

**LAKE COUNTY PLANNING BOARD
DECEMBER 9, 2009**

Meeting Minutes

MEMBERS PRESENT: Bob Kormann, Sigurd Jensen, Fred Mueller, Clarence Brazil, Lisa Dumontier-Mulholland, John Fleming, Harlan Gipe, Brian Anderson,

STAFF PRESENT: Sue Shannon, LaDana Hintz

Bob Kormann called the meeting to order at 7:00pm.

Motion by Fred Mueller and seconded by John Fleming, to approve the November 18, 2009 meeting minutes. Motion carried, all in favor with Brian abstaining because he was not present at last months meeting.

LINDUSKA & PRICE FIRST MINOR SUBDIVISION

LaDana Hintz presented the staff report. (See attachments to minutes in December 9, 2009 meeting file for staff report.)

Fred Mueller asked if necessary could someone utilize Skidoo Lane as an emergency access route. He was wondering if it still connected to North Finley Point Road. The roadway was unobstructed and able to be utilized when he was a kid

LaDana Hintz answered she had not been down that way.

Marc Carstens, as representative of the subdivision, stated that he'd been all over that area and did not believe the roadways were still connected.

Clarence Brazil mentioned that a landowner had closed the roadway by creating a berm of dirt and that he would not even permit friends to utilize his property to travel between the two roadways.

Marc Carstens stated that he was representing the subdivision and would stand for questions.

Harlan Gipe commented that this property was one of the last big pieces of lakefront left on Finley Point.

Marc Carstens mentioned that the two owners are brother and sister, past retirement age and the purpose of the division is being driven by their desire to straighten their estates. Marc was directed by the landowners to design the subdivision based on a percentage of land and lakefront for each owner.

Bob Korman asked if there is mistletoe on the property. Marc Carstens stated yes, and that he believed the fuel reduction for the property was further along than mentioned in the staff report. He believed there is a contract in place to begin the work.

Marc Carstens mentioned that one of the owners, James Linduska, was talking about placing a conservation easement on his portion of the property to limit the number of structures, but the landowner's intentions for the property are not formally defined at this time and may change.

John Fleming asked to have someone describe the character of the lakeshore; specifically asking if it was reedy like the South and East Bay. Marc stated that the lakeshore was not reedy and LaDana mentioned that there was nothing there.

John Fleming then inquired about whether the landowners had any intentions for further subdivision. Marc Carstens stated that the landowner Linduska had mentioned the conservation idea to him, and the landowner Price had mentioned that it might be distributed to family.

Marc Carstens stated that the lakeshore could be described as a "kid's beach". Round rock, not steep and craggy like the end of Mellet Point.

John Fleming stated that since someone mentioned that it was one of the last big pieces of lakefront, he thought it might be undesirable.

Marc stated that the family ownership dates back to the teens and the landowners do not use the property much. They live back east.

Public comment opened:

No public in attendance.

Public comment closed.

Bob Korman asked the Board to vote on the variances. He asked the Board if there was any discussion or a motion on Variance #1. He reviewed that based on the proposed subdivision configuration, an easement would divide Lot 2 and Subdivision Regulations state "no single lot shall be divided by a public road, alley or utility right-of-way easement." Staff recommended approval of the variance.

Motion made by Fred Mueller, and seconded by Lisa Dumontier-Mulholland to approve Variance #1. Motion carried, all in favor.

Bob Korman asked the Board if there was any discussion or a motion on Variance #2. He reviewed that access to the subdivision would be provided via county roads that have easements varying from 33-feet to 44-feet in width. The Lake County Subdivision Regulations require a minimum right-of-way width of 60-feet along roadways that serve the subdivision. Staff recommended approval of the variance.

Motion made by Fred Mueller, and seconded by Clarence Brazil to approve Variance #2. Motion carried, all in favor.

Clarence Brazil commented that the County would never be able to obtain a 60-ft right of way for the Road.

