

**LAKE COUNTY PLANNING BOARD**  
**July 10, 2013**  
**Lake County Courthouse, Large Conference Room (Rm 317)**  
**Meeting Minutes**

**MEMBERS PRESENT:** Bob Kormann, Sigurd Jensen, Steve Rosso, John Fleming, Janet Camel, Jerry d'Aquin, Rick Cothorn, Bob Stone

**STAFF PRESENT:** LaDana Hintz, Robert Costa, Lita Fonda

Bob Kormann called the meeting to order at 7:03pm. He welcomed new member Bob Stone.

**Motion by Steve Rosso, and seconded by Rick Cothorn, to approve the May 8, 2013 meeting minutes. Motion carried, 4 in favor (Bob Kormann, Sigurd Jensen, Steve Rosso, Rick Cothorn) and 4 abstentions (Fleming, Janet Camel, Jerry d'Aquin, Bob Stone).**

For the April 10, 2013 minutes, in the last line of the 1<sup>st</sup> paragraph on pg. 17, 'values' was corrected to 'value' by Robert.

**Motion by Steve Rosso, and seconded by Rick Cothorn, to approve the April 10, 2013 meeting minutes as corrected. Motion carried, 6 in favor (Bob Kormann, Sigurd Jensen, Steve Rosso, John Fleming, Janet Camel, Rick Cothorn) and 2 abstentions (Jerry d'Aquin, Bob Stone).**

**Motion by Steve Rosso, and seconded by John Fleming, to approve the Continued Fire Department Discussion, Dec 12, 2013 meeting minutes. Motion carried, 5 in favor (Bob Kormann, Sigurd Jensen, Steve Rosso, John Fleming, Rick Cothorn) and 3 abstentions (Janet Camel, Jerry d'Aquin, Bob Stone).**

**DUMONT SECOND OR SUBSEQUENT MINOR SUBDIVISION**

LaDana Hintz presented the staff report. (See attachments to minutes in the July 2013 meeting file for staff report.)

John pointed to the lack of public comment and asked who was notified. LaDana confirmed the adjacent landowners were notified. John asked about the 100-foot setback from the arterial. LaDana referred to the site plan and dashed building lines for existing buildings. A 100-foot setback would take out a significant portion. John observed it was a lot different at the north point because it was an angle. On pg. 5, he asked about the last sentence in the unidentified paragraph after the one labeled d, where staff recommended a minimum setback from property lines for new development. LaDana replied that they would have to meet a 5-foot setback from the property line. They wouldn't enforce a 100-foot setback. They couldn't do that with those lots. John checked with LaDana that this would be in the perpetual conditions.

Steve returned to the site plat and the dashed lines, which were the drip edge. He asked how big the eaves were. He referred to mention in the report about maintaining some distance between buildings for building maintenance. LaDana noted the distances between structures were shown.

Steve was interested in the distance between the walls rather than the eaves. LaDana thought there should be a condition for an easement so they could get in there and do maintenance. Steve determined with Shawn Dumont that the roofs didn't come together, it was currently reasonable to do maintenance on the buildings, and these were both residential buildings. John asked if there could be an easement between the buildings for maintenance. LaDana pointed to condition #5.

On perpetual condition #20, Jerry thought that waiving the right to protest just because of the granting of this exception was ludicrous. They'd been able to protest any improvement the town would want to put forward. Because they wanted to separate the two lots, this asked them to waive that right to protest a rural improvement district. They would probably be the only people in Charlo who would be unable to protest if they wanted. He didn't see why that was put in as a permanent condition. LaDana mentioned that it was a standard condition to include.

On #21 for upgrading an existing approach, Jerry asked what was defined as an upgrade. LaDana thought that was if they actually wanted to develop some approach there. The biggest thing was for the road supervisor to comment. The road supervisor had stated they had to have some on-site parking, which they didn't have currently, so they had no approach. She thought this tried to address the road supervisor's concerns. Realistically this wouldn't happen unless they redeveloped the lot and built something else there. Jerry thought that was covered elsewhere.

Janet touched on perpetual condition #14 for a building notification permit required prior to further development of either lot. On the Cultural Clearance that was issued by the Tribes, the Tribes would like the developer to contact the Historic Preservation Office prior to any excavation. Condition #23 didn't talk about prior contact. LaDana explained she didn't get the information until after this report was written. This could be amended. Janet asked for that comment from the Tribes to be quoted. It could be put in as #23 or it could be put just ahead of the building notification permit portion as a new condition, so the developer would know to contact the Tribes prior to excavation.

