

LAKE COUNTY PLANNING BOARD

May 11, 2005

Meeting Minutes

MEMBERS PRESENT: Jerry Winkley, Jack Meuli, Ken Miller, Lisa Dumontier

STAFF PRESENT: Sean Conrad, Sue Shannon

Jack Meuli presided in the absence of Chairman Fleming.

Jerry Winkley moved to approve the meeting minutes, Lisa Dumontier seconded.

Vote unanimous to approve minutes.

Pine Meadows RV

Sean Conrad presented the staff report. He highlighted last month's concerns about road access and safety from Hwy 35. He reported that Ken Lambeth (MT DOT) suggested that RVs leaving the park go to a perpendicular approach to Hwy 35 as stated in condition #10. Conrad also said that the owners want one variance for the cul-de-sac exceeding 1500' in length and one variance for 25 units. The staff report recommends denial of variances and conditional approval for 15 sites due to the length of the road.

Shawn Rowland reported that the owners had long RV with a tow vehicle at that corner without a problem. The neighbors and Sean Conrad were there and they also saw no problem. He discussed the variance discrepancy of 25 lots vs. 15 lots and reported that State parks and campgrounds in that area do not have multiple outlets. He also reported that the developer will do more water work with Kirby.

Jerry Winkley wanted to know if there was any study of the economic impact of 15 vs. 25 units. Maggie Sunderland said she crunched the numbers and 15 didn't work. Winkley suggested reducing the number of units and eliminate some road surface. Mr. Sunderland said there would be the same access/digress so the same road surface would be required for 15 units as would be needed for 25 units.

Jerry Dion is the person who towed the trailer onto and off from Hwy 35 without a problem. It was a 38' motor home and he was towing a Forerunner. He questioned the size of the road that was recommended and compared it to the lesser road where he lives.

Kirby Campbell asked if they had cut out the switchback yet and Rowland said no. Shawn Rowland supported Bob Fulton's work and suggested that before work begins they will make sure the engineering is good.

Ken Miller agrees with the Staff on the variance issue. Jerry Winkley said that they have granted variances like this over the years. Ken Miller said that trying to get mobiles out of there in an emergency is worse than evacuating stationary homes. He also questioned why the \$100.00 per lot to the fire department wasn't included in the conditions. Sean Conrad explained that the Bigfork Fire Department did not ask for it and that the condition wasn't automatically put into each subdivision.

Ken Miller moved to accept the subdivision and deny the variances. Lisa Dumontier seconded. Jerry Winkley noted that the Commissioners could change the ruling.

Vote: 3 in favor, 1 against (Jack Meuli).

Hartung

Sue Shannon presented the staff report. The Staff and the Board determined that since both Hartung properties were very similar, they could do both subdivisions at the same time. Sue Shannon said that Dan Hartung is working on the irrigation system agreements on each property.

Bob Fulton said that both splits are already developed with single family residences.

Jerry Winkley moved to approve both subdivisions with staff recommendations. Ken Miller seconded. *Vote unanimous.*

Kain

Sean Conrad presented the staff report. He briefly mentioned irrigation and the existing house on lot 2. He said that the Montana Department of Transportation says it would be best for the joint road access as in condition #7. There is an existing stream on the property and he recommended conditional approval of the subdivision.

Jerry Winkley said that weed control was left out of the conditions and asked if the shared access meant abandoning the other road. Sean Conrad said yes. Marc Carstens said the approach will have appropriate easements.

Ken Miller asked about the location of the power lines. Sean Conrad said they run approximately south-easterly across the lot(s). Marc Carstens said they will add the power line easement references to the final plat.

Ken Miller asked if building height had been addressed and Marc Carstens said they would be willing to include a 30' height restriction covenant.

Ken Miller moved to accept with staff recommendations and the 30' height limit. Jerry Winkley seconded. *Vote unanimous.*

Weaver

Sean Conrad gave the staff report and said the lots would be used as single family residences. He also said that a draft irrigation plan is a condition of approval and that the staff is recommending conditional approval.

Bob Fulton said his client has not problem with a 30' height restriction.

Board discussion questioned whether height restrictions should be in the covenants or conditions of approval; covenants allow no county enforcement. Sue Shannon said that she could separate the conditions of approval in the covenants.

Ken Miller moved to accept with staff recommendations. Lisa Dumontier seconded. *Vote unanimous.*

Lloyd

Sean gave the staff report. He said the irrigation plan was submitted and the irrigation has a main line. He reported that a 60' easement was in place and that the developer would need to have a 24' road surface. He also said the road would cross the irrigation ditch and would require Flathead Irrigation Project approval.

