

LAKE COUNTY PLANNING BOARD
October 10, 2007
Meeting Minutes

MEMBERS PRESENT: Fred Mueller, John Fleming, Jack Meuli, Clarence Brazil, Brad Trosper, Ken Miller, Steve Hughes

STAFF PRESENT: Sue Shannon, Joel Nelson, Lita Fonda

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

Motion by Fred Mueller and seconded by Jack Meuli to approve the Sept 12, 2007 meeting minutes. Motion carried, 6 in favor (Fred Mueller, John Fleming, Jack Meuli, Clarence Brazil, Ken Miller, Steve Hughes) and 1 abstention (Brad Trosper).

John noted that Bob's Woods Bay Market Major Subdivision has been postponed.

BIG HAWK PHASE II MAJOR SUBDIVISION INTRODUCTORY

This is an informational meeting. The public hearing will be at the November 14 meeting.

Joel Nelson introduced the proposal through the staff report. Board questions and applicant comments were invited as each section was covered. Dave DeGrandpre, Peter Strelinger and Shawn Rowland were present to speak on behalf of the applicant.

Dave thought this was the first review involving a density transfer. Plum Creek evaluated some nearby parcels which they felt met the qualifications for a density transfer, including being within 3 miles of the subject parcel, containing prime habitat for elk, bear, white tail deer, and meeting other criteria. They wanted to offer Lake County and Fish, Wildlife and Parks an opportunity to weigh in on it. He noted one parcel in section 33 that could not be included since it was in 10-acre density. He showed maps and talked about them.

John asked if it was fair to say that the closest lots have the same animal habitats as the subject parcel. Joel thought they appeared to be similar for deer. FWP did comment on a transfer of development rights sections on particular parcels. It wasn't clear which one would be best, but he got the impression the east half of section 29 would be the best sending parcel, which is the closest. John asked what values besides wildlife should be looked at in a transfer. Joel said wildlife appeared to be the biggest determining factor for which parcel is appropriate.

Regarding building sites and driveways, Dave sent Joel an email with covenants from a recent Sanders County subdivision that Plum Creek had done. Dave explained that they did not originally propose to put standards in the covenants. They hoped to demonstrate that all the lots were buildable with ordinary construction methods, with a building site less than 25% slope, and there are multiple sites on every lot, and that these building sites were accessible by a 12'-wide driveway with a 10% or less grade. The driveway standards in the Sanders County project that he sent to Joel were for a minimum of 12'-wide driveways with 12% or less grade. Sue suggested that information could be included in next month's staff report. With this type of

development, this is important given concern with wildfire. John verified with the Board that they'd like to see some standard slopes and widths.

The proposed variance for through-lot was discussed, given an existing logging road easement and a proposed emergency access easement. Ken asked if this easement was to Plum Creek or to Stoltz. Peter Strelinger thought there were 4 owners with easement rights: the State of Montana, Burlington Northern, Plum Creek and Stoltz. Clarence asked how much this impacts the ability to build on the lot. Peter thought this wouldn't have much impact on the 29-acre lot. This is in the NE corner. He showed the location on the map, and described the general terrain of the parcel. Clarence asked if this would be a road or easement. Peter said there's an existing logging road. They aren't proposing to improve it or use it for anything for this subdivision. The access to the lot would be through a driveway with a switchback extending from the end of the cul-de-sac. He showed more detail on the map. John clarified with Peter and Dave that it's an easement that breaks the lot, rather than a road that they'd be building, that there's a logging road on it right now, and an easement for that, and they are not proposing to do anything with that other than to let it be. Jack asked if it was a timber access easement only. Peter said not only. There are 4 parties that share in the easement. He didn't know the details. Jack wondered if one decided to subdivide, what would happen. Peter replied the party would not have a full right-of-way in that situation. He wasn't sure of the total details. Dave said there was a copy in the application, and he could try to summarize it for next time.

Roads and access came under discussion, and proposed variance #1 for a 24'-wide road. Dave showed some pictures pertaining to this item. This road was originally proposed at 26' for Big Hawk 1. Given that a wider road would involve a steep area, they sought & received a variance for width, after they got into construction. The driving surface is 24', with a 1 1/2' shoulder on the side with the rock wall, and a curb on the downhill side. The length is about 700'. Peter added that doing the 26' road would have involved cutting far into a bank or cutting down trees that buffer for this road and Hwy 83. Ken Miller offered that he thought it was a good road. He's driven the biggest fire engine from Ferndale up it. The whole road network is very nice.

