

**LAKE COUNTY PLANNING BOARD**  
**June 14, 2006**

**Meeting Minutes**

**MEMBERS PRESENT:** Steve Hughes, Fred Mueller, Jerry Winkley, Clarence Brazil, Ken Miller, Lisa Dumontier, John Fleming

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

John Fleming called the meeting to order at 7:02 pm

**Motion by Jerry Winkley, second by Steve Hughes, to approve the May meeting minutes with corrections, including the addition of the votes for the action items, and the detailing of the votes (who was for and against), and some correction on who was attributed to say what in a few places. Vote unanimous to approve minutes.**

John overviewed the meeting procedures.

**STONE WALL ESTATES PHASE III MAJOR**

Sue Shannon presented the staff report. She corrected recommendation #25 to read Stone Wall Estates Phase III. Sue received a letter of comment today from Una Rose Graham, a landowner in the area, who has concerns regarding the amount of development occurring along Tower Road, and safety concerns with turning and Highway 93. She would like to see Stone Wall Estates and also Stone Ridge Subdivision to be responsible to install at minimum, a left turning lane onto Tower Road from Highway 93. She suggests that this be a required condition. Sue also received a variance request late this afternoon from Carstens Surveying for the road development. It involves lot 34 in Stone Wall Estates Ph III, that the minimum road width be reduced to 18' wide. Parkland dedication requirement has been a subject of discussion between the Planning staff and Carstens, as different numbers have been reached. *Sue recommended changing condition #22 from the specific addition of 1.65 acres of land to the required parkland dedication be determined and dedicated.*

A turning lane is being put into the Stone Ridge development but not Tower Road. That was determined by a traffic impact survey done by Stone Ridge and reviewed by DOT. The developer is doing that work.

Marc Carstens, representing the applicant, explained that the next few phases of Stone Ridge subdivision would be introducing a connection road through Stone Ridge that would be open to the public and could be used as an approach to Hwy 93 as well. It is kind of a roundabout way.

Regarding open space, condition #23 lists 4 options for the dedication of open space. That is required as part of the zoning district regulations to obtain the density bonus. The language for the final plat is proposed to be called a remainder lot, but in their environmental assessment, they called it parkland. They need to determine that it's one of these 4 things (parkland, common

area, resource use or open space) and state that on the final plat. Would it be easier to state that this is a conservation easement, so there is no future question of additional subdivision there?

Response: This is under Stone Ridge zoning district regulations. A conservation easement may not be appropriate due to the drain fields. They are putting common facilities on this land. It could be restricted on the deed, such that no further buildings or subdivision could be added to these acres. When properties have been set aside, people come back later and say they've changed their minds, without the restrictive language. Applicant response: They would prefer to go with the zoning district and abide by its rules.

These can be changed. To give a bonus so someone can develop and get additional money for what they're doing, then we ought to put a restriction on this permanently on the stuff that they take off. Otherwise, why give the bonus?

On page 2 of the staff report, the second and third paragraphs may lend language for this end.

Steve Hughes said he would propose some wording for this.

John invited Marc to comment on behalf of the applicant.

Marc pointed out that this subdivision matches what's legal under the zoning. As far as in perpetuities, he didn't know if the crystal balls were good enough to see what changes might happen in 50 or 100 years with the zoning, possibly to preserve other areas for agriculture, open space or wildlife management, such that more density might be wanted here. For this purpose, they would rather not see perpetuity added to an open space area. It can't be divided further with the current zoning. Zoning changes would come before this Board. He outlined some history of phase I of Stone Wall Estates, showing on maps. Marc felt confident that the issue of parkland would be resolved with Planning in the near future.

With condition #7 regarding weed management, Marc pointed out that this already has an active weed management plan. They are dividing a property that has an active weed management plan from Phase II of Stone Wall Estates, platted last fall. He asked if it was necessary to do another plan.

On lot 34, Marc explained that they did increase the easement to match the request. They will put on a hammerhead prior to final plat.

