

LAKE COUNTY PLANNING BOARD
Meeting Minutes January 11, 2006

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

STAFF PRESENT: Sue Shannon, Joel Nelson, Pam Repnak

John Fleming called the meeting to order at 7:07pm

Ken Miller moved to approve the December 2005 Meeting Minutes.
Jerry Winkley seconded. Vote unanimous to approve minutes.

Jerry Winkley moved to keep the existing officers in office for another year. Jack Meuli seconded. Vote unanimous. [John Fleming as Chair, Bob Kormann as Vice-Chair]

DAYTON HARBOR COTTAGES – PUD REQUEST

Sue Shannon read several sections of the staff report for the Planned Unit Development. She described the proposal & discussed James Lekander's previous Marina approval and his excess marina slips. She read the conditions of approval.

Jack Meuli asked why the staff was worried about postal delivery, street lighting, and garbage pick-up when those services weren't available in Dayton. He expressed his opinion that with this proposal it would be better to close Cottage Alley. Sue Shannon said that those services may one day be available in the town. Meuli argued that then it would affect all the citizens and may need to be handled differently.

Fred Mueller asked the depth of the well. Dave DeGrandpre responded that it's 196' deep and has 8" casing.

Bob Korman asked why there were 96 boat slips when 86 were approved. Sue Shannon said the marina issue was the Commissioners' jurisdiction and not part of the PUD designation before the Board.

Fred Mueller asked why they were going to use the public property for parking. There were many written public comments expressing concern with that. Sue Shannon reported that the Commissioner's marina approval stated that all the marina parking would be on Lekander's property. Further development needs to address the original marina approval and be combined with this proposal. Sue stated that it was Lekander's responsibility to petition the Commissioners to change the marina approval and to express his opinion as to the use of the public right-of-way concerning his business and at that time he could discuss the intent of the 80' right-of-way.

Fred Mueller suggested putting the drainage swales underneath the street. Sue Shannon said after the developer receives PUD designation, the developer can work on more details of the proposal.

Dave DeGrandpre introduced James Lekander, Bruce Lutz, and Buck Love who are all working on the project. The townsite is traditional lot & block set-up. This property is associated with the Dayton Yacht Harbor & deserves a unique design and has resulted in the PUD request. Lekander will design the buildings with a common architectural theme based on the recreational facilities of the Yacht Harbor. The combination of yacht facilities and homes is one criteria of a PUD. Another criteria is historic preservation and the bank building facilitates that. He's unsure how to address the permanent preservation requested by Staff and requested direction from Staff. They intend to use the public alley access and provide economies and services by installing a community sewer system and grouping the homes to make services more economically viable.

DeGrandpre explained the steps required in the development process beginning with the PUD designation narrowing the proposal to specifics as the development proceeds through subdivision review. He doesn't expect to address all the subdivision regulations at this stage, but will meet the "higher burden" when they reach that point. The staff report requires a traffic impact study and he requested the Board strike that requirement. He knows that there will need to be some upgrades to the roads and parking in the area.

Rights-of-way in the town site of Dayton are 80' wide. Typically the county requires a 60' right-of-way in subdivisions. The parking spaces are 20' deep, between the spaces are 37' for vehicular movement which exceeds the driving surface in a typical subdivision. The utilities can be installed underground. He feels that rights-of-ways are for public use and Dayton's are larger than what the City of Polson provides. [He pointed to Fourth Street when explaining rights-of-way and parking on both sides of the street]

Wes Schultz, in his public comment, pointed out that the proposal lacked attention to the community swimming dock and the Dayton public lakeshore. He charged that Lekander closed Fourth St. to public use so he could launch his boats without public interference. He's concerned about the traffic, the sewer system and parking on the drainfield [block 10] causing failure and eventually contaminating his water well. This type of development sets precedent and Dayton is just beginning to develop. He feels the town's forefathers intended one residence per lot with city sewer, but it will be years until the city sewer is in place. He expressed concern for the eventual installation of the city sewer resulting in the further development of block 10. He's concerned for the lack of traffic circulation, one road in & out - traffic has to turn around to exit the town, but this proposal does not allow for a turn around. The beginnings of a park system were recently started. Schultz proposed putting the public boat launch near the park at the end of Fourth St. He requested delaying Dayton Harbor Cottages a couple of years to get zoning in place. He speculated that the future city of Dayton would purchase some of the property along the lakeshore and there would be future parks in that area and that once this development [Dayton Harbor Cottages] is installed, there's no turning back. He's concerned that septic systems require 4 lots to accommodate a two-bedroom dwelling in this area.