The proposed variance #2 for a reduced curve radius for Johnson Creek Road (which will need to be renamed) was the next topic of discussion. Fred asked what the difficulty in conforming to the curve radius would be. Peter replied it would impact the area in the green on the map, with more disturbance and grading. Dave explained a logging road presently exists, and the subdivision road is proposed to follow it. They thought it would be good to use the existing road for less impact on streams, vegetation and so forth. Peter noted it accesses 3 lots. Dave said it's currently used by logging trucks, with the road radius of 80' or 82'. A speed limit sign could be put up, if speed is an issue. John asked if 2 vehicles could meet easily. Dave affirmed. The grades are mild. He didn't think there'd be line-of-sight problems. The road width would be 26', and there are no driveway locations. Ken pointed out that the end of the cul-de-sac looked to be only 300' or 400' away from the center of the curve. Coming downhill, it would be hard to build up a lot of speed.

Variance #3, a variance to the maximum length of 1500' for a dead-end road serving more than 15 lots, was discussed next. Joel noted an email received today from Dave pertinent to this topic, which was handed out to the Board. Dave said the original Big Hawk subdivision had 36 lots,

with one primary access off of Hwy 83 and a secondary emergency access that went out the NW side. It was proposed to be 20' wide. No variance was required. The applicants felt this was a similar circumstance, but the interpretation has evolved, so they submitted a variance. There are 2 proposed emergency accesses in the whole complex and one primary access. He showed the location on a map, pictures of the existing road and area, and spoke at the map. There's no easy way to get back to the highway, given steepness as well as distance. There's not another primary access that makes sense. Peter said he met with Marvin Eaves and showed him the emergency access road out of Big Hawk II, and Marvin told him it was nice to have and a good thing if they're willing to do it, but not necessary. Sue asked about the location of another egress road. Peter thought that the other was the one for Big Hawk I. John mentioned how much money was spent defending private homes in this summer's fires. He wanted to avoid situations where homes can't be defended or will cost a lot of money to defend. Ken agreed that this was a sensitive issue and added that defensible space was even more important.

Sewage garnered the next discussion. Ken asked about the height of the ground water. Shawn Rowland explained the problem with these soils is that as you go down in the soil profile, the soils remain the same but are more compacted and tight. It's a perk system. They've had to come up with elevated sand mounds. There are areas where it doesn't meet the 4-foot standard. It's never higher than 3 feet. He thought that good building standards, such as drains around the houses, would mitigate that issue. It's about a one-week interval where there'd be a problem.

Discussion arose about wildlife and livestock. Peter disagreed with the recommendation from MT FWP Thomas Litchfield. Peter was concerned about the large livestock issue, since in the marketing and sales of Big Hawk, they determined that some of the larger lots could have horses. He felt amending the CC&R's after the marketing had occurred would be problematic. They've tried to incorporate the horses in the larger lots and limit the number of them, and limit other types of large animals as well. He'd like to stick with the CC&R's they have. Ken was concerned about livestock with regard to their impact on a water quality issue, and keeping agricultural-type runoff from streams and riparian zones. Peter said they have good-sized buffers and a 50' building setback. He thought it would be appropriate to say for the 50' building setback that it wouldn't allow encroachment of the animals mentioned in the CC&R's. Dave and Peter thought maybe fencing would be appropriate if the owner was going to have horses. Ken noted that it's attractive to let horses in streams. Peter thought that restriction could be added easily. John was also concerned with horses and water quality, and had hoped there would be no horses. Sue asked if the applicants had approached Tom Litchfield about addressing his concerns and still having what they'd like, such as requiring setbacks from property lines for pets. Peter thought Tom had relocated, but they could talk with someone else. Brad said he would like to see language included that would demand the quick removal of carcasses, especially since this is grizzly bear habitat. Peter said they could do this.

Fire protection was discussed. Peter noted that they have added 'Firewise' criteria for building in the CC&R's. It came from the DNR guidelines for defensible spaces. It's a draft in the works and they welcome suggestions. Marvin has a copy for commenting. Brad pointed out that on pg. 21, #3 of the Staff Report, the assistant Ferndale fire chief is requiring the inclusion of a secondary fire access. Dave responded that Marvin did say to do these things in his letter, but it sounded like yesterday he felt differently. Peter said that Marvin thought they had volunteered to

do a secondary fire access, and Marvin thought it was a good idea, although he didn't think it was necessary. It would help mitigate some of the other concerns about the variances.

Joel covered and summarized the remainder of the staff report. John asked for other questions or comments from the Board. Peter showed pictures of Big Hawk and added some description. Ken commented that as a local resident, he was happy with Big Hawk I and thought it was well done.

