

LAKE COUNTY PLANNING BOARD
September 12, 2007
Meeting Minutes

MEMBERS PRESENT: Fred Mueller, John Fleming, Jack Meuli, Clarence Brazil, Ken Miller, Bob Kormann, Joyce Funda, Steve Hughes

STAFF PRESENT: Sue Shannon, Joel Nelson, LaDana Hintz, Lita Fonda

John Fleming called the meeting to order at 7:00 pm.

Motion by Ken Miller and seconded by Fred Mueller to approve the August 8, 2007 meeting minutes. Motion carried, all in favor.

ARROWHEAD ON THE BAY MAJOR CONDOMINIUM RV SUBDIVISION

The Commissioners are scheduled to hear the proposal on 10/3/07.

Joel Nelson introduced the proposal and highlighted the conditions of approval and attachments from the staff report.

Fred Mueller asked about condition #4, and why asphalt would be preferred to chip-seal. Joel explained it would be a road network for a lakefront development, and pavement would reduce dust near the lake and help with air and water quality. Joyce Funda understood the area gets a lot of runoff. She asked if the asphalt would contribute to the kinds of unwanted things entering the lake. Joel explained they would have to submit stormwater plans based on impervious surface. He was uncertain how the chemicals running off of asphalt, chip-seal and gravel would differ.

John asked about the turn radius of 302' versus 25' to 32' radius, and if a truck towing a boat could negotiate those corners, even at slow speeds. Joel agreed it was a pretty big deviation. The 302' turn radius is based on 30 mph design speed. Typically at intersections, the curve radius is 25'. He thought some large vehicles would be capable of maneuvering.

Ken Miller asked if the old well on the Tribal property to the west would be abandoned or retained for Tribal use. Joel wasn't sure what the Tribe was going to do with it. The well is on property owned by the Tribes.

Ken mentioned the secondary emergency egress. One condition says this will be to the satisfaction of the fire dept, and other information in the staff report says that MDT won't provide a second approach permit because of the width of the lot. How does this get resolved? Joel said the way the conditions read, the Fire Chief would have to sign off on no secondary access, if they are unable to get a written waiver or permit from MDT. Ken affirmed with Joel that the second access was required because it's a subdivision serving more than 15 units.

Jeffrey Anderson spoke on behalf of the applicants regarding the engineering aspects. They would prefer to chip-seal the roadway. He needs to make sure they have adequate storm drainage. The more they pave, the more storm drainage they have to build for, and the more water they have to mitigate coming off of the site. There would be less dust with a paved road surface. At the same time, they've got 3 roadways heading directly down to the lake with roughly a 6% grade, for an area of 55' of solid paving headed down to the lake, and it will pick up everything along the way. He would prefer a chip-sealed road. Compacted gravel has a tar-based material sprayed on there, but it still can absorb a little moisture, as opposed to just sheeting everything off paving.

With respect to the well, the neighboring well is not theirs. He'd like to see them fill it with concrete, according to state standards, but he didn't think that would happen. They've designed with the expectation that it will sit as is, knowing that this public water supply sits next to their site, and they have well protection going.

Fred thought if the paved road were sanded in the winter, the same amount of dust would be created as would come from chip-seal, unless the sand was picked up by a sweeper. He asked what spec was given for the asphalt. Jeffrey answered that he just was pulling 3" offhand, but typically he doesn't pave less than 3", since it doesn't make sense to pave with any less.

Bob Kormann asked how the boats at the dock were fueled. Jeffrey didn't believe there was a refueling station there. Ray Geiser said they had a portable [inaudible]. There were no spillage problems.

Johna Morrison also spoke on behalf of the applicant. On condition #15, they could do 20' but not 14', because of the way the ground level is and the way the structures are going to be.

Public comment opened:

William Heinz believed the project should go forward, provided they follow the prescribed rules and regulations of the County and State.

Sharon Geiser said that their intent in doing this project is to stay on the property and on the lake.

Public comment closed.

Motion by Steve Hughes to recommend approval of the subdivision with the staff recommendations, except in condition #15 to change 14' to 20'.

Fred noted the variances needed to be dealt with first.

Motion by Fred Mueller, and seconded by Jack Meuli, to recommend approval of variances as set forth in the staff report for the radius of curves and for the road length. Motion carried, 7 in favor (Fred Mueller, John Fleming, Jack Meuli, Clarence Brazil, Bob Kormann, Joyce Funda, Steve Hughes) and one opposed (Ken Miller).

John asked why 14' was given in condition #15. Joel explained that this was what proposed in the covenants. There was no specific other need for the 14'.

Steve Hughes added to his motion to change the asphalt to double-short chip seal where asphalt is specified in the conditions.

Jeffrey noted that the sub-base would be the same.