On the \$150 per lot to the Fire Dept., Steve commented they generally looked at subdivisions that hadn't been developed yet, so there would be an increase in service required as new houses were built. Some funds also covered the cost of the evaluation of the subdivision by the fire department. Maybe that's what this was. The property being subdivided was already developed and already having to be served by the fire department. No new load was created on the fire department by creating these lots. LaDana said it was historically required for even the developed lots to pay this.

Jack Duffey spoke on behalf of the developer. He asked about ideas on #5 and some type of easement. LaDana said she wrote it so [the applicant] could come up with thoughts. The regulations didn't say what the distance had to be. She left that open for their discretion, unless the Board had a preference. A number could be thrown in there. She thought maybe a couple feet, up to 5 feet. Shawn Dumont thought if you just drew a line, there were probably 2 and a half or 3 feet. The eaves were about 2 feet. Steve saw that if someone mounted an air conditioner on that side of the building, it might block access for the other neighbor from

painting their house, since the two buildings were so close. Either homeowner should be able to get to their side of the building for painting or repair or whatever. LaDana said they could put a number in there. She thought the applicants might want to choose that.

Jack D asked if #20 would stay in. LaDana replied that staff recommended that it stay. It was up to the Board what they wanted. If it went away, she would point out in the Commissioner Report that the Planning Board took it out but historically the County required it. Jack thought it left no individuality to the subdivisions if the criteria were the same, and this was quite a bit different from traditional bare ground subdivisions in rural areas. LaDana said it was still a County road. Jack agreed with Jerry's comments. Jerry asked if there had been subdivision requests in Charlo in the past, and if this requirement appeared on those. LaDana didn't know since she hadn't reviewed a subdivision in the town of Charlo previously. Robert thought it would be included as a condition. It was tied to the regulations. LaDana added that historically this had been required of every subdivision, regardless of location. Jerry viewed this as a micro mini subdivision.

*Public comment closed.*

Bob pointed to the variances on pg. 17, on which they would need to vote first.

Steve returned to condition #20. Right now there was an 80-foot right of way on Main Street. It came right up to the drip edge of the home. He confirmed with Shawn that Main Street was paved in this section. Shawn added it used to be the main highway. Steve asked about the distance from the pavement to the house. Shawn thought there was about 10 feet from where they parked. LaDana passed Steve an aerial photo so he could see. Tammy Dumont further described where they parked. John said a lot of places in Charlo were pretty narrow. That was the widest road in town. To speed the process, Bob thought it was kind of bureaucracy. He understood they put these in on subdivisions, but also could see where they could get hung up on this for 45 minutes. The Commissioners would ultimately make the decision, and would hear about it either way. He suggested striking it. This was boiler plate stuff that was put in on every one of these, and this was an exception to that rule. If they wanted to continue to talk about it, he was fine with that too. Jerry agreed with Bob's suggestion. John thought Shawn could support it.

Steve said he was on the fence. He understood the reason this was put in. If they let a developer create a subdivision without meeting the regulations, then later when they decide to bring things up to standard, [the developer] shouldn't be allowed to say they wouldn't support it. That was the idea. They were allowed to do the subdivision without having to meet the subdivision requirements. In return, they needed to say that later on, if someone said it was important for the health and safety of the community to improve this road, they had to accept it. Jack asked how he wasn't meeting the requirements. Steve replied the subdivision requirements required that the access road meet standards. He checked with LaDana about the road. She noted the road supervisor didn't comment on the standards of the road. Bob asked if this ran with the land, and LaDana confirmed. He checked if this was for perpetuity. LaDana described this was for 20 years. Steve suggested changing #20 to say if Main Street met subdivision standards, they would be allowed to protest. LaDana inquired if he wanted them to get comments from the road supervisor now. Steve didn't think that was necessarily so. He wanted them to be allowed to

protest if the road currently met standards. He didn't know that they needed to decide if it met standards right now. If someone wanted to improve that road, [the County] had to first say that the road didn't meet standards, and since it didn't meet standards when the subdivision was granted, [the owner] couldn't protest. If it met standards now, then they would be able to protest. John thought that was reasonable. LaDana said they could include a condition to seek additional comment from the road supervisor. Based on that, they would have a perpetual condition or it would go away. Then they met the requirements of the subdivision regulations.