Public comment opened:

Sue Laverty: She thanked Plum Creek for Big Hawk I. She thought they've done a very good job, and that Big Hawk II would be a nice development if they continue that on. She felt there were major issues to consider, such as wildlife habitat and corridors in the area. Another major concern is the one main entrance and exit from that project. Even if they have a secondary, she thought it's important to have a 'secondary' secondary road out of Big Hawk II. If they do eliminate that, there's only one road in and out of Big Hawk II for those additional 11 lots. She was concerned about the locked gates on emergency roads. The emergency services people would be used to dealing with keys in an emergency, but the landowners are not. She thought the project had a lot of plusses, but there are things to consider for the impact of health, safety and wildlife habitat.

Fred: He asked about breakaway gates instead of locked ones.

Peter S: He explained that the gates are actually both.

Public comment closed.

TALL PINES MAJOR SUBDIVISION INTRODUCTORY

This is an informational meeting. The public hearing will be at the November 14 meeting.

Joel Nelson introduced the proposal through the staff report. Board questions and applicant comments were invited as each section was covered. Johna Morrison, Jeff Anderson and Gehrand Bechard were present to speak on behalf of the applicant.

Regarding the timing of the subdivision phases, Joel asked how the applicants intend to comply with the 3 calendar year time limit for the preliminary plat approval. Johna said they should be finished in late 2010 at the latest with the second phase, so the 2011 date can be changed. They could get a one-year extension if needed, but they don't anticipate needing it.

Johna showed the location of the boundary line adjustment on the map, at Ken's request.

Regarding roads and access, Fred thought that the road did need to be paved. Johna said that when she took the head engineer of APEC there, he stated that much of the reason the road is in bad shape is because it isn't crowned. It needs a 2% crown and drainage swales, to get the water off the road. This would alleviate 90% of the problem and paving would alleviate the other 10%. She tried to get the County Road Supervisor to go out but was not successful.

Joel said the staff report does not discuss the future maintenance of that segment of Leanin Tree Lane, and whether or not the future property owners of Tall Pines Subdivision will be responsible or it will continue 'as is'. John clarified with Joel that this is from Hwy 93 to the turn. Johna said this needed to be hashed out here, in response to John's question. They're doing their part, but there are other people involved, too. Joel explained that the staff intend to propose a condition that would require Tall Pines Subdivision owners to maintain the road unless it's assumed by a public entity. John asked about the current maintenance. Joel clarified that the County doesn't currently maintain it, according to the Road Supervisor and Commissioners, who are saying it's not a County road. Johna said it's dedicated on the plat. Sue explained that there are lots of roads dedicated to the County that are not maintained. The County has limited resources. Sue confirmed for John that the County is saying the County owns the road; they're just saying that the County doesn't maintain it. Steve noted just because it's dedicated, it doesn't mean they take over the maintenance. John summarized that the maintenance of the road will have to be dealt with at some point here. Sue added that this would be specific to this subdivision. They are not proposing to use Leanin Tree Lane as a primary ingress/egress. They're going to have to set up some sort of maintenance. John said they'd need to improve it and have a maintenance part. Ken asked if there were road users agreement currently for that road. Joel said there was none that was known.

Fred mentioned the parking lot and plowing snow. Johna said she thought it was easier to come in off of the frontage road, go down Leanin Tree Lane, through the subdivision and back out for plowing. They're going to have to drive through there anyway. In the covenants, they'd take care of issues. Everybody would put money in for plowing maintenance, maintenance for open spaces and lawn areas. Every year they'd be assessed something. They're allowed to ask for a special fund for any reason.

Regarding the variance request for curve radius and the 20 mph speed there, Fred thought the neighbors there would like to see the Leanin Tree road with a 20 mph speed limit too. John asked if the Board could do that. Sue said they'd have to talk with the Road Supervisor about it.

Regarding parking, Clarence confirmed with Joel that there were no garages planned. He asked about cleaning the snow away when cars are parked in the lots. Johna said the snowplows have dealt with this before. John thought the Homeowners Association might be able to come up with some sort of a plan. This was discussed further. Clarence suggested the possible use of a snow blower.

Fred said the project should definitely be hooked in to the sewer system, and not on septic. Joel said that this was proposed. John mentioned that one intention with growth areas was to be able to hook up to municipal systems. Johna said that they're on a 'go' with this. She thought the staff report said they were going to abandon the wells, but they are going to use them for irrigation so they're not putting such a demand on Pablo water.

Ken asked how shallow the aquifer was. Jeff didn't know, but he could find out. Ken asked about boring logs. Both Johna and Fred thought that it was nearly pure sand.

Joel noted that the parkland falls short of the required acreage, and that the size would need to be adjusted or cash in lieu used. John verified with Johna that the applicants could deal with that.

For fire protection, Ken asked about the flow in the fire hydrants. This was not known.

Fred said that it would be nice to get the area cleaned up. John asked about the vegetative buffer or screen on the west side. Johna said they plan to have a 10-foot vegetative buffer there to buffer the development from the highway, but not on the back (east) side. John suggested that they consider buffering back there. Johna said there's kind of a major junkyard going on back there. The applicants figured it would be better to put up a solid fence, and block that.

