

LAKE COUNTY PLANNING BOARD

November 9, 2005

Meeting Minutes

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

STAFF PRESENT: Sue Shannon, Margaret Parodi, Joel Nelson

Bob Kormann called the meeting to order at 7:00pm

Ken Miller moved to approve the October Meeting Minutes.

Lisa Perry seconded.

Vote unanimous to approve minutes.

CHIEF CLIFF

Joel Nelson presented the staff report for Chief Cliff Acres minor subdivision. He reviewed density as a non-issue, road, weeds, road name, mail delivery & conditions of approval. He delineated the 5 primary review criteria for subdivision approval, recommended conditional approval, then reviewed the conditions of approval.

Fred Mueller requested that condition #15 be read aloud and Joel Nelson complied.

John Fleming discussed the three agricultural impact conditions and asked they be added to the conditions of approval.

Andy Belsky of Flathead Geomatics reported that the property is currently served by a community weed plan and proposed drafting a document to keep the property in a weed management plan if they fail to continue with the community plan. He requested clarification on the kinds of acceptable fencing that would be required. He reported that there is only one tree within one thousand feet of the subdivision and that is not an area where trees grow and argued against a vegetative buffer as being likely to fail. He proposed a 100' setback from adjacent agricultural lands as well as restricting the property to residential use. Otherwise he said that he agrees with the staff report.

Clarence Brazil questioned dog control and Andy Belsky reported that it is in the covenants.

Dorothy Williams, an adjacent landowner expressed concern over the future of her water supply and additional septic systems contaminating her water supply. She requested a copy of the covenants and argued that approval of this subdivision would affect her quality of life. She wants "cashing in" development to stop and wondered who's going to pay her increased property taxes.

Gunner Ek, subject property landowner, suggested that the building won't obstruct the view of Dorothy Williams.

The Board suggested fencing should be legal, 4 strand preferred, but 3 as being legal. They agreed that the County Commissioners should sign off on any covenant changes also.

Fred Mueller moved to delete condition #7, the vegetative buffer requirement. Steve Hughes seconded. *Vote unanimous.*

Fred Mueller moved to add legal fencing prior to final plat approval. Steve Hughes seconded. *Vote unanimous.*

Steve Hughes moved to amend the covenants granting the governing body review of any amended covenants. Lisa Perry seconded. *Vote unanimous.*

Lisa Perry moved to have 100' setbacks in the conditions of approval. Steve Hughes seconded. *Vote unanimous.*

Bob Kormann moved to add condition #5 to covenants, to restrict building heights to 30' or less and to correct condition #6 to require that the homeowners association have a road maintenance agreement from the west. Fred Mueller seconded. *Vote unanimous.*

Steve Hughes moved to approve with amended conditions of approval. Fred Mueller seconded. *Vote unanimous.*

NATURALIST LANDING

Sue Shannon presented the staff report and highlighted the changes to the proposal in the past month: The existing restaurant will contain two units. Four separate additional units are proposed on the western property. Four wells will provide all water to the units as city water is unavailable/unobtainable. She discussed variances, easements, buffers, covenants, chemicals in wetlands and reviewed the primary review criteria. She recommended conditional approval. She reported that the fire chief requested a 45' radius on the road (condition #14).

General Board discussion involved the radius, cultural resource verbiage, block paving, storage and parking spaces. The Board expressed puzzlement about ALCO and its requirements and Steve Hughes was uncomfortable with blind approval.

Marc Carstens addressed condition #4 and explained that Barry Roose was attempting to get Paradise Cove to remove the culvert that dumps their stormwater runoff onto Roose's property. He referred to condition #6 also and expressed ignorance of ALCO. He stated that he didn't intend to cross the wetlands line and suggested that if he's shown the wetland line he'll stay above it. He requested working directly with the fire department on the minimum radius instead of installing something today that may not work tomorrow. He said that condition #16 is becoming a problem as they are running out of road names. He explained the necessity of drilling four wells as opposed to connecting to City water, and that the road radius needs to be better defined.

John Fleming asked if there would be adequate guest parking on the east side of the road so pedestrians would not have to cross Hwy 35. Marc Carstens said yes.

Ken Miller asked Carstens if he had NFPA 1142 figured out yet. Marc Carstens responded that the fire department says it negates its own verbiage.

Clarence Brazil wants mandatory garage parking as part of the covenants.

Bea Cottingham, a neighbor, is concerned with covenant enforcement and lack thereof.

Eric Shallock asked if there would be a phase II as in the original proposal and Carstens answered no. He inquired about soil pits. Carstens said the pits were dug and samples sent off. He's looking for soil structure stability and discussed core drilling. Shallock asked about light pollution and John Fleming said that light shielding was a standard in the review process now.

Ken Miller pointed out that the wells are in the wetlands and that that is a lot of development in a non-developable area.

Bob Kormann stated that any construction below Hwy 35 will affect the wetlands. He's concerned with fertilization and good neighbors. He wants a line drawn on the effects of subdivision on the natural environment.

The Board discussed stormwater runoff (Staff Report p. 8) and retention areas.

Marc Carstens says the DEQ process is different than this subdivision process and discussed the new senate bill, which allows public comment to be submitted with DEQ applications. He stated that if the well locations were not okay, they can move them.

Steve Hughes re-addressed Bea Cottingham's concerns about covenant enforcement and told her that neighbors enforce covenants through suit. He further stated that the developers were trying to stuff all this stuff into a very sensitive area and at best it doesn't fit.

Fred Mueller moved to deny based on the natural environment. Ken Miller seconded. Jerry Winkley added that there are too many marginal issues. *Vote Unanimous.*

OTHER BUSINESS

Steve Hughes suggested they need a weed district plan for Chief Cliff for after the community plan expires.

Sue Shannon reported that Northridge (Lake Mary Ronan) is still being litigated. She also reported that the Kootenai Lodge lawsuit by the Swan Lakers against the County and Milhous was ongoing. There is no new sewage plan and next Wednesday they were having a meeting to form a sewer district.

Bob Kormann and Clarence Brazil are willing to renew their membership with the Commissioner's Approval. Fred Mueller wants to think about it.

Fred Mueller moved to adjourn, Steve Hughes seconded. *Vote unanimous.*