Condition #11 has to do with a swale. Phase II was done with a broad-brush storm water management plan for upland management as well as project management. It needs to be re-addressed. Marc wanted to point out that they've opened up the strip between lots 44 and 45, so that's common area through the Homeowners Association rather than easement.

With condition #16 dealing with access to lot 34, the applicant proposes a variance request, which just came in to the County late today. The request is made per administrative provisions IIV-1. Their points for the variance report include that the roadway/driveway surface serves one residential lot, therefore the traffic would be for 1 lot. An 18' driving surface is ample room for passage. It's not timbered. It's very open, so if there was a reason you could get on the

shoulder. Sight distances are good. There's ample room to get snow off. There would be fewer cuts and fills, adding less siltation. It won't add to public costs. The Stone Ridge zone district regulations have a minimum of 10' minimum for a driveway to maximum of 22', so it's within the zoning district regulations although it's counter to the subdivision regulations. The variance would take care of non-conformance.

Marc thanked Sue for addressing condition #22. On condition #23, it would probably be correct to label as a lot, then on the face of the plat give the specific verbiage that's within the zoning district regulations as to what its use can be.

The Board gathered clarifications.

With the 30' easement, when the Board has allowed a smaller easement or road, we've gotten bitten. The variance request is for 18' chip seal driving surface rather than 20'. The applicant has chosen to request the variance for the slight savings, because it's been ample and used in other divisions, and it's a driveway to the house. The length is 200'. The easement does not need a variance, as it is in compliance.

On condition #11, the 60' wide easement was placed with Phase III (?). They intend to vacate that. The storm water management plan has been provided that will accommodate the runoff without this. An area was reserved between the lots on the draw itself, so the storm water management plan will work. It will be in the common space area, not in the lots. It's about 45 or 50' wide. Condition #11 stated that the swale must be maintained or vacated. This depends on what DEQ does, as storm water management is determined by DEQ. It would have to be vacated on the plat in order to make what is already filed go away.

*Public comment opened.*

Nathan Lucke: He is the engineer representing the applicant. Expanding on the parkland, he suggested including a written statement on the plat to say that the land cannot be further divided until the zoning is changed.

Una Rose Graham: Her letter was touched upon earlier. She is concerned with access to Tower Road from Hwy 93. 48 homes at 2 cars per home will be added. It will be similar to making a left hand turn on Minesinger Trail Road, except they're also at the bottom of Sunny Slope with more truck traffic. She hopes they'll take the safety issues seriously.

Marc Carstens: He pointed out that Stone Ridge will mature at about 300 lots. This 15-lot subdivision will not impress the traffic pattern as much. Stone Ridge had a condition and a traffic study. The applicant would be happy to put on the face of the plat a waiver of RSID to make transportation improvements. He felt 15 lots shouldn't be held at the same accountability as 300.

Una Rose: Her proposal concerns the whole subdivision of 48 lots, not just phase III.

Nathan: He commented on the Stone Ridge development, accessing directly on MDT right-of-way, 300 lots and an automatic request for a traffic impact study. Stone Wall Estates accesses onto a power road, a county road. If improvements need to be done where Tower Road meets MDT right of way, that would be through the County.

*Public comment closed.*

This is an advisory board. If you use the bonus, you should forego something in the future. The Commissioners have been inclined to note to go with whatever zoning is in effect at the time. This may be a Board attempt to make it more restrictive because the density bonus was used. They need to start somewhere. With a previous subdivision, the bonus was used, and 'no further subdivision' was put on there. The Commissioners are heading in that direction. If the bonus is given, the developer can forego something. They don't have to take the bonus if they don't want the restriction.

Trying to take a left turn in heavy traffic is a problem. Doesn't the Dept of Transportation take care of roads, highways and highway design? The State would be responsible for putting in a left turn lane there. Can the County ask them? This is a need. Answer: The threshold may be 150 trips per day at peak hour. 50 units wouldn't hit that threshold. So it hasn't hit that trigger.

