

**LAKE COUNTY PLANNING BOARD**  
**June 10, 2009**  
**Meeting Minutes**

**MEMBERS PRESENT:** Sigurd Jensen, Fred Mueller, Ken Miller, Joyce Funda, Brad Trospen, John Fleming

**STAFF PRESENT:** Joel Nelson, LaDana Hintz, Lita Fonda

Ken Miller called the meeting to order at 7:01pm.

LaDana Hintz and John Fleming amended the road name on pg. 1 of the minutes from Smith Road to Watson Road, in the second paragraph of the Green Estates section.

**Motion by Fred Mueller, and seconded by John Fleming, to approve the May 13, 2009 meeting minutes as amended. Motion carried, 4 in favor (Sigurd Jensen, Fred Mueller, Ken Miller, John Fleming) and 2 abstained (Brad Trospen, Joyce Funda).**

**LLOYD/SCHAUSS MINOR SUBDIVISION**

Joel Nelson presented the staff report. (See attachments to minutes in the June 09 meeting file for staff report.)

Joel and Brad clarified for Joyce where the easement on pg. 3, where staff thought it might be a way around road construction standards, was located. Joel said it's shown on the preliminary irrigation plan, but not on the preliminary plat. It seemed reasonable to build a driveway around that canal, if that's what they want to do. Joyce asked if discussions with the developer had occurred about that. Joel said no. They presented it where they'd build the road where it would cross the canal. The road supervisor figured it would be west of the canal, and not crossing the irrigation ditch. The condition was drafted to give them the option.

Given that the eastern half of the property was located in community growth, and the western half was in 5-acre density, Ken asked if it was pretty much 50/50. Joel affirmed. Ken observed some portion of Tract B would still be in each of those density areas.

Dave DeGrandpre spoke on behalf of the applicants. They had no real issues with the proposed conditions. Using the topographic map, he explained that driving on Carbine Road from the southeastern corner of the property to the west, you go up a hill. They were trying to locate the access to Tract B where the sight distance was better (safer) even though it requires crossing the canal. The further to the west that you put the approach, the blinder it is. Zon Lloyd detailed that where the gate is now, there's only about 200 feet of visual over that hill. The cars come quickly, and it's very dangerous. By crossing over the canal, the access would be straight across from where the Indians have a road on the opposite side. From that point, you can see in both directions. It's a very definite safety feature.

Dave asked about condition #10 and the second revision in 10.b. Is that a letter from FIP (Flathead Irrigation Project) that they might append or attach to the irrigation plan? Joel referred

to the form on which FIP signs off. That statement is on the form where they sign off. Zon noted nothing was being changed as far as the irrigation project was concerned. Joel explained it was a standard condition from the subdivision regulations.

Dave asked for more detail about fencing on the property that did not meet Montana legal fence standards. Joel explained that MCA 81 4 101 speaks to well-stretched wires and so forth. He noticed things like that. Maybe some of the approaches don't have pole gates. Joyce checked that the applicant would need to fix fence where needed to be in compliance with code. Dave said that was what the condition requires. Dave, Joyce and Joel noted this sounded like repairs to upgrade the fence, and maintenance.

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

Zon noted the roadway approach needed to be done before final approval. He didn't know what the rush was. He had no plans to build there for some time. Dave asked if it would be possible to make this an item for building notification for when someone goes to build a home on the lot. Joyce pointed out this couldn't go on final plat. Joel said they were talking about locating the approach on the parcel, and the question was whether they'd have to build the driveway across the canal prior to final approval, as recommended by the staff in the condition. Joyce asked how the applicant request could be accommodated and still get a final approval. Joel replied the staff main concern would be to assure that we know what kind of standards the canal crossing would need to meet, and assure that it's not some huge endeavor for the future lot owner to deal with. It probably could be incorporated into the building notification process somehow.

Dave explained the current process was to get an approach permit for a county road. They currently have a valid approach permit for this location. Also, to cross a canal, you have to have a special use permit from FIP, so two permits are required to do this [approach]. Dave suggested since a building notification permit would be required for construction on both of these tracts, he thought it was pretty well covered. It could be listed specifically as one of the items to cover in building notification. Fred asked about the 3-year timeframe for completion. Dave explained the requirement for building notification lasts longer than 3 years.

Joel noted that sometimes owners submit for building notification, thinking they'll be able to build the next week. The processing takes time, and then they might find they need a special use permit from the irrigation project, and figure out what the standards are going to be. They're usually not too happy that it turns out to take another couple of months before they get to build. Staff thought it seemed cleaner to provide the legal and physical access to the property prior to final platting. Fred agreed.