Donna Heffner is on the sewer board and is an adjacent owner. She's concerned about the flooding and the high water and the sewer problems in the area. Sewer waste rises to the surface of the land, up with the water. The effluent from this development will go downhill to her property. Water diversion ditches have not been maintained in the town site and there is not adequate water runoff in the whole area. There is clay surface of 6' and effluent isn't absorbed

into the ground but rather flows directly into the Lake. She, also, has four lots to facilitate her two-bedroom sewer capacity.

Zona Barton was interested in knowing how many marina users are interested in buying a condos and feels Lekander will develop more than he is approved for.

Dale Brown feels that Dayton [this project] is overdone.

Ken Miller said that the proposal looks cut & dried as far as a PUD, but believes that the individual issues will need to be considered at a later time in the subdivision process.

Ken Miller moved to recommend conditional approval. Bob Kormann seconded.

Steve Hughes discussed condition #11 and Sue Shannon said she wants someone with traffic qualifications to make recommendations as she felt she wasn't qualified.

Steve Hughes amended the motion to allow the Planning Board Chairman, the Planning Staff & the Developer to come to a consensus prior to the application process concerning the viability of the traffic impact study. Ken Miller was okay with the friendly amendment. Jack Meuli seconded. Vote unanimous.

FORMAN ROAD ESTATES III

Joel Nelson gave a brief overview of the Staff Report. He discussed weeds, school bust stop requirements, 5 subdivision criteria, pets harassing livestock, density, & fencing. Nelson recommended conditional approval for five lots and reviewed the conditions.

John Fleming asked why there was no CBU mailbox in this division and recommended adding it to the conditions of approval.

Ken Miller found a building height for garages only. He wished to add building height restrictions for all buildings to the conditions of approval.

Fred Mueller asked Jack Duffey if Ingram was okay with five lots instead of six and cluster mailboxes. Jack Duffey responded yes.

Charile Blankenhorn is glad to see pets verbiage included in the proposal. He has the same concerns as before, fencing, roads, approach to Forman Road, but five lots is better than six. He is extremely concerned with the weeds.

Ken Cafferty, adjoining landowner, said this is a good place for a subdivision, on a rock hill that is not agricultural land.

Joel Nelson wished to insert in condition #4, page 4, a time limit of 6-1-06 for the developer to complete weed spraying.

Bob Kormann moved to approve the subdivision altering #23 to require a cluster mailbox, adding a 30' height restriction for all buildings and inserting a time limit of June 1, 2006 into the weed spraying condition.

Jack Meuli seconded. Vote unanimous.

STEELE MINOR

Sue Shannon briefly presented the staff report. She reported that the lots were within 5% of the size requirement for density. She discussed changes that should be made to the covenants. Staff recommended conditional approval and she reviewed several of the conditions.

Jerry Winkley asked about underground utilities, he had a problem with p.3 item D. Sue Shannon wasn't sure about the verbiage, either, since an ex-planner had written the report.

Ken Miller learned that property with the house is already a separate parcel.

John Fleming asked for joint access from the main road.

Marc Carstens thought they could share access on lots 1 & 2, but sharing with lot 3 would put the driveway over the lot 3 drainfield. He thought two accesses would be better.

Steve Hughes moved to approve the subdivision with the staff recommendations. Jerry Winkley seconded. Vote: 8 in favor, none against, 1 abstain (Fred Mueller didn't raise his hand)

SERENITY ESTATES MINOR

Joel Nelson presented the staff report. He reported that the property is irrigated and that the division complies with density. Genesis Developments wishes to remove the entire property from the Flathead Irrigation Project. He emphasized that sheep are kept next door and new property owners should be aware that animals harassing livestock can be shot. He recommended conditional approval for four single family residential tracts and discussed the developer's wish to remove the irrigation water rights from the property or providing an irrigation plan.

Steve Hughes said he'd never seen the language in condition #7 before. He wanted to know why filing a document of intent to remove the water rights was important. He didn't feel that removing 22 acres from the FIP [Flathead Irrigation Project] would be approved by the FIP.

Marc Carstens suggested conditional approval verbiage that if FIP wouldn't remove the irrigation from the property, the developer would be obligated to submit an irrigation plan. Carstens thought that the developer doesn't always have the right to withdraw from the project at a whim.