People in Stone Ridge would use Tower Road. It has secondary ingress/egress on Tower, and there's also commercial development with Tower as primary access. This was included in the impact study. There hasn't been time to study the impact statement since the arrival of the letter this morning with the concern. People could also go through Stone Ridge and use the turn lane there. They could include a recommendation for a turn lane.

On condition #7, the weed management plan is in place for 5 years after final plat. There would need to be some sort of amendment so this would go 5 years after this final plat. The fees would be \$1000 for future site inspections. This is through the Weed District so negotiations would be with them.

For condition #16, the Board felt it should remain unchanged.

**Motion by Steve Hughes to recommend approval of the subdivision with staff recommendations with amendments:**

- **In condition #23, given the application of the bonus increase, change to language to restrict the remainder lot to no further subdivision on the final plat.**
- **For #22, change the wording to allow the staff and developer to negotiate the final number.**
- **Add #26: Because of the concern of safety the County Commissioners will direct the County Road Supervisor to negotiate with the State to provide a turning lane on Hwy 93 onto Tower Road.**

**Fred Mueller seconded. Vote unanimous, all in favor.**

**FAYLER SINGLE-LOT**

John outlined the schedule and procedures.

Alex Hogle presented the staff report.

This is currently 20-acre density. Can we put 'no further subdivision' on this plat as well?

Response: Based on the regulations as they are, further subdivision can't occur. It may not be possible to put something in perpetuity on here, and the applicants aren't asking for the density bonus in this case.

Fencing here would be consistent with what was put in for a subdivision last month.

The applicants provided some additional information. Trudy Samuelson described that they have a letter from the BIA stating that their requested irrigation plan to divide the irrigation into 2 separate delivery point is approved. The BIA instructed the applicants to contact them when the larger parcel is sold, and they will provide a cost estimate for a new delivery point for the 2-acre parcel.

Alex clarified that the existing water users agreement was established between Lila Fayler and the Kerrs. It refers to Lila Fayler by name, so it needs to be amended to list the name of the new owner of tract A-2, to specify who is going to share the water in that shared agreement.

Trudy asked if such agreements ran with the land. Sue pointed out that the land is changing. This would need to happen prior to final plat; it would not need to come back to the Planning Board. The fencing would also need to happen prior to final plat. The applicants confirmed with the Board and staff that they need language about side-shielded outside lighting in the covenants. The fencing needs to meet MT legal standards. Alex offered to send the definitions. The minimum is 3-wire fencing with posts at 16'. She can do more if she wishes.

*Public comment opened:*

None offered.

*Public comment closed.*

**Motion by Steve Hughes to recommend approval of the proposal per staff recommendations. Second by Jerry Winkley. Vote unanimous, all in favor.**

### **MADISON MINOR**

John outlined the timeline and procedure.

Alex presented the staff report. He noted that the draft restrictive covenant has been submitted and is attached at the end of the report.

It was checked that in item G, that the letters were from Polson. A letter would be needed from the Sheriff's Dept rather than Polson Police.

For #18, is BPA approval needed for something done in that area? Or should something go in #5, since the fence will go through that easement. The need for BPA approval for other construction in that area could be clarified. Condition #18 was included since it felt particularly relevant. Looking at lot configuration and access, the BPA sent a very direct letter addressing their concerns. This condition just puts it up front.

Two different things have come up here. One is what the BPA might do. The other is what the landowner might do in the BPA easement. The BPA wants to give approval before building occurs in their 200' easement. This should be expressly put in the conditions. It could go under #18: permission required from BPA for construction in this zone.

That 60 acres had 3 developable units for the density. It now has only one. It can't be further subdivided, as long as this density stays in place. This can be found in D of the staff report.

Can we require the weeds on the property to be sprayed prior to final plat? We do make sure a comprehensive weed management plan is initiated, and that process is part of the weed plan. Spraying prior to final plat has been required in the past. It's rather late this year so it may say that he has to provide evidence that it's been sprayed in 2007. Do we make them spray before final plat, then, based on the time of year? Response: It's been done a couple different ways. If there's a presence of weeds, we should make sure they do it next year. If they don't do final plat until 2009, you know that it's been started. Approval would have to be amended if they wanted to bond for that.