The applicants commented further on the project. Jeff said for the engineering aspect, [inaudible] 500 feet away, public water and sewer are waiting there. With respect to stormwater, it's really straightforward. John asked if the parking lots would be paved, which would be a lot of runoff. Johna confirmed. Jeff did the stormwater calculations and there's more than ample storage just in the retaining swales outside the roads. It's a really sandy site.

Public comment opened:

Richard Maxell: He owns lot 39, is buying lot 37 and owns the junkyard. He's concerned with the new entryway. Why are they building a new entryway where there wasn't one, and eliminating an existing one?

Jeff: It's the way they do the alignment. He asked if Richard meant MDT.

Richard: He confirmed. He pointed out the entry locations under discussion on the map. He asked if the lots would be sold individually and then built as rentals or will they be corporate owned by one organization.

Joel: They could sell each individual lot, and then the owner of the lot could rent out the individual units.

Johna: The idea behind creating lots with 4-plexes has to do with financing. They can get a residential financing on a 4-plex if it's on a lot on its own. They don't have the intention at this time of selling the lots. Things move on and will change hands at some point.

John: The applicants are going to sell lots.

Johna: No, they are going to create lots, build them out and rent them.

John: They might turn over later.

Johna: Yes.

John: They're going to be built in place and will look somewhat similar.

Johna: They're going to look the same.

Kevin Schulmer: He lives on lot 12, across the street from the proposed approach. His first concern was with Pablo sewer and water, and that he would be forced to tie in, once it comes by the subdivision.

Jeff: Typically that's done upon new improvements. When an extension line is out there, it doesn't force existing owners to hook into the system but it does make it so new people who are developing in line are forced to hook in to it. That's in DEQ rules.

Kevin S: He didn't feel this was accurate. He thought that wasn't what happened on the hill in Polson.

Steve: He pointed out that Kevin would have to take this question to those people. The Board doesn't have control over that.

Kevin S: He disagreed. They're the ones forcing the extension past them.

Jeff: He explained that typically, it's a voluntary issue for those people in line because there are advantages to be able to hook in to public water. People really like that.

Kevin S: He had comments more specifically about the road that Richard was talking about. He thought the roads were privately owned property, and this discussion is about merging 76 rental units into their subdivision by attaching that road to their road. He felt his property value would go down. He saw this as a merger of private property with rental property. He felt the rental subdivision should be separated from privately held subdivisions. With the two approaches already there, there wasn't a reason that road had to come off Leanin Tree Lane. Getting off the road with 22 lots is a nightmare between 7 am and 8 am. He was concerned that adding 152 cars would create a major traffic problem.

Fred: Isn't a frontage road proposed in that area?

Johna: Yes. The lots between Clairmont and Courville will have no direct access to Hwy 93. It will access onto a frontage road. There will be stacking space and a light at Clairmont and Courville, once the highway is finished.

John: So Leanin Tree Road will go onto a frontage road.

Johna: Yes. The reason the applicants ran the road that way is that they already have a curve radius problem in a place she indicated on the map. To use the current access, they'd have a double curve access problem. They're doing it this way to try to alleviate some of the curve radius problems, and to make it a better access point. When she talked with MDT, they weren't excited about how close the existing access was to Leanin Tree Lane. They'd much rather see it moved back. Clairmont is quite a ways, but Courville is only 1/8 of a mile.

Mark Nunlist: There's a bike path in there too.

Johna: She elaborated on the bike path, and showed where it would go on the map.

Richard M: He asked if the traffic would be 2-way for the road.

Johna: She affirmed.

Gehrand Bechard: He's met with Pablo Water and Sewer District. They won't require anyone to hook up. There are places in need of hooking up that can't until this is developed. The rule they have is that if they provide water and sewer across a person's property, they aren't required to hook up to water at all unless their well becomes tainted. If their sewer system fails, they can't get it repaired. They have to hook up to the public system. That's the rule. They don't force anyone to hook up prematurely. He thought the other frontage road would be closer to Hwy 93, so a lot of cars would use that rather than Leanin Tree. When they bought the property a few years ago, it was a junk pile, which would have more likely to lower property values. The septic systems had failed. He listed the number of washers, dryers, cars and loads of trash they removed from the property over a 9-month period. He felt the built-out project would be lovely and park-like, and kept in nice condition. He thought this would improve property values in the vicinity.

Public comment closed.

OTHER BUSINESS

Sue asked if Board members were planning to attend the Lakes conference this month. Brad and Ken affirmed.

Motion by Fred Mueller and seconded by general acclaim, to adjourn. Motion carried, all in favor. Meeting adjourned at 9:04 pm.