LAKE COUNTY PLANNING BOARD
September 13, 2006

Meeting Minutes

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

STAFF PRESENT: Sue Shannon, Joel Nelson, Lita Fonda

John Fleming called the meeting to order at 7:01pm.

Motion by Jack Meuli, and seconded by Ken Miller, to approve the August 9 meeting minutes. Motion carried, all in favor.

<u>ACCIAVATTI</u>

Joel Nelson presented the staff report.

Fred confirmed with Joel that it is already fenced with a perimeter fence. He also asked what the Tribe had to say about the wetlands. Joel responded that they recommended a 50' to 300' buffer, and to remove the rock and debris from the wetland area. Joel affirmed Bob Kormann's query about recommendation #10, where 10' more shall be dedicated, just bringing the right-of-way to County standards.

Marc Carstens commented on behalf of the applicant. He clarified on the wetlands that the applicant would like to leave the wetlands as they are until such time as some activity impacts them. They are on the far side of the subdivision. Sue Ball's correspondence did speak to improving the wetlands, but preferred to protect what's there rather than removing 30 years' worth of rock. She finished her correspondence with a statement that this subdivision would probably not impact the wetlands greatly because of location.

Ken checked if the covenants have specifications of building height restrictions. Sue found that it is no higher than 30'.

Bob asked for further clarification about where the removal of rocks in the wetland came from. Sue explained that in Sue Ball's correspondence with Carstens Surveying, she relayed that the wetlands would benefit from rock removal and exclusion of livestock, i.e. to fence it and take out the rock, and they put it in their buffer management plan as 'recommended'. The buffer management plan is in the report. She listed the 4 recommended measures for protection from that plan. The staff conditions state that they should make some items required, such as not placing fill in the wetland, and protecting it from chemical fertilizer. These would be appropriate to require. It could be recommended to fence it and remove the rock. In the staff recommendations, it says that they have to submit a buffer plan that will be reviewed and approved by the County Commissioners.

Bob confirmed with Sue that if the Board passes this, they are not necessarily taking the rock out. Sue said that they should submit a new buffer plan. The plan submitted just recommends things, and staff are saying it should require at least not to place fill or chemicals in there, and recommend fencing it and removing the rock to improve it. The recommended portions would be optional.

Steve Hughes felt the recommendation portion should be removed totally. Other members agreed. John thought that they might need a number for a distance. Sue mentioned that there is a 50' buffer included. She reiterated that they need to revise the plan and run it by the Commissioners prior to being filed/platted, to make sure that it meets the intent. John thought the Board felt taking the rocks out would probably be far more destructive than leaving them there.

Public comment opened:

Steve Hughes: He asked if the rocks were placed by hand.

Armand Acciavatti: He elaborated that the wetland was about the size of the conference room, or smaller. The flood irrigation pipes of years ago had a ditch along the fence, and that's where the wetland is. It's a low spot with a gulley, so that's where he dumped the rocks.

Public comment closed.

Motion by Steve Hughes, and seconded by Bob Kormann, to recommend approval with staff recommendations. Motion carried, all in favor.

<u>OTHER BUSINESS</u>

Sue updated the Board on several points. The Commissioners approved the Pine Meadows subdivision (RV park), which was considered at the last Planning Board meeting, with no major changes. There are 4 items for next month already on the agenda, including the proposed Kootenai Lodge zoning district. The other items include 2 of the parcels from the Hebron subdivision. The Planning Board needs to start looking at the updates for the density map. Sue asked the Board if a meeting to begin the procedure could be held on October 4, the first Wed of the month. She explained that they can start out with a list of changes that the Planning Dept would like to make and find out what else the Board wants to include, and the public will be invited to attend. She suggested having these meetings regularly over the next couple of months, so the public who want to attend can have that opportunity. John suggested that the meetings be kept at 7:00 pm.

The next Planning Board meeting is October 11. Steve asked, as he had an attendance concern. The Hebron subdivision item will be informational; the recommendation meeting will be held in November.

Lisa Dumontier commented on the 3-lot subdivision in Arlee from possibly the June meeting, where the weeds had to be sprayed. She was out there today. The weeds are dead, it looks nice

and the grass is huge. There's a contrast with a neighboring field. Two or three people have commented to her about the spraying, and how nice it looks. She thought it was cool that people are noticing this. That area has a lot of knapweed, and now there's one 30-acre piece that doesn't have it. Sue suggested that she let Paddy know, since he took heat for that.