*The restrictive covenant language on pg. 1, section 1 specifies the situation with the 60-acre parcel. This language could be inserted into condition #17. The language on pg. 2 of the restrictive covenant says this can be amended. Who will enforce the covenants? It's better on the final plat. On pg. 8, there is language straight out of the density regulations about what that deed restriction can say.*

They have good language that the staff helped develop in the covenants. It's alluded to in condition #17 that we'll clarify that transfer. The language could be pulled from the covenants for condition #17.

Marc commented that typically with BPA's, they'll put a statement on the face of the plat right beside the graphic illustration of easements stating that any construction there must receive BPA permits. This property is fenced on 3 sides currently, with 4 or 5-strand barbed wire, metal or wooden posts spaced 16' apart. It's gated. BPA may worry about fences for the ability to go down their right of way. There is a gate on the right of way into the property. He again thought the density should be tied to zoning rather than perpetuity.

The request is to remove development rights from 60 acres and put them on 40 acres, rather than 4 on 80 acres.

The boundary line adjustment will not be completed until after subdivision approval. A map showing the entire parcel as it currently legally exists would have been appreciated, in addition to what's being proposed, for a greater overall idea.

*Public comment opened:*

None offered.

*Public comment closed.*

The language in the covenants specifies that they are transferring the development rights from the 60 acres to obtain 3 additional lots in the Madison subdivision. They also allow that the covenant can be amended or removed subject to approval of the County Commissioners. The transfer of development rights in the density regulations is not included in the exceptions of section 7, which is the section that deals with implications of conservation and so forth. To have this stick down the road, language is needed on the plat. But what if the density changes down the road?

**Motion by Steve Hughes to recommend approval of the proposal per staff recommendations with the amendment that language of section 1 of the covenant be inserted into condition #17. Seconded by Ken Miller. Vote unanimous, all in favor.**

### **AIRPORT ACRES MAJOR**

John explained that this is here as an informational meeting for a subsequent major subdivision.

Joel presented the staff report. Weeds shall be further addressed at the next meeting.

The 5-acre lots were approved in 2001. They are supposed to control the weeds for 5 years. There is a need to talk with the weed control man. It sounds heavily infested, and if they didn't spray with the last time, they won't spray this time.

The 60' easements should be brought up to standards. Some of the irrigation ditches need to be clarified. The density regulations depend on the sewage and water systems in a Community Growth Area. The DEQ requirements determine this. The density is determined by what the land can accommodate for water and sewer. DEQ requires a minimum of 1 acre and then there are limiting conditions. A proposal last month was allowed more density, but it had a sewer system and public water. It's helpful to have the language from the text that went with the density map in the staff report.

Marc Carstens commented on behalf of the applicant. They have dealt with irrigation easements although they do not yet have FIP approval. They've retained a 30' easement through lot 3, 4, A and B, against C. From Nolans, they've retained a 20' easement (inaudible) on either side in order to preserve their historic water routes. Actually at 40' because that's what it was approved for. That may be changing. On the original plat for Airport Acres it shows 40' radius. Inside it shows a legal hammerhead turnaround. The applicants are using hammerheads as per regulation,

on the access road, submitted to be named Patrick. According to the regulations for the amount of anticipated traffic, the hammerhead needs to have a 35' leg on either bar of the T, for a total of 70' in length. It is his understanding that the large road is chip sealed and that Sparky Court is not. As far as the weed problem, Marc didn't know why it has weeds. The owners were not in attendance to comment.

Whitetop infestation and other noxious weeds were discussed. Tall buttercup may be the next one coming. It's good to keep bringing up the weed issue. Do we make them spray now?