Marc Carstens: "I would like to say 30' residential building height."

Discussion revolved around all the single lots for review today and what is happening with the parcels. Some are keeping the land, some the house.

Jerry Winkley moved to approve with conditions and 30' residential building height. Ken Miller seconded. *Vote Unanimous.*

Van Ness

Sue Shannon presented the staff report. This is a 20-acre tract on the county line. The owners can no longer maintain the property and want two 10-acre lots. There are irrigation main lines, but the irrigation plan is not complete.

Marc Carstens said 30' residential height, that irrigation is a problem, that the line is $\frac{3}{4}$ mile in length and has 11 users. There is an irrigation association and he found an informal document that provided equitable repairs in the past. He requested that the Board peace in the neighborhood by not disturbing what is already working with the irrigation.

Jerry Winkley questioned having 2 more people irrigating and how they would handle that if the neighbors complained. Marc Carstens said they would alternate days and limit lines to the present number. He said to get easements from all the other irrigators would be real hard and that he would rather not see the head gate turned off as was suggested at a recent irrigation meeting as a means to settling water disputes. General discussion revolved around easements, courts, rights of estoppel and secretary water. Jerry Winkley conceded that he didn't see a problem letting sleeping dogs lie. Sue Shannon is concerned with approving this subdivision without irrigation to the property. Marc Carstens said he would put a disclaimer on the irrigation plat that what exists does not guarantee easement. Lisa Dumontier explained her neighborhood use and abuses regarding water.

Ken Miller moved to accept with recommendation of verbiage alleviating the county's liability concerning water rights. Jerry Winkley seconded. *Vote 3 in favor, 1 abstention (Lisa Dumontier)*

Butterhof

Sue Shannon presented the staff report. The buffer strip is to be the lot boundary. There is a 60' road easement with a 20' driving surface. Road maintenance is not addressed and she would like to add lighting to the covenants. She recommended conditional approval.

Ken Miller addressed condition #9 – a 20' road surface with a turnaround just at the house. She Shannon said it would be separate turnaround from the one at the home as no variance was requested.

Ken Miller questioned condition #8 – Polson Fire Department requesting \$250.00 per lot as opposed to #9 at \$100.00 per lot. \$100.00 is consistent with previous requests. Board discussed impact fees and a new law through Helena.

Shawn Rowland said the covenants need to be changed a little bit and advised the Board that there were already covenants on the property from the previous split. He asked that the Board remove the no further subdivision restriction from the conditions. He suggested that the Fire Department fees should only apply to the new lot as impacts have been addressed for one lot in the original split.

Board members discussed and agreed to address the variance for an additional turnaround. Shawn Rowland said they could use the existing loop as a turnaround and noted that it was only a short ways further.

Jack Meuli wished the Board to address the variance first.

Ken Miller moved to grant the variance for eliminating the second turnaround. Jerry Winkley seconded. *Vote unanimous.*

Jerry Winkley addressed the no further subdivision verbiage. Sue Shannon suggested that Marc Carstens has a good blurb. Shawn agreed but said he didn't see the necessity for any verbiage as further review would be consistent with the standards in effect at the time.

Discussion about the fire department fees led to an agreement that the fire department would only get \$100.00 for one additional lot.

Jerry Winkley moved to approve with the variance, fixing the fire department fee discrepancy and changing the covenants concerning no further subdivision. Mr. Butterhof inserted that he had no future plans to divide but did want the option.

Everybody on the board seconded the motion. *Vote unanimous.*

Other Business

Sean Conrad is leaving the Planning Department to work elsewhere.

There is a Confederated Salish & Kootenai meeting tomorrow regarding the density changes that the tribe wants.

The Planning Board Density meeting will be here June 1 and the Commissioners will hear it June 21st at 1:30 pm. Density discussion led to California rules and Oregon law. Sue Shannon feels that the County will probably be mitigated against.

Lisa Dumontier attended both Kootenai Lodge/Commissioners meetings and took exception to John Fleming's density comments. There was discussion concerning the appropriateness of the Chair making motions and/or voting but no clear-cut protocol was reached. Sue Shannon informed the Board that John Fleming did talk with her extensively prior to the meeting with his concerns and the pros and cons and did not feel that his position as Chairman precluded him from making motions or voting.

The Board and Staff discussed Public Review Criteria.

Jerry Winkley moved to adjourn, Ken Miller seconded. *Vote unanimous.*

Meeting adjourned.