Ken knew in the past, items such as fencing or culverts had been put in as conditions to the building notification process, so it wasn't totally new ground, but it did have the potential for slowing construction down for future lot buyers. Joyce and John said they would like to accommodate what Zon was talking about, but also to make sure that it's not a problem later. John asked about wording. Joel replied he was having some trouble figuring out what the standards of the canal crossing would be, and he didn't see a way of writing that into the actual building notification process. Dave thought that was the jurisdiction of the FIP. He thought it

was handled by the County approach permit and the FIP special use permit. Joel explained he was speaking to more than just the standards for like the size of the culvert. He was speaking also to standards such as the fire truck being able to cross the canal, and the weight load of the culvert. Ken agreed that probably wasn't something covered in the FIP permit. Dave asked how it was different from how things stood today. Joel said this is the legal access to the building site, so you want to be able to have fire trucks and heavy equipment to cross the canal. Dave said currently there were not driveway standards or specification. Joel pointed out in recent subdivisions, fire departments have taken issue with canal crossings and culverts, where they want a certain design load. LaDana pointed to Charlo Estates.

Joyce thought the issue about the driveway was getting fuzzier rather than clearer. She referred to Joel's point that doing it before final plat was a cleaner way. She wasn't hearing a way to accommodate the developer in a clear way that would benefit everyone. *Joel said perhaps prior to final plat approval, they shall submit standards from the fire department and FIP, to be reviewed and approved by the Commissioners, and then file something with the subdivision that specifically requires the (FIP) special use permit and that the crossing be built to those particular standards.* John asked if that would be an additional condition of approval. Joel confirmed.

**Motion made by John Fleming, and seconded by Brad Trosper, to accept the staff's recommendation for approval with the added condition as stated by Joel on the access (above). Motion carried, all in favor.**

#### **DREAMSCAPE VISTA SUBSEQUENT MINOR SUBDIVISION**

(Note: This is a re-subdivision of Lot 5E as shown on the Amended Plat of Lot 5 of the C Brown Subdivision.)

LaDana Hintz presented the staff report. (See attachments to minutes in the June 09 meeting file for staff report.) She highlighted that if the Board decided to modify the road condition and require gravel instead of chip seal, they will need to modify a few of the conditions to accomplish that.

John had questions on access. With lots 5b, 5c, E1 and E2, how much of that road would 5b and 5c use before branching off? LaDana replied that 5c wasn't developed currently, and 5b has a driveway in the first 100 feet or so of the proposed road. John asked about the similar situation with lots 5d, E3, and E4. LaDana said 5d wasn't developed either. John checked that those two roads were the only access off of Allison for this project. LaDana confirmed. She added there was a driveway access that goes back to a shop where the easternmost road was proposed. John asked if those were the roads discussed for chip-seal. LaDana affirmed.

Joyce asked if LaDana saw something problematic with the subdivision other than chip-sealing of the roads. LaDana noted the covenants needed to be cleaned up a little bit. This was the 3<sup>rd</sup> version. They aren't proposing covenants at this time, and staff recommends they clean up the two previous versions.

Ken asked about the letter from the fire department, and the reasoning for the dry hydrant and cistern system. LaDana said no reasoning was given. She was reviewing another subdivision that received the same request from the fire department for a 3-lot division. Ken asked how close the nearest water supply was. John said he talked last night to Raymond Frey, the fire chief for the rural and city fire department, who wasn't excited about the \$100 per lot but felt strongly that we need to start having some water supplies at these projects. Raymond saw these projects as using the city system and not doing something for themselves. When fighting a fire at one of these places, they'd be relying on using the system in town for water. There's turnaround time and they usually lose those structures. Raymond felt strongly that having water on site was the way to solve this. Joyce asked if this issue came up a few months ago at length with another subdivision. Joel identified that as the Mega View subdivision. In that instance, staff recommended that they install the system to meet the fire chief's requirements, with the homeowners maintaining it. The agent, Marc Carstens, didn't want the homeowners to have to install, maintain and be liable for the system. There was an amount offered per lot, something like \$500 per lot. The Commissioners didn't think the cistern idea was very good. Joyce referred to public health, safety, welfare, etcetera and the proposal of the fire chief. If the water supply, time involved and mechanics of getting the water to fight the fire are problems, she thought this was something the Board needed to address. Joel said a 2000 gallon cistern was requested for this subdivision. John mentioned there are water users associations for a lot of these projects. Maybe it's time to be thinking about this, and try to find some way to make it work.

LaDana asked if the locations should be strategically placed, rather than installed in every subdivision that comes along. Maybe the funds could go to the fire department and they could determine where they need to go. If the developer needs to propose additional funds to pay for it, then maybe that's the approach to take. The condition was written in here so if the developer doesn't think they want to install that equipment and can come up with another method that the fire department can agree to maybe we can solve the problem. John thought the best of policies would be to have a cistern every, for instance, 2 miles. Whose property do we put it on? He didn't understand how the Board could be strategic about it and get the cisterns where they really need them. Joel suggested maybe a conversation could happen with Raymond, to suggest his comments could suggest where the ideal place for a cistern would be, and have them consider granting an easement. Then they could establish one big cistern. Ken thought theoretically the Board had begun this with the \$100 per lot fee, although this would be nowhere near enough per lot to accomplish that goal. The cisterns are expensive. They cost thousands.