*Public comment opened:*

Donna Heffner: She once worked with water quality at Salish Kootenai College. They did studies in St. Ignatius, and found that, depending on who's irrigating, with the alluvial gravels there, an irrigator might pull the septic from one area to 3 or 4 farms down. A person living there can get contaminated from a number of wells that are a mile or 2 away from their home because of the underground gravels. It's also a problem with the weeds. You have too high of a nitrate load in St. Ignatius and around there. When the studies were done, they were on the borderline to endanger people's health with the nitrogen levels in the wells. Those levies were high because of irrigation and pulling this sewer through the gravel to the next land site. This is one of the reasons for the city sewer systems. She doesn't live there, but wouldn't want those lots there that close, with those soils and gravels and that flow column. She thinks the wells would be contaminated.

Tina Espinosa: She lives on lot 2 and wrote a comment on the density of the sewer and water. She'd recommend that we don't implement that. The weeds are horrible. She thinks they need to have the recommendation to eradicate the weeds.

*Public comment closed:*

No action was needed tonight, and the Board had no further comments.

## **DAYTON HARBOR COTTAGES PUD**

This is also an informational work session for a major subdivision.

Joel presented the staff report. He added that he reached the Fire Chief today, and they plan to meet on-site next week. Tonight's meeting was published. A letter was received from the Dayton Proctor Park Board. The Board asked for copies of the letter to be sent to them rather than read.

On page 8 of the traffic impact study, 'turf block' is shown. 20' wide streets in an 80' right of way. The 'turf block' could be very useful in places to reduce impervious cover (although not on the street itself). It can be treated as lawn but it allows drainage. They need to resolve whether or not parking will be allowed on the replacement drain field area.

The State DEQ does not have an answer for sure on this yet. Indications from Susan Brueggeman, Environmental Health Dept today were that this probably won't be a go. If that turns out to be the case, it would change this project. The developers are also proposing that storage for the boats, trailers and DRV's might not be on this site.

The subdivision regulations may not talk about one-way streets. The request of the 20' driving surface may not be critical. The alley proposal for abandonment would then make it an access to the common units. It doesn't cease to exist. It's use and terminology changes.

For condition #14 regarding the Chief Cliff fire chief not responding, let the Chief Cliff fire chief contact the Rollins chief for consultation. Don Armstrong could also be involved. The letter and answer need to be from the Chief Cliff chief. He can ask for assistance from the others, but he has the responsibility to answer questions in his own district.

On page 14, 'short' as used in 'short-term leasing' needs definition. Typically this would mean less than 30 days.

Also on page 13, the MT Historical Society was called into play. The Tribe has also reviewed it, which would be good to have in the staff report.

Dave DeGrandpre commented on behalf of the applicant. The Tribal Historic Preservation Office just got back to him last week regarding his requested review. They wanted to be kept informed. He clarified that short term leasing in the CC&R's is limited to a minimum of 30 days. They want to create a seasonal recreational community, with relatively small 1 or 2 bedroom homes. Subdivision regulations are written assuming that condominiums are stacked units, thus require items such as storage. These are essentially single-family residences with common maintenance and landscaping for ease of ownership. The exception is the bank building, which functions as a repair shop and small store right now. This is envisioned as a separate lot under the condominium ownership. If they submit a new site plan, perhaps they should clearly identify this. They are trying to meld a commercial, recreational enterprise with a residential one, which is why they came earlier for PUD approval.

Dave continued that storage seems to be a concern in the staff report. The homes are 1,400 square feet and no particular storage is proposed. The community clubhouse is proposed with lockers, but not storage units. He asked if the Board felt that additional storage is needed for this proposal. They also don't anticipate many RV's. They put in 4 RV slips because it's been brought up in the past. These allow the RV's to pull through rather than back up. It can be redesigned if the Board directs. They want to keep the area as green as possible. Street lighting was not addressed; it is not proposed. The CC&R's do state that all night outdoor lighting shall be down (in audible) side shielded to prevent glare from traveling off-site. Dave got the impression during the PUD approval that a lighting plan wasn't appropriate.