Bob Korman asked the Board if there was any discussion or a motion on Variance #3. He reviewed that the Lake County Subdivision Regulations sets a 1500-foot maximum length for dead-end roads serving more than 15-lots. Finley Point road network currently consists of one ingress and egress to MT Highway 35 and the road network is several miles in length and serves thousands of properties

Clarence Brazil commented that he doesn't want a secondary ingress/egress to Finley Point. It is his feeling that it helps maintain a low crime rate since if there is a reported burglary or other criminal incident, the police can usually apprehend the offender by waiting at the intersection of Finley Point Road and MT Hwy 35.

Motion made by Clarence Brazil, and seconded by Fred Mueller to approve Variance #3. Motion carried, all in favor.

Bob Korman asked the Board if there was any additional Board discussion or a motion on the Subdivision.

Motion made by Fred Mueller, and seconded by Sigurd Jensen to approve the Linduska & Price First Minor Subdivision. Motion carried, all in favor.

OTHER BUSINESS

Bob Korman asked Marc Carstens for an update on the Hidden Canyon Lookout Major Subdivision, which was presented to the Board at an introductory meeting during the September 9, 2009 Planning Board meeting and which the Board held a site visit on October 21, 2009.

Marc Carstens explained that the applicant had to take additional time to look at slope disturbance on the property and that they intended to submit an application to the Board of Adjustment on December 10, 2009 for review at the January 13, 2010 meeting. Issues surrounding the road construction, utility installation, and individual driveways to the home sites were going to substantially increase the amount of disturbance necessary to complete the subdivision. The engineer working on the project has much more detailed information at this time to allow the applicant to more accurately represent the required slope disturbance.

Marc continued to explain that in looking at some of the disturbance that has already occurred to create the road cut that would eventually provide the access to some of lots, the engineer had elected to reclaim the areas and redesign the access to create a reduced driveway grade and discourage a building site location at the top of the hill.

Marc also discussed the situation surrounding the eagles' nest on the property. There was disappointment surrounding the lack of connection between the report compiled for the subdivision by the Project Scientist for Herrera Environmental Consultants and the Montana Fish, Wildlife and Parks (FWP). Even though FWP does not have jurisdiction, he felt the

subdivision application should provide concurrence of mitigation measures from FWP and he was attempting to negotiate a compromise. He explained that there were three major concerns that he wanted to attempt to address. Marc stated that Lot 12 will probably go away. They are looking to find ways to reduce the impacts of human activities on the eagles nest through better visual shields and are re-evaluating the homesite locations to create better buffers from future buildings and may propose vegetation buffers along the roadway.

Fred Mueller told Marc Carstens that he knows a guy who used to live in the area that told him the locals in the area used to utilize the old roadway on the property to dump their garbage. Fred indicated that there might be a landfill at the end of the road that should be addressed in the subdivision application.

Marc Carstens answered that he would like to investigate that comment and requested that Fred ask his friend to contact Marc.

Marc Carstens stated that the Board would not believe how many times old landfill issues were brought up during subdivision review during his career. Marc told a story about a subdivision he recently did in Polson in which this claim had been made and that when he was a kid it just so happened that his family used to farm the property next to it. He eventually was able to determine through old aerial photos that there was no dump on the subdivision site in the past.

Marc then told the Board an unrelated story about a challenging Sanders County subdivision that had a funny note regarding public testimony.

Bob Korman asked the staff about other business. Sue Shannon mentioned that the staff and members and interested members of the Board of Adjustment and Planning Board were going to have an informal holiday social at the East Shore Smokehouse on December 16, 2009 at 5:30.

Bob Korman asked the staff if they had any report on the meeting about the succession of a portion of Missoula County to Lake County that occurred December 3, 2009. Sue Shannon stated she was not in attendance and had not been in contact with the commissioners about it to date.

Motion made by Fred Mueller, and seconded by John Fleming, to adjourn. Motion carried, all in favor.

Meeting adjourned at 7:30pm.