

Lake County Planning

From: Kenneth Von Eschen (Biologicals, US) [KENNETH.B.VON-ESCHEN@GSKBIO.COM]

Sent: Tuesday, May 24, 2011 2:37 PM

To: Lake County Planning

Cc: Ken Von Eschen

Subject: comment on Maddy proposed amendments

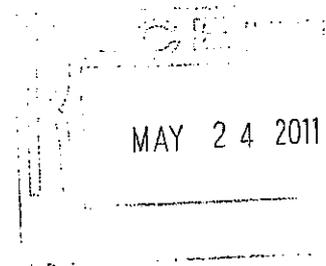
Dear Lake County Planning Department,

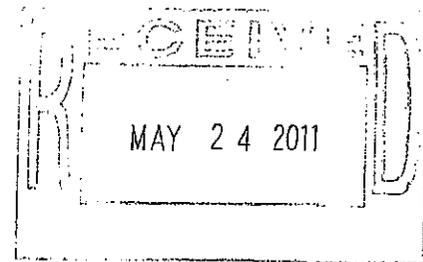
We own Lot# 4 of the Mary Ronan Cove subdivision at Lake Mary Ronan.

We have attached a letter which includes our comments Mike and Marlo Maddy's proposed amendments to the Lake Mary Ronan Zoning District Regulations.

Thank you for considering these comments.

Ken and Julie Von Eschen
Cell phone: 406-370-3187





May 24, 2011

Lake County Planning Department
106 Fourth Avenue East
Polson, Montana 59860

Re: Mike and Marlo Maddy proposed amendments to Lake Mary Ronan Zoning District regulations.

Dear Sirs;

We own Lot #4 of the Mary Ronan Cove subdivision on Lake Mary Ronan. Both my wife and I were born in Montana and have lived here our entire lives. We also have 3 adult daughters and 4 grandchildren who live in the state of Montana. We deeply love our state and feel privileged to live here.

We have read Mike and Marlo Maddy's proposed amendments to the regulations for the Lake Mary Ronan Zoning District and understand that these amendments request:

1. Consolidation of the existing East and West Sub-District regulations in terms of adopting the allowable density regulations for the East District to be applicable to the West District.
2. Allow structures to be located on slopes which are 25 degrees or greater if certain conditions are met, and
3. Annexation of an additional 80 acres into the zoning district.

In their request, the Maddys, and their agent Dave DeGrandpre, provide several statements to support their proposed amendments, such as:

“ to avoid ridge top development and the visual impacts.”

“the Maddys feel the visual and rural character of the area will be better preserved if structures can be built into slopes.”

“Combining the two-sub districts into one would meet the needs of simplicity, fairness, and consistency.....”

“Allowing for a greater density will enable more people to take advantage of-and have a greater stake in-Lake Mary Ronan through lot ownership.”

“The text amendments are requested in order to perpetuate the existing character of the district.”

In our humble opinion, these are all nice words and elegantly stated, but in fact, are simply not the real reason the Maddys are making this request.

If the proposed amendments are approved, the potential number of lots available will effectively be increased by 2.5 times for lake front lots and 2 times for off-lake lots, plus the additional number of lots available on slopes 25 degrees or greater.

We believe the **primary reason** the Maddys are requesting these amendments are so that they can plan and develop many more lots in the West Sub-district and thereby, sell many more lots, and thereby, **make more money**.

The single, straightforward and honest reason for this request is purely financial.

We **strongly oppose** granting these amendments for the following reasons:

1. The Lake Mary Ronan Zoning District was created intentionally to have two sub-districts as stated in Resolution #97-23:

“Due to the variations in existing land use patterns, the area is divided into Sub-Divisions to allow for variable densities and uses.”

These two sub-districts were created **to maintain and protect** the rural character and **to protect and enhance** the natural environment and water quality (paraphrased from the Purpose statement of Resolution #97-23).

We believe the zoning regulations are good and were made based on a thorough evaluation of what is best for the Lake Mary Ronan district, both now and for the future. We also believe that nothing has changed to make these regulations now invalid or obsolete.

2. As stated in Section V. A. of the current zoning regulations,

“structures shall not be located on slopes which are 25 degrees or greater.”

This regulation is currently in effect for both the East and West sub-districts. If the Maddy’s proposed amendment is approved, this regulation will be eliminated for both sub-districts.

The sensitive nature of Lake Mary Ronan to contamination and potential additional eutrophication by such things as erosion run off, dust, and/or introduction of potassium/nitrogen sources is well known and documented. We assume the decision to exclude structures on slopes of 25 degrees or greater was made purposefully to protect the lake from such environmental/man-made insults. We also believe that nothing has changed to make this regulation void or obsolete.