Dave referred to the original marina approval of 1982 mentioned in the staff report, and subsequent changes such as parking requirements. This application is intended to amend the 1982 approval with this application. Parking and circulation issues can be looked at through what Jim Meyer called a traffic impact study, to deal with things like (inaudible) right-of-way

and the appropriate use for it, traffic capacity, traffic counts, potential volumes bases on additional usage and circulation patters and all that stuff. The staff report seems to indicate that there aren't enough parking spaces. They are open to discuss this. He showed where more could be put. Last summer, from the beginning of August through October, Jim Lekander took actual counts of cars in the parking lot. Dave referred to a table on the second-to-last page. They'd like to avoid adding a bunch of extra pavement that might be used only one day of the year. The stabilized turf is a good idea, particularly down toward the lake. He felt that there was more than enough parking in the proposal at current. They can certainly move towards more if the Board feels like more needs to be provided.

He touched on road issues. For off-site road improvements, the road supervisor suggested C Street be rebuilt, for about 750 feet, to its intersection with Old Hwy 93. It's 20' wide, chip sealed right now. The traffic engineer they hired for a traffic impact study reported that C Street could handle 5000 vehicle trips per day. During the summer it may handle 500. Based on this consultant, upgrading C Street may not be necessary. He pointed out MCA code that talks about requiring developers to upgrade (inaudible) off-site facilities. The developer may be required to do that if public health and safety issues exist, and if the costs are attributable to the impacts. With 100 vehicle trips per day and the report of the traffic engineer with no safety issue, he wasn't sure it was justified.

He'd like to attend the meeting regarding fire protection, if Joel would let him know about that.

*Public comment opened:*

Ken Clizbe: He understands that the developers want to do this in 2 phases. He asked the Board that the infrastructure for the entire unit be completed in phase 1 to eliminate the possibility of under-funding and possibly never getting completed. He'd like to see a landscaping plan showing the types of trees and shrubs that will actually grow in this area, and how they will be irrigated and maintained. He has some issues with the plans. He pointed out some parking spaces labeled as 'existing', which do not exist. About half this number exist. He showed others that are currently used for boat storage. The 1982 approval required that there be no boat launching. The applicants are assuming and depicting that they will be allowed to launch boats. His strongest opposition to this proposal involves the right-of-way. Dayton has primarily 80' right-of-ways, which is nothing new. Thomas Jefferson advocated this. In hindsight, those who have done less, are not doing this anymore. He has concerns with the sewer system in locations he indicated on a map. There are private properties, when the owners may want private wells in the future in order to develop those properties. In other counties, a grade over 8% requires sprinkler systems in the homes. The grade here is about 15%. He would be surprised if the boat storage that is currently used for 96 boats would even fit on the design. He listed concerns with the parking data. The traffic impact study was taken on a Thursday and Friday in April. The season is likely to run Memorial Day to Labor Day. The parking lot data, from August to October would have skewed data, as the boat slip leases expire October 1. There is no street signage to label streets in Dayton, although there are traffic control signs. He showed where one was missing. There is a sewer district in the works for Dayton. Funding is a big issue. If Dayton gets a sewer system, this subdivision's system should be designed and required, without opposition, to connect and pay the fees to a sewer system that does arise. This would also

eliminate a surface system that's not really environmentally sound. He respects the applicants' right to develop their property, but he doesn't want to give up his public rights as far as easements and right-of-ways. He disagrees with private parking on public property.

Martin Tabor: He is president of the Dayton Park Association. He shared a map showing where the Park Association has jurisdiction, and showed an area on the map of great concern where their parking for the Dayton swim park is. The swim park was brought about after people could no longer swim in the area by the Lekander dock. They have 280' of public swim dock. They also object to the one-way private alley. That is a public alley. He spoke about the parking. They are required to provide 50% parking for the parks. They have 10' on the park and 10' on the street. 65% parking was required for the yacht club for the 87 slips. This was never done and should be done. Boats are parked on both sides of the street, being sold, and people are parking in the middle of the street. Others have to stop and wait for them to move. He also spoke about the alley. There is also a problem with the noise. The wind is from the west in Dayton. He compared it to sleeping with 100 cowbells ringing. It was taken care of primarily in one area but not another. In the original permit, there was to be no boat launching. Boats are being launched. The Parks Association proposes that an area he pointed out be left open for kayaks to launch. They can come down, turn around and then park in the Park parking, or on the north side if they have trailers. They are really interested in getting the parking. He feels skeptical that the applicant will do this, after looking at the requirements of the original agreement, and seeing what's been violated. They want the parking for the swim dock kept.