Joyce thought the discussion had occurred several times that the Board doesn't have any control, nor does the developer, over what the fire departments choose to do with that money. The Board may have the best intentions, but it doesn't shore up her concern about the public health, welfare and safety issue. She thought this was an ideal time to propose something about this. The fire department has raised this as an issue twice now.

Ken pointed out the other factor to look at was that after installation, the fitting and the maintenance to make sure it's not leaking and that it's full has to be put onto the fire department and their expertise to keep these running. They're the ones who are going to need the water.

LaDana said the fire department wanted the developer and the future lot owners to maintain the system. Fred said that wouldn't happen. Ken wasn't a fan of that idea either. He thought good language was provided in condition #17 with the two options there.

Joyce asked if the amount per lot could be increased. LaDana said the developer could propose this to mitigate. John said he'd like to know where the money would go, and Joyce agreed. Ken commented sometimes the \$200 or \$100 could be better spent on something else for the fire department other than a water supply.

Jayne Cotter, of Cotter Land Consulting, spoke on behalf of the applicant. Regarding condition #9 and the chip-sealing of the road, she understood that it was 12 lots and considered a major subdivision. Not all the lots will be using those roads. Four lots will use one, and 3 lots will use the other. She didn't think for the amount of traffic that it would be necessary to pave and chip-seal those roads. If they are built to County standards otherwise, it shouldn't be a problem for fire trucks and other public health and safety vehicles.

Regarding the covenants and the irrigation plans, she agreed it was a little bit confusing. They do need to be updated to make it a more cohesive document so it makes more sense for everybody how the subdivisions fit together. They definitely agree with updating the covenants with that language.

As far as the fire, Jayme spoke with Ray Frey this morning. His concern was it was the city water that would be used for the fire fighting in that area. She asked about other acceptable methods or options. She thought some of the things the Board discussed tonight would be interesting to run by Ray and see what his ideas would be, as far as putting money aside or a cistern in a place that would be used for more than just this subdivision. She didn't know that a 2,000 gallon tank would necessarily be beneficial out in that area. She did think the developer would prefer to pay more money at this time rather than putting in a cistern. She would have to speak to her client about that option. She thought they could work together with the fire district to come up with a plan that would work out there.

*Public comment:* No public was present to speak.

Ken saw two issues for discussion: the fire department request for a water supply and the issue of chip-sealing the internal access roads.

Fred said he was not in favor of the tanks. He didn't think anyone would maintain them. He was in favor of chip-sealing the roads. Ken and Sigurd agreed with Fred on the tanks. John said he'd take that back to Raymond Frey. LaDana noted that with Mega View they proposed the \$100 per lot discretionary funds for the fire department, and then proposed an addition \$300 per lot gift to the fire department for the capital improvements fund to be used for the development of fire department water sources within the district, so the total came out to \$400 per lot in the end. That was their form of mitigation.

Joyce said given the language drafted in #17, there were two very specific options, and option b was very open. They have to do one or the other. She was comfortable with that.

Regarding the chip-seal, LaDana reviewed that last month's discussion dealt with 8 lots and 2 internal roads, accessing 2 lots and 3 lots. Joyce's general feeling was this was becoming a high development area, and she was in favor of what would keep the dust down.

John asked LaDana where the RID information was in the staff report. With the previous subdivisions involving this property, in order to mitigate for the additional traffic, the Commissioners recommended an RID for both Watson Road and Allison Road. Staff recommends that condition be carried over to this subdivision. John read from last month's staff report motion for the Green Estates Subdivision Amendment proposal to accept a recommendation that the private internal roads for that subdivision remain chip-sealed, with a strong recommendation that the Commissioners and the developer look at the Board discussion and at improving the dust situation on Watson Road. Now this would obviously include Allison Road.

Ken commented on the chip-seal that these were roads that go through other properties. He thought they should mitigate against dust. He was leaning strongly towards the chip-sealing due to the effects on neighboring land owners.

John asks if the RID was covered in condition #9. LaDana replied it was #31, a perpetual condition. Joyce asked if condition #9 talked about the same thing. LaDana explained these were the standards to which the two private roads had to be developed.

**Motion made by John Fleming, and seconded by Fred Mueller, to accept the staff recommendation for approval, as written. Motion carried, all in favor.**

**KOBIDA MINOR SUBDIVISION - POSTPONED**

Joel announced that the Kobida minor subdivision has been postponed until next month.

**OTHER BUSINESS**

Recognition was given to Ken Miller's last meeting. He was glad this meeting was easier than his first meeting, which was the first Kootenai Lodge meeting.

A new vice-chair will need to be selected next month.

**Motion made by Fred Mueller, and seconded by Sigurd Jensen, to adjourn. Motion carried, all in favor. Meeting adjourned at 8:00 pm.**