

LAKE COUNTY PLANNING BOARD
August 13, 2008
Meeting Minutes

MEMBERS PRESENT: John Fleming, Fred Mueller, Ken Miller, Jack Meuli, Bob Kormann

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

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

Motion by Ken Miller, and seconded by Fred Mueller to approve the July 9, 2008 meeting minutes. Motion carried, all in favor.

MYERS MINOR SUBDIVISION

This is scheduled to go to the Commissioners on August 27th, at 10 am. Joel Nelson presented the staff report. He distributed a recent letter from the Polson Rural Fire Department.

Fred asked why Silver Fox Lane was missed last time as far as width. Joel wasn't sure, as there was nothing in the record. John asked about unique conditions. Joel said the Tribal Preservation Office condition was somewhat unique.

Jack Duffey spoke on behalf of the applicant. He noted that the applicant and others were in attendance.

Ken asked about what was proposed for Silver Fox Lane width. Sue explained they would meet with the Commissioners and Larry Myers, who represented Lillian Stevenson on the previous subdivision, next week and put on the record. It will also deal with access to Jan Myer's lot 1.

Bob asked if ownership changes or a home is constructed, would they have to put in fire hydrants and upgrade the whole system. Joel thought the previous fire department comments indicated that the fire chief didn't receive enough information on the proposal. This was not recommended in the conditions.

Public comment opened: None offered. Public comment closed.

Ken said if the Commissioners work out a satisfactory road width for Silver Fox Lane, he didn't see a problem with the proposal.

Motion made by Jack Meuli, and seconded by Bob Kormann, to approve the variance. Motion carried, all in favor.

Motion made by Jack Meuli, and seconded by Bob Kormann, to recommend approval of the project with the conditions as recommended by staff. Motion carried, all in favor.

TROSPER SUBSEQUENT MINOR SUBDIVISION

This is scheduled to go to the Commissioners on August 27th, at 10 am. LaDana Hintz presented the staff report.

Fred said there was one more farm ditch coming from the east. LaDana thought this was natural drainage, coming off a pond to the north on the neighboring property. There was no water in it when she walked it. Fred said there's water now. LaDana and Fred agreed that this would not affect the building sites or create a danger.

Jack Duffey spoke on behalf of the applicant. They agree with the staff recommendations.

Ken asked Jack if he knew about this other ditch or drainage. He did not. Fred explained that Trospen dug a big hole. There's water coming in and going out. Jack introduced Don Byrnes, an adjacent landowner, for more information. Don said one comes from his pond. There's a wetland there on the south side of his fence. The ditch on top of the hill comes across and down. There are 3 water supplies entering the property. There's definitely a wetland there. John asked if it was on this property. Don replied yes, on the 20 acres. He wasn't sure which half. Fred said it was in the swale. Sue said it might impact the access road or the driveway to the building site on 4A, on the southern boundary. It might impact the ability to have a driveway from that access road to the building site on the western side. Don said the wetland goes all the way down through Mr. Troutt's. John summarized that at some point the developer needs to know there needs to be a culvert or something for the roadway to get to the dwelling site. LaDana noted culverts are in condition #11.

Public comment opened: None offered. Public comment closed.

Motion made by Jack Meuli, and seconded by Fred Mueller, to recommend approval for the proposal with the staff recommendations. Motion carried, all in favor.

BUCKSKIN MAJOR SUBDIVISION INTRODUCTORY

Joel Nelson presented the staff report.

Fred commented on the underground utilities and asphalt parking, and John agreed.

Ken asked about on-street parking. Joel said if it were allowed they would need to increase the driving surface width. Typically in a subdivision like this, at least two off-street parking spaces are required to be provided per unit and signage prohibiting parking on the street. Ken thought it looked like room was available for off-street parking. John agreed.

Bob asked if the walkway was in the center section only. Joel described its location. Bob asked where kids would cross Mallard Loop from the internal lots to the parkland. Joel described the locations. Bob thought if there were bicycles and on-street parking, the bikes would be on the street and in the walkways. To control speed, beside signage, what is the downside of having speed recesses (instead of speed bumps)? Fred thought the curve radius would help keep some of the speed down. Ken noted there isn't more than 300 or 400 feet of straightaway on Mallard Loop to get up much speed. Bob was concerned with bicycles coming from behind parked cars

if there was on-street parking. Marc Carstens suggested that speed bumps were easier to deal with than speed depressions. Bob thought speed bumps were problematic with snowplowing.