Dale Brown: They live on lot 17 in Dayton. He was kind of opposed to it when he came here, and is more opposed now. He doesn't know what congestion is, but he knows it when he sees it.

Donna Hefner: She is on the Dayton Water and Sewer Board. She pointed out an area that is a terrible disaster. The drainage comes in from the new highway, which crossed over a bunch of springs. The ground water is about 6' under because of layers of clay. There is very little gravel. The water moves along in between clay layers. The County came in and did an engineered system where it's above ground, the same kind they are contemplating for here. There is too much water in the spring. She indicated a location where there is always sewage, just a block over. Nothing has been done to address what is to be done with the high groundwater over here. They neglect to say that this is public access. She showed the location of a street. Nobody owns lakefront property in that area of Dayton. The street is between private property and the lakefront and the high water mark of the Tribes. Since 1982, the applicant has put up blockades in different areas at different times, and has restricted public use. She does not trust him to keep his word on this project, since he did not on the last one.

Christine Hernandez: She is a member of the volunteer fire department of (inaudible). Just looking at what he has at the moment, with where the boats are parked, it's a fire hazard. They cannot get the trucks between them. They may have enough hose lay, but they'd have a big obstacle to go through. It looks like lot 15 would be the same, with lots of obstacles. This is her opinion. She's not talking for Chief Cliff. She doesn't think the 20' alleyway is enough for 2 big trucks side by side. Her house burned down in June, and she knows from that experience that you need the entire street you can have to get the trucks back and forth. She thinks the streets need to be wider.

Dave D: The April traffic data probably wasn't representative of the season. It was meant to get a feel for what's there at a certain time of year. Then a multiplier can be used to figure the worst-case scenario. The alley is only on paper today. It's not a built road; it's an open field. If Lake County were taking over maintenance of roads, they'd ask for it to be public. The only reason they're asking for it to be abandoned is because Lake County won't maintain it if they build it, so there has to be some sort of private maintenance agreement. There's no other way to continue that he knows of.

Fred Mueller: Is it publicly owned now?

Dave D: Yes. Mr. Leander owns the 6 lots to the north and the 6 to the south. He has the ability to petition that it become private. They submitted the petition for alley abandonment tonight. Boat launching was an issue. The original approval statement said there would not be a boat launch. In 2002, Lake County granted a permit to work on a boat ramp within the lakeshore protection zone. In 1982 Lake County had jurisdiction over work done on the bed and banks, and this is no longer the case. The Tribes has that jurisdiction now. With boat parking, it's great for the users that there is some parking for the off-season for boat storage. He didn't think it was a mandatory component of the project. It's an added service being provided here. During the summer some trailers can be parked.

Martin T: The alley was an open alley. They used it all the time. Mr. Leander got it closed and tried to get it abandoned about a year ago. They prevented that. It was a well-used alley. He used it all the time, and now he has to back out into traffic. He has a 34' motor home and a 20' trailer. Before, he used the alley.

John F: The public swim area is a concern. How does Dave see this project affecting public use of this swim area? Flathead Lake has very little public access.

Dave D: He's not sure he's the right one to ask. Maybe Jim is better equipped to answer.

Jim Leander: He is not.

Martin T: He showed the parking for the swim area. Mr. Leander put up a sign here saying 'no vehicles beyond this point'. According to the County, they can park there, but there's a sign that says they can't. So they park in another area he indicated. He indicated on the map where it was full last Friday.

Dave D: If the issue is that there's landscaping proposed in that right-of-way that will conflict with parking, it doesn't have to be there. They're trying to soften the visual impact. This can be taken care of.

Donna H: As a Sewer Board member, she added that if you want to get a sewer in the site of Dayton, you have to have a minimum of 3 lots.