Bob asked if gravel is allowed to be harvested out at Rehbein subdivision. There is gravel being harvested near the Jetty Store—is that part of the subdivision? There's all kinds of equipment up there. Sue thought that in order to take the gravel and use it offsite, they need a state permit. Part of that procedure is that the County signs a paper saying that they are allowed to do it. That paper has never been signed for Rehbein. Bob commented that it looks more commercial than residential. John asked if someone needs to bring the County this concern. Sue said that Susan Brueggeman has noticed this, and the two of them wanted to look into this. They will look at it.

Jerry shared an article where the house maximum living area size is one acre.

As part of the density review, Jerry asked Sue to look into the 40-acre area in the Nine Pipes area along the Highway 93 corridor and west of Hwy 83 and between Charlo and Hwy 212. He's asked her to look at whether that's appropriate or perhaps too restrictive. Jack mentioned that one snuck by him. He did realize it was a wilderness area, but that seems ridiculous to him. Sue thought it was part of the compromise with the Tribe in the end. The parcels that are in there that are privately owned are less than 20 acres anyway. Lisa concurred. Sue explained that Alex can use GIS to do something that takes out the private properties in that area to see how many there are and what the acreages are. This can be studied and looked at. The majority of the properties seem to be managed by Fish, Wildlife and Game or the Tribe. Lisa thought there were only 3 or 4 owners affected. Sue confirmed that we can find out. If there are other areas specifically that Board members want to look at more closely, please let the Planning Dept know. John thought the south end of the Missions included some really funny lines, which he'd like to understand better. These are near where Armand is. Steve asked if legal descriptions, as well as the map, could be used. Sue wasn't sure how this could be done. Ken commented that this would be a lot of legals. Sue thought there were things that may have been lost in translation the last time, and that with Alex working on the updates, this would be better.

Steve asked about the Hebron Estates out in Valley View. As he recalled, the Board recommended a turnout for the school bus and an irrigation ditch, and they have not done these. It's been bonded, but it's not done. Sue explained that in the pre-application response, it was mentioned that the stuff related to the bonding needs to be done. Fred thought that all that should be cleaned up before anything more comes before the Board. Sue said they have one year to complete items that are bonded. For this one, they had to do irrigation work, so they had to be on the schedule to get the job done this fall. The bond will expire in February. If the County takes on that responsibility, it won't get done until next fall. So eventually it could hold up the subdivision. Steve agreed that it should be help up. If a revision comes in, and they say they're bonded, but the work on the original subdivision is not being done, the Board should not approve an additional subdivision in something that's not done in the first place. Jack felt there should be a way to stop it before it goes through any process, if they haven't done what they were supposed to do on the previous subdivision. John asked if they've bonded, is it a legal move on the Board's part to say 'you haven't done that'? Ken and John wondered if the bond hasn't expired,

then the Board may have their hands tied. Sue spoke with Myra Schultz, the MAYCo (MT Association of Counties) land use lawyer about this when Forman Road Estates was reviewed. If the bonding had something to do with primary review criteria of the subdivision, that would give legal means to say that we aren't going to review more until that's addressed. She thought Marc Carstens addressed the irrigation in the report. He felt they would be addressing whether the turnout was necessary with the new irrigation plan. John asked if bonding was tied to a primary review criteria, then the Board would be on solid ground. Sue responded that, per Myra, if it was something that was critical to the approval of the previous subdivision. The irrigation and the school bus turnout were items affected. Sue pointed out that this will be hashed out next month.

With the 93 corridor, John read something about the Tribe was talking with the Commissioners. Sue explained that this was mostly some sort of filming for a grant. She also mentioned that one thing they're having problems with there is a lot of the County roads are getting ripped up by equipment that are coming and going with gravel and so forth on the County roads, and the State isn't going to replace them or bring them back up to the standards. The County is trying to work with the Tribe to get the State to help them out in fixing the roads after the construction is done.

Motion by Ken Miller, and seconded by Jerry Winkley, to adjourn. Motion carried, all in favor.