John referred to the pg. 5 MDT comments on development of commercial lots. What prevents the developer from doing the commercial end without the driveway permit? Joel said it would probably be a perpetual condition of approval that would be enforced in the building notification process. Sue asked if the covenants currently require a building notification for a change of use on the commercial lot. This would need to be included.

John referred to pg. 12 and the fire hydrants suggested by the fire chief. He asked if the 300' spacing was standard. Ken noted a recent proposal had this spacing.

John asked about the variance. Another way to fix the situation would be to drop lot 9. He didn't feel the Board has to grant a variance because they're asking for an easement. Marc said to maintain connectivity, they could change it from a flag lot, but a portion of the access road would actually be a portion of lot 9. John didn't think that sounded like a good solution. Marc didn't think dropping a lot would be acceptable to the developer, who has given a large amount to connectivity already. He asked if connectivity was needed, does it need to be 60' wide, and is it for emergency vehicle traffic or to allow traffic to other subdivisions on a regular basis. He asked about the real gain, when the property to the east joins directly to Northwood Drive, which is a public road.

Marc thought the on-street parking would have to be taken off. He noted this particular subdivision is a rehash of a subdivision for rent or lease that happened several years ago. The major difference in subdivision review is the substandard width allowed for street sections for those for rent or lease. In order to utilize the existing water and sewer mains, they've basically kept the same configuration. The subdivision for rent or lease was approved by the governing body. He asked why this subdivision required asphalt paving while others have been well served by double chip seal. Fred didn't know if chip seal would stand up to this density. Marc thought this one was similar to Majestic Views or Conrad Estates. Joel noted that it accesses onto an asphalt state-maintained highway. Ken asked about putting language into a road users maintenance agreement about maintaining a double chip seal road. Marc thought that was possible. Ken agreed that asphalt was a substantial cost increase.

Ken agreed on-street parking had to go due to narrowness. John asked about the underground utilities. Marc said they were trying to salvage as much as they could from the previous project. John wanted to see underground utilities. He asked about the 300' spacing for the fire hydrants. Marc noted they're further apart in Polson. Ken said Polson had more hose. John touched on the per lot payment for the fire department. Joel mentioned a recent St. Ignatius project where a cistern had been requested, and they settled on \$400 per lot. Marc said with Majestic View, it was \$50 per lot plus fire hydrants. Joel said they were thinking about recommending that for this one.

Sue said the fire department felt they needed to do what was requested in order to meet some sort of rating. The developer should get the reason why the fire department wants what was requested, and then a decision could be made upon it.

Bob spoke about kids getting to the parkland by cutting through a lot. Would it make sense to narrow up one lot and make a walkway through? Marc pointed out the lot size was tight already. Jack thought a fence would be added pretty quickly if the kids were cutting through. Joel thought lot 26 was in quite a hub already, with the intersection of the road, the walkway in front of it and the parkland on one side. Marc suggested moving the crosswalk from approximately between lots 28 and 29 to the southern portion of lot 26 to aim the crosswalk traffic at the walk path. John asked if equipment was proposed for the parkland. Marc said there was enough parkland in this case, and no equipment was proposed.

Bob asked about signage on the commercial lots. Joel said there were recommendations in the preapplication review, which were modified on pg. 7 of the covenants. Marc thought the Highway might have its own set of regulations in the future. Sue said MDT won't do this on the reservation so it would be up to the County.

Marc returned to the road. He asked if it would be appropriate to come up with some kind of model to maintain chip seal improvement on the roadway. Fred thought a bond might do it. Marc thought they could consider speed bumps, and the curve radius would help with speed.