We strongly disagree with the Maddy's proposal to allow structures to be built on 25 degree or greater slopes simply to eliminate what they state as unsightly "ridge top" development. This seems to be very poor logic on their part to jeopardize the water quality of the entire lake simply to eliminate ridge top structures. And as an aside, we don't see any unsightly "ridge top" structures on the East sub-district where this regulation has been in effect for several years. It is obviously possible, with good planning, to adhere to this regulation and not cause any unsightly structures!

In summary:

1. We **strongly oppose** granting the Maddy's proposed amendments,
2. We believe the existing zoning regulations for the Lake Mary Ronan District are well written, are consistent with the tenets of the Lake County Growth Policy, and nothing has changed to nullify or necessitate amending these regulations,
3. We believe the Maddy's primary reason for requesting these amendments is simply to make more money. We do not believe that the Maddy's have any genuine interest or concern in maintaining the current environment of this district, and

[Side Comment: A possible solution for this situation is to simply have the Maddys conform to the existing zoning regulations, develop as many lots as permissible under these regulations, and then price these allowable lots at a level that generates the profit dollars that the Maddys need/expect. This seems like a "win" for the lake, and also a "win" for the Maddys.]

4. This is an excellent opportunity for the Planning Department, the County Commissioners, and the community to stand up and say "No" to this request and thereby genuinely preserve and protect the unique and special environment of Lake Mary Ronan.

One final comment: Prior to even considering the proposed amendments, it seems necessary to us that the Maddys should provide at least a draft sub-division plan if the amendments are approved. Does anyone have any idea of the number of lots that would be developed in this situation? Is it 50, 100, 500 or 1,000 lots? What are the Maddys thinking?

Thank you for considering our comments.

Sincerely,

Ken and Julie Von Eschen

MAY 26 2011

May 24, 2011

Lake County Planning Department
106 Fourth Avenue East
Polson, Montana 59860

Re: Mike and Marlo Maddy proposed amendments to Lake Mary Ronan Zoning District regulations.

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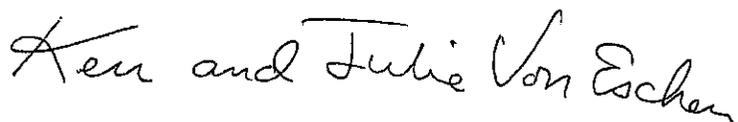
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Ken and Julie Von Eschen



Lake County Planning

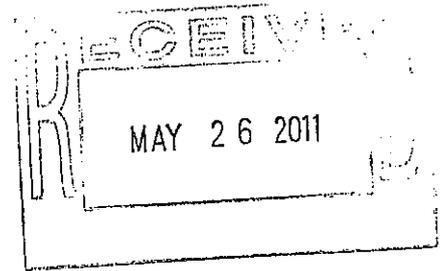
From: Jim Grant [jimanngrant@hotmail.com]
Sent: Thursday, May 26, 2011 12:04 PM
To: Lake County Planning; Joel Nelson
Subject: Lake Mary Ronan Zoning Regulations

Attached are our comments on the proposed amendments to the Lake Mary Ronan Zoning Regulations.

Jim and Ann

Jim & Ann Grant
jimanngrant@hotmail.com
(406) 251-2050 Home
(406) 370-3954 Jim's Cell
(406) 370-1283 Ann's Cell

May 26, 2011



Lake County Planning Department
106 4th Ave. East
Polson, MT 59860

Re: Mike and Marlo Maddy's Proposed Amendments to the Lake Mary Ronan Zoning District Regulations

Dear Members of the Planning Board:

We have enjoyed the Lake Mary Ronan area for over 30 years and have a home within the Zone. We are not against development, but are against anything that would ruin the lake for future generations to enjoy. The changes to the Zone proposed by the Maddy's would only benefit them, and ruin it for everyone else.

In 2006 the Environmental Protection Agency (EPA) changed the lake's water quality attainment status for a Cold Water Fishery and Aquatic Life from Threatened to **Not Supporting**. This meant that any excess nutrient loading in the lake would kill the Fishery and other Aquatic Life. The EPA has stated that, "We are surprised that the County allows any further development on the lake until the water quality is improved." We are working with the Northwest Montana Volunteer Lake Monitoring Program as volunteers to monitor the water quality of the lake. Also, we are active in reviving the Friends of Lake Mary Ronan to assist in preserving the lake for future generations to enjoy.

In the Maddy's proposal they state that two of their primary purposes are to maintain the rural character of the area and to avoid visual impacts from ridge top development. Ten of the 18 Zone Change Criteria addressed in the proposal contain false and misleading statements relating to these primary purposes. Rather than list each criteria separately, below is a summary:

- Road Building (a and b) - There will be more roads across virgin hillsides if homes are allowed on steep slopes. At the present, a lot of the road on the West side is on benches above the steep areas.
- Scenic View (a, d, f and q) – Visual impact will be increased by allowing homes to be built on steep slopes. The land owned by the Maddy's does not contain any ridge tops that don't have a timbered slope in the background. Skyline ridge tops are over a mile