Jack Meuli seconded the motion and addition.

Ken Miller said he would vote against the project for two reasons. He believed that this is too dense to be on the water. It has too great of an environmental impact on the lake from the density. He thought the length of the roadway with only one egress, with the slopes and curve radii, has an unreasonable effect on public health and safety.

John wanted to make the same comment. He thought it was a good project with an excellent concept, but he would like to see fewer units.

Motion carried, with 6 in favor (Fred Mueller, Jack Meuli, Clarence Brazil, Bob Kormann, Joyce Funda, Steve Hughes) and two opposed (John Fleming and Ken Miller).

BOB'S WOODS BAY MARKET MAJOR SUBDIVISION

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

Joel Nelson presented the staff report.

Jack asked for some clarification about the number of lots. Joel explained that this would divide the existing tract so there would be 2 commercial lots and one lot with 11 units for lease, which is why it is a major subdivision. The application talks about 14 units. There are 15 water hook-ups. The laundry facility and grill would be on lot 2. Johna Morrison noted that Sheaver's Creek Water & Sewer District office is also in the building with the laundry and grill, which may account for 15 hook-ups. The plat shows their lot being away from that building. That needs to be looked at with Marquardt Surveying. Bob Hand mentioned that rather than an office, it's actually the old pump house with a pressure tank in it, which will be abandoned next year.

Fred asked if there was a reason to not improve the roadways to 26' in width. Joel said the mobile homes and a building on the other side of the road would have to be moved or destroyed. Fred noted that the narrow roads seem to come back and bite us later. Joel mentioned the existing 12.5' road has served the mobile homes for some time without problems. John asked if the three variances were requested due to lack of room to do otherwise. He mentioned the map was small and hard to read, and a larger one would be appreciated. He wanted more information, since he didn't think there was enough of a reason given for granting variances.

Johna spoke on behalf of the applicants. They aren't opposed to a 60' right-of-way. The problem is how close the trailers are to it. She showed a building on a map, which Bob is not opposed to removing. The quandary with the property is the people leasing the market would

like to buy the property and own the market. The same is true with the people leasing the laundry and grill. Bob plans to retain the trailer park. There's talk of Bigfork Water and Sewer running sewer down to this site. If and when they do, he will probably propose something else at that time, and at that time, he has no problem giving the sufficient right-of-way and roads. He is presently trying to retrofit something that's been there for years. If Bigfork Sewer comes down, the unneeded system can be torn up for usable space. Johna's fear with a lot of right-of-ways and roads building is if suddenly Bigfork Water and Sewer is there in 2 years, they would have to tear everything up and start over. She's asking to give open space rather than parkland dedication for a similar reason. She pointed out that she said they'd be happy to upgrade the road to 16' width, but she hadn't mentioned asphalt. They would be happy to chip-seal. The hydrants will be ready to go this spring.

Ken asked about the density of the property. Joel responded this is a community growth area. Ken asked for Joel's suggestion on the easement width on the internal access road on lot 3. Joel would like to suggest county standards, but it has to be at least enough to accommodate the utilities, the roadway and the stormwater swale.

Joel clarified for Ken that the 1.27 acres mentioned on pg. 7 in the parkland section is just the mobile home sites, without the common area and drainfields, compared to the 4.539 acres mentioned on pg. 3. Ken confirmed with Joel that the parkland amount is calculated only for the developed portion and does not have to accommodate common area.

John asked about the proposed parking spaces mentioned at the top of pg. 3, where 6 of the proposed spaces could be removed by the state at any time. It sounded like a problem to him. Joel confirmed for John that the spaces required for lot 2 (the lot with the grill) would be located on the lot. They referred to the map. Joel said the grill needed 10 spaces, according to their covenants. This won't be a problem, unless 10 spaces are not sufficient for the grill and laundromat. John thought this sounded like a problem. Johna detailed that they had mutual covenants to share the parking lot area. Bob Hand clarified they have to share with the market.

Ken suggested some portions of the covenants that may need to be tightened. Regarding #4 on outdoor lighting, it specifies downshielded lighting; existing lighting that doesn't meet the standard is allowed until such time as it needs replacement. Does a burnt-out bulb signal the time for replacement or must the whole thing malfunction? On #10 for outdoor storage there's a reference to a board, but he could find no other reference to a board in the covenants. Johna thought the board was mentioned in the first paragraph, and said she would check this. Ken noted that regarding #20, in addition to the owners, the County Commissioners have to approve a change of covenants.