Public comment opened:

Regarding the asphalt surface, Joel reiterated that there are commercial lots and these are more likely to have asphalt surfaces. Sue said there was a lot of taxpayer money put into improving that frontage road with an asphalt surface, and now there may be gravels going out onto the surface. If it's high traffic, the asphalt should be considered. Marc thought if the chip seal was correctly done, the chips didn't migrate. Sue said the chip seal roads she's seen look like a gravel surface. It takes a while to get compacted. John suggested that the chip seal could start farther back and there could be asphalt up to at least the entrances of the parking lots. Fred said they probably wouldn't want to asphalt the commercial parking lot until after the building was put up. Marc thought the amount of traffic might depend on the business. Ken said the sand and salt come from the chip seal roads in winter rather than the road base itself, so regular sweeping would take care of that. Bob asked if the road supervisor gave a recommendation to staff. Joel hadn't seen him give comment on a subdivision with these kinds of roads, where it doesn't access off of county roads. He discussed asphalt and chip seal with him several times, and he's said to try to asphalt up to the county roads because of the ability for them to hold up so much better, and it's more inexpensive in the long run.

Public comment closed.

EAST SHORE ZONING DISTRICT UPDATES

This is scheduled to go to the Commissioners on August 27th, at 10 am. Sue Shannon presented the staff report on the amendments. She noted that there had been six community meetings.

Ken asked about the conditional use for guest houses allowing more than one guest house per tract. Sue replied that there is not a limit on the number of guest houses. There's also a proposal on the East Shore for Adirondack style, where there's a main lodge, and a house for the parents,

one for the girls and one for the boys. As a conditional use, they would look to see if this was too much for the property. Ken was concerned that someone would have guest houses, and down the road would ask for subdivision and say the houses were already built. Sue asked for suggestions. They want to allow for reasonable development of property. A lot of these are larger properties or orchards.

Public comment opened:

Dave O'Farrell: He was very concerned about instances where out-of-area produce is being sold. It's a commercial operation, and affects the other growers along there. He was concerned that the current regulations don't allow this and it isn't being enforced. He was frustrated.

Jack and John: This is in the new regulations and is more direct.

Sue: This is an enforcement issue. Staff need to make a visit there and verify things.

John: Proof can be a problem.

Sue: People wanted to make sure that they could grow cherries at their orchard, and sell them at a stand at the neighbors, since some of the orchards don't have great access for stands.

Dave: He had no problem with produce grown anywhere along the shore. He's seen the Hutterite school bus pull up and unload vegetables, and those aren't grown there.

Jackie McCoy: She was concerned with enforcement issues. It takes away from people trying to make a living there when other people bring in things from out of the area. It's fine if it's grown on properties on the East Shore. They know for a fact that one person is selling produce that is not grown on the East Shore. He's purposely going against the regulations.

Dave: He compared it to illegal firecracker stands and frozen chickens.

John: He asked if these regulations look like what they want to see.

Dave and Jackie: Each was concerned with enforcement.

Dave: The County Attorney did send someone out there in 2003 or 2004 and shut him down. Now the Hutterites have made him a deal.

Bob: If this is in the regulations already, then really it's a legal issue. Should they see the County Attorney?

Sue: For zoning violations, the first contact would be from Planning staff. They give the landowner the ability to comply with the regulations before they turn him over to the County Attorneys Office. That's what has to happen here. Staff will put something in writing, so there's a record, in case this happens in a future year. Then next time it's a violation, fines can be charged.

Jackie: She said this person isn't worried, and says you'll have to get 5 search warrants. He just continues to do this.

Sue: It's a tough one to enforce.

Public comment closed.

Ken commented under storm drainage, he wasn't a fan of E.e. He thought you do run into soil saturation problems. Sue said that this is 'preferred', which is soft. She'd like to keep this in there, because it is preferred. You don't have to put it into the soil. You could put it into a tank, or some sort of absorption. Ken said for him, it wasn't preferred.

Motion made by Fred Mueller, and seconded by Ken Miller, to adopt the East Shore Zoning District amendments. Motion carried, all in favor.

OTHER BUSINESS

Sue highlighted that next week's subdivision regulation update meeting will be at 7pm.

Jack announced that this might be his last month for Planning Board meetings, depending on when the Soil Conservation District appoints someone else. John asked how many years Jack had been on the Board. Jack didn't know.

Motion made by Jack Meuli, and seconded by Ken Miller, to adjourn. Meeting adjourned at approximately 8:38 pm.