says that preservation is okay but distinguishes public versus private lands and urges the Board to base its decision on the facts.

Jay Billmayer says measurements he took of the lake level now are 3066.3. The apparent high water mark is 3067.385 at the base of that wall – the mark from previous watermarks. He says flooding periods may get high water mark to 3085+/- but the base flood elevation is 3071'. He says in regards to traffic that some want the road, some don't, but Milhous Group intends to accommodate the County Standards. As to the sewer district – it will be a county entity, not a public sewer system. The capacity is expandable.

John Fleming closed the meeting to public comment.

Bob Kormann questioned that the application is incomplete and Sue Shannon explained p.39-40 and the 50-unit density the Staff would like to see is not the same as the recommended 57.

Sean Conrad said we used the primary review criteria to make their recommendations, and warned that the Staff has nothing to back them up without the Density Regulations.

Fred Mueller asked Mr. Billmayer whether the bridge was going to take more than a 3" matt.

Jay Billmayer responded yes, it's going to take a 6" matt with rebar but now that they know it has been rebuilt...

Bob Kormann asked for clarification on the request for 80' setbacks contrary to what all authorities are suggesting. Dave DeGrandpre responded that the Forest Service is very

conservative and are not in the subdivision business. He pointed that across the road there is only a 40' corridor – 20' setbacks.

Ken Miller addressed condition #8 and questioned the length of the road that will be improved. Sean Conrad explained that the road would not be improved to the Ridge as the County doesn't have the nexus to have Milhous improve roads unlikely to be used by the Kootenai residents.

Steve Hughes asked DeGrandpre what the Johnson Creek buffer is in the Swan Sites zoning regulations. He responded 20'.

Steve Hughes asked about the helipad in relation to the covenants on the Ridge subdivision and stated that Ken Miller wanted to see helipad at the Kootenai Lodge.

Jerry Winkley wants off site storage for boats and recreational vehicles.

Bill Astle says the covenants allow potential to land other than just under the present declaration.

Jerry Winkley asked the Milhous Group if they would agree to a storage area.

Bill Astle responded that it is prohibitive in the covenants.

Jack Meuli, Clarence Brazil & Jerry Winkler propose as an amendment in the covenants. Jerry Winkley said the density is high and the height of the buildings bothers him. He requests an amendment that no structures are built higher than 30'.

Ken Miller agrees because the fire department's ladders are no higher than that.

Jerry Winkley moved to add a new condition and limit 30' structures new or remodeled.

Jack Meuli seconded.

Steve Hughes clarified that the height restriction is unusual.

Vote 8-1 (Lisa Dumontier opposed)

John Fleming wanted to amend the density and feels that the high density of the current proposal is a fatal flaw. He explained the review criteria, public health & safety in regard to density. He discussed density and a possible covenant removing further expansion.

John Fleming moved to amend density to 29 residences.

Ken Miller seconded.

Steve Hughes said he couldn't support that recommendation, that he will support the staff in their recommendations. He doesn't feel that lowering the density is appropriate.

Jerry Winkley addressed expansion and discussion said further expansion would be with review & approval.

Vote: 3 or 4 to 5 against. (Ken Miller, Bob Kormann & John Fleming voted for.)

Ken Miller moved to remove the right to expand and funneling from the verbiage.

Jerry Winkley seconded. Steve Hughes wanted edification regarding public assess. Discussion ensued, Lisa Dumontier requested clarification.

Vote 7-2 to approve. (Steve Hughes & Lisa Dumontier against)

Jerry Winkley moved to amend density to 48 units.

Clarence Brazil seconded. Discussion followed, John Fleming addressed it as an arbitrary question.

Fred Mueller called for the question.

Vote 5-4 against. (Bob Kormann, Ken Miller, Jerry Winkley and Clarence Brazil voted for)

Jack Meuli moved to adopt staff recommendations with amendments as voted on.

Steve Hughes seconded.

Bob Kormann reported having public health & safety concerns and won't vote yes. John Fleming agreed.

Lisa Dumontier said that condition #16 on page 46 should read a maximum of 46 slips, #19 modifications to existing footprints will be allowed, #21 change to 20' setback on the east property line.

Jack accepted as friendly amendments to the motion.

Vote 5-4 in favor of the motion. (Steve Hughes, Lisa Dumontier, Fred Mueller, Jerry Winkley and Jack Meuli voted yes.)

[Kootenai Lodge people left.]

OTHER BUSINESS

Irrigation issues were discussed and a meeting scheduled for discussion of irrigation concerns with surveyors, Steve Hughes, Lisa Dumontier, and the Flathead Irrigation project.

Jerry Winkley requested amendments and votes of this meeting are shown to the Commissioners.

Clarence Brazil questioned why the Board is continuing to create subdivisions when the Sheriff can't handle them.

Steve Hughes moved to adjourn, Jerry Winkley Seconded.

Vote unanimous; meeting adjourned.