Clarence Brazil asked Johna if there was a problem with cash in lieu of parkland if they don't want to denote parkland at this time. Bob H reiterated that he just wants to sell the property on lots 1 and 2, and he's keeping the mobile park to do something different. He's on 3 different sewer boards, and thought they'd have sewer by 2013 at the earliest. He'd like to return at that point with a more definite plan then. Clarence pointed out that parkland is needed at this time. Johna didn't look at cash in lieu because the law says if you give common space that's equal to or more than the parkland dedication, you're allowed to do that. She spoke with planning staff

and this seemed like that best way to accomplish that, given Bob H's plans in the future. John expressed concern about how much of this is permanent if this plan is approved. The Board has to work with the drawing right here. Joel said that through subdivision, the parkland could go away or be relocated. Sue pointed out that Bob H is the sole property owner, so he can modify things. Jeffrey said the idea is that when they develop the parcel later, they could make the parkland they really want and make it useful. Johna said they don't have a problem with parkland dedication as long as it's with the understanding that when the applicant does do something later, they can move the park to where it makes sense. Bob K asked what happens if in the future it doesn't get developed. Jeffrey said there'd still be the common open space.

Joyce could see someone else wanting subdivision approval based on what happens with this lot. John mentioned variances. Johna asked if it would be advantageous to put something on the plat that says the variances don't transfer if something else is done with the property. Jack said when the applicant does come in again, it'll be an entirely different program, and this will go away. Sue said that it sounded like he'd be changing the land use, from a mobile home park to residential lots, so it would be reviewed under a separate set of standards. The variances would be specific to this proposal. Variances can't be transferred from this proposal to a separate one. Jack confirmed with Sue that they didn't need to worry what goes on down the road if it changes, for this property. Sue said that it does set a precedent.

Ken said with a precedent, it would be easy for someone to come in and say 'you gave me a variance for a 16'-wide road for 11 mobile homes. Why can't I have a 16'-wide road for 4 residential lots?' Johna said that for variances, it states specifically in the definition that it's on a case-by-case basis, based on it's own merits of the subdivision. She didn't think it would really set a precedent. Jeffrey said that this is existing. John asked why a variance was needed for something that exists. Jeffrey said it was needed to break off parcels. Sue explained that it's existing but never went through review.

Ken asked when an easement is dedicated along a roadway, who is it dedicated to. Sue said the developer has discretion to dedicate as a private road only. Typically it's desirable to dedicate for public use so service providers have access to go in. The County isn't accepting new dedicated roads. Ken asked if the 60' easement along the existing internal road was required right now, if they modify the subdivision down the road, who would have to sign off to abandon that existing 60' easement so it could be used elsewhere? Sue said this would be the lot owner. Ken asked about public service providers and utilities. Sue explained it would be dedicated for use of this mobile home park and public service providers needed to go in there and provide services. With a new development, they would modify that. Johna added that there are existing easements that are now under the roadway. In order to abandon that, if they come up with a new development proposal and they plan to move those utilities, the utilities have to sign off that the developer is going to abandon that and move it. Ken asked about the existing easements. Bob H said that it's 20' wide for the water. He wasn't sure of the width for the gas. Sue confirmed with Johna that a 60' easement is not a problem. Johna said they couldn't center the easement, and showed what she meant. Sue didn't think the 60' easement and things changing in the future would be a problem. She wasn't sure about the road width variance. John asked if the project could stand doing a 26' road. Sue said the applicants say no. Ken confirmed with Sue that the roadway didn't need to be centered in the 60' easement, as long as they can do their stormwater

management and utilities. Bob H said that as far as the 26' easement for the roadway, he can give the easement for the roadway. He doesn't want to go to the expense of chip-sealing 26' wide for most of the property. On the very north end, it's very narrow with the road. He has no way to get that width unless he takes out one, possibly two trailers. The road location was shown, including the 12' road around the back. Sue asked if there was a possibility for a one-way road. Johna thought that was an option. She wasn't sure about the mail delivery, and which way the mail carrier drove, since he said he used the access road. Bob H said that the mailboxes are just off the highway, and the mail carrier just swings off the highway. Bob H was willing to put up one-way signs, but was concerned about who would police it. Sue said the regulations have standards for 1-way roads. For an RV park, it must be 15' wide for 1-way and 24' wide for 2-way. For other one-way roads considered at a reduced standard, she thought it was 20'. He would have to have the road completed by final plat.

Public comment opened: None offered. *Public comment closed.*

Johna asked the Board for other comments or things they'd like to be shown next time. The Board wanted bigger maps.

OTHER BUSINESS

Sue updated the Board on what happened at the Commissioners meeting with the previous subdivisions. Joyce asked about River Valley Trails subdivision and the mitigation that had been offered. Sue reported it was approved with a reduced number of lots and modified conditions. John asked about the variance for the gates. Sue mentioned that for the county roads, they would pay \$7000 per lot.

Motion by Steve Hughes and seconded by Joyce Funda, to adjourn. Motion carried, all in favor. Meeting adjourned at roughly 8:20 pm.