Sue Shannon stated that the delivery point is on the property to the west and she didn't believe there were easements in place. Any irrigation plan put in place would require comments from the neighbor to the west.

Marc Carstens said the developer couldn't force an easement. Steve Hughes said the developer would pay for a delivery point on his property, because the project has easements. Carstens agreed that a caveat [on or with] the plat would be appropriate.

Lisa Perry asked the reason the developer wanted to terminate irrigation on the property. Marc Carstens didn't know the reasoning but speculated on possible reasons. Lisa Perry was concerned that the properties would turn into solid knapweed patches without irrigation.

Ken Miller asked Marc Carstens if there was a building site on lot A other than on the 39% slope. Carstens said that there is. Sue Shannon said she wasn't concerned about it but stated that the road grade is 9% and the access would be a concern for public health & safety reasons.

Oliver DuPuis said that that land is good farmland – he's farming it under contract now. The development will raise the price of his adjacent land. He's concerned that removing the irrigation would leave only one well on the property and he questioned how they would build the sewer since the land drains towards his property. He would like some information. There's another large subdivision up above, and he'll eventually be back before the Board to divide his land. He is concerned about the irrigation water. There is a pipeline through the neighbor's property and he uses it to irrigate the subject property.

Sue Shannon asked if Mr. DuPuis' property was irrigated from that same mainline. He responded that irrigation stops at his fence line. He thought there was an irrigation plan in place or an easement or something.

Mike Prather introduced his wife Patty. They own the Circle P Ranch adjacent to the subject property. There is a pump and mainline on his property. If the developer withdraws from FIP Prather would like him to install a clean out and cap. He wants fencing around the subject property because he has ewes and is concerned with dogs killing them. Jack Meuli said that the Board will ask for fencing but it won't contain dogs. Mr. Prather said his .223 will stop the dogs. [laughter]. Marc Carstens told Prather that Lots 1 & 2 will be residential lots. Prather asked if there was access to city water. Marc Carstens didn't think so; the developer is proposing individual wells.

Oliver DuPuis is concerned with the wells, the sewers and the runoff.

Mike Prather [end of tape side A] reported that there is an irrigation easement and maintenance plan in place.

Mike Speckert said there's going to be agricultural smell around there and didn't want there to be a problem with home buyers complaining. The Board members assured him there were rights to farm.

Steve Hughes verified that there were dog restrictions in the covenants.

Steve Hughes wanted to make the amendment that the irrigation plan be required before going to the Commissioners for final approval. Marc Carstens said his company was hired to pursue a

proposal – what the developer wants, which is no irrigation. Steve Hughes thought that the regulations require submission of an irrigation plan. Sue Shannon agreed and expounded that the regulations also state that if the water rights are going to be removed, the developer must put that on the plat and if it's not completed by final plat, they must provide written notification to the buyers that the intention is to remove the water rights and show supporting documentation. Shannon felt that the developer's intent was to use the removal of water rights section of the regulations. The condition of approval should allow for adjacent landowners to comment on the plan if there is a plan which may not allow enough time to have the irrigation plan in place prior to the Commissioner's meeting.

Jerry Winkley didn't think the plan had to be in place before the Commissioner's meeting.

Steve Hughes asked Marc Carstens if there was water available on the property. Carstens clarified that the developer did not wish to pursue an irrigation plan. Hughes said just because there's intent doesn't mean it's going to happen. Carstens agreed and stated that he wasn't aware that there was easement, but Mr. Prather said there was which makes compiling an irrigation plan easier. Staff is correct that shared facilities bring neighbor's interest into the plan, but Genesis Development didn't wish to pursue irrigation.

Marc Carstens suggested changing the condition of approval to reflect that if the developer could not take it out of the FIP jurisdiction then an irrigation plan would be implemented and finalized prior to final plat. Steve Hughes agreed.

Steve Hughes moved to approve the project as to Staff recommendations with the addition of the irrigation plan as stated above. Lisa Perry seconded. Vote unanimous.

OTHER BUSINESS

Sue Shannon reported that the Commissioners approved Canyon Mill with the allowance of a 16' roadway width. The Commissioners also approved Savik and added waterfowl/household cat verbiage.

Fred Mueller moved to adjourn, Jerry Winkley seconded. Vote 8-1 [Clarence Brazil raised his hand late, may have intended to vote to adjourn].