Janet said it wasn't just the road supervisor. It was also stormwater drainage. LaDana said there was no stormwater [inaudible] in Charlo. They didn't have infrastructure. Janet understood. She was saying in the future if there was a problem with stormwater drainage, then these people could still protest stormwater improvements. She thought the condition should be left in. It was a standard practice and clause that went into every subdivision. Most likely, nothing would happen. She'd seen no Charlo street improvements in 24 years. She agreed with Steve that there was give and take. When you were getting 3 variances to get a lot subdivided, you were getting a lot of variances already being made to approve the subdivision. Jerry knew there were standards to abide by, but to call this a subdivision and treat it in the same way as a larger subdivision was an aberration to him. Janet asked if he wanted to make a motion to strike #20 or to revise it based on Steve's comments. Was there language someone wanted to propose? Jerry proposed to strike it and let the Commissioners decide whether to put it in. He thought they were treating this like Mission Bay, and he thought it should be treated as an exception. LaDana said unfortunately there weren't exceptions. They either had to put the condition in or take it out. Jerry wanted to take it out. Sigurd thought they were here to look for exceptions.

Janet suggested they add the condition about the Historic Preservation Office and then take [#20] out. LaDana asked if she wanted to modify condition #23 and put that in. Janet checked that it was a perpetual condition, which LaDana confirmed. LaDana said this had been in this condition before. She offered to add wording. Janet agreed. LaDana noted she could copy wording used for previous approvals. Janet highlighted the wording would be about contacting the Historical Preservation Office prior to any excavation. She checked if the group was ready for a motion, with those two changes. Bob thought they should vote on the variances first, and then vote on the entire subdivision with the changes that people wanted.

The group turned to the variances on pg. 17. The first variance would allow for no setback to be imposed. Steve checked on the 5-foot setback for future buildings.

**Motion made by Janet Camel, and seconded by Jerry d'Aquin, to approve of variance #1 regarding setback from the arterial roadway. Motion carried, all in favor.**

Variance #2 involved the parking spaces. LaDana summarized that future development would require 2 on-site parking spaces. Right now, they wouldn't have to provide those.

**Motion made by Janet Camel, and seconded by Steve Rosso, to approve of variance #2 considering the parking spaces. Motion carried, all in favor.**

Steve noted that variance #3 was just for the existing development. LaDana observed that a condition was included to require future development to meet the 5-foot setback. That was a way to mitigate.

**Motion made by Steve Rosso, and seconded by Rick Cothorn, to approve of variance #3 concerning 5-foot setback. Motion carried, all in favor.**

The group moved on to the entire subdivision.

**Motion made by Janet Camel, and seconded by John Fleming, to amend perpetual condition #23 to add the historic preservation language about contacting Tribal Historic Preservation prior to any excavation. Motion carried, all in favor.**

**Motion made by Jerry d'Aquin, and seconded by Sigurd Jensen, to delete #20 from the perpetual conditions. Motion carried, 6 in favor (Bob Kormann, Sigurd Jensen, John Fleming, Jerry d'Aquin, Rick Cothorn, Bob Stone) and 2 opposed (Janet Camel, Steve Rosso).**

Janet checked if they needed to revise #5 on the conditions for preliminary approval, that reasonable easement will be defined by the developer. LaDana suggested they just add this would be defined by the developer. That did make it clearer. Jack said he was fine with that.

**Motion made by Jerry d'Aquin and seconded by Rick Cothorn, to amend condition #5 for preliminary approval to modify it to include the language that the reasonable easement will be defined by the developer. Motion carried, all in favor.**

**Motion made by Janet Camel, and seconded by Sigurd Jensen, to recommend approval of the subdivision with the changes noted. Motion carried, all in favor.**

#### **OTHER BUSINESS (7:52)**

Bob checked on the status of various staff and projects, including new Road Supervisor Jay Garrick, a large City of Polson annexation, Karl Smithback's vacancy, and regulation updates.

**Motion made by Rick Cothorn, and seconded by Janet Camel, to adjourn. Motion carried, all in favor.** Meeting adjourned at approximately 8:00 pm.