John F: That's something the DEQ has to do.

Donna: She's concerned about that, and also the junk, rotten logs and stuff that he's left in the public right-of-way for years that are in people's way now. They've wanted this cleaned up, and the actual lines put in there, so he doesn't interfere with the other people's rights to be on it.

Ken C: Section F of the staff report, for storm water management they are proposing that the infiltration bed be in the Lake Street right-of-way. That's where the public swim area is. They are proposing that the treatment facility for wastewater be right in that area. That should possibly be changed, too.

Jim Ferguson: He lives about 1-½ miles east of Dayton Yacht Harbor. Could Joel repeat what he said about the Dayton School District?

Joel: They commented on the proposal via a letter. The date on the letter was wrong. The developer provided a letter from the schools.

Dave D: Joyce Decker Wegner commented back in the fall. The date on the letter was wrong. She said the school was full at the time. A few months ago, she told him a new building had been constructed, and there was capacity.

Jim F: He's asking because he's on the School Board, and does not recall a conversation about the issue. To his knowledge, the School District has no concerns about this project. Changing hats, he's also on the Rollins Volunteer Fire Dept Board of Directors. He re-emphasized that it's critical to talk to Steve Adams and get his input with respect to this. It's certainly fine to consult Don Armstrong, but Jerry is correct in pointing out that Steve Adams is the person you need authorization from for this particular project. A third hat: He and his brother just completed a 21-unit condominium project in the Rattlesnake Valley in Missoula. They had to reeducate people there with respect that you can build condominiums without common walls, and that have common areas. They are separate and individual units. No concerns were expressed with respect to storage when they were done. Nothing in MT law says they have to have common walls or be clumped together. Finally, he was involved with the unsuccessful group of people who worked on zoning a lot of (inaudible) after the proposal some years ago for the mobile home park where the ground water is so bad. Dayton has a new, big warehouse. It's not particularly appealing to him. A lot of other things could go wrong with respect to what's built, since Dayton has no zoning. This looks to him like a good project, given the possibilities, and there should be strong consideration given for the positive aspects. Clearly there are issues that need to be addressed, but they can be addressed. He felt the positive aspects should be looked at: it would be aesthetically pleasing, it would increase property values in Dayton, and the average guy is priced out of access to Flathead Lake. A project like this would give some of the average people an opportunity for access. The billionaires are forcing the millionaires out of MT. You know what the millionaires are doing to the rest of us.

Donna H: For fire service, the trucks come from Proctor, Lake Mary Ronan or Elmo. Most of the current firefighters are from Dayton and have to go up the road to get the trucks. The response time is much longer.

Sue S: Just to let the public know, if they have comments regarding water, sewer or storm water, the Planning Dept requests that they put them in writing so these can be forwarded to DEQ.

*Public comment closed.*

What about the logs and stuff on public ground, and the signs mentioned? This doesn't sound like a good neighbor. He could show a better gesture to other people in town, and keep those areas clean.

It was be good if the development was absolutely committed to joining a sewer district, if one comes. Perhaps this could be within a given time, 18 months or so.

It looks good on paper. The Board puts a lot of faith in developers that they will do what they say they'll do. Testimony indicates things that were to be done, weren't.

The cowbells referred to earlier (as a source of noise) actually referred to the masts and rigging rattling in the boats.

Board members expressed interest in a visit to the site. A quorum needs to be avoided.

The approximate price range of these condos was unknown.

(No action was needed tonight.)

### **OTHER BUSINESS**

Next month, we may be here in this room in the Public Health Building again. If so, the time may need to be rescheduled to 7:30 p.m. Look at the packet's introductory letter to verify the time and place.

Next Wednesday, in the regular Courthouse conference room, amendments to Findley Point, Upper West Shore, and Swan Sites zoning districts. Most of the changes are items like staff amendments to make definitions and procedures more clear. The public will be there. It will be at 7 p.m. A quorum is needed.

**Motion to adjourn by Jerry Winkle and seconded by Ken Miller at approximately 10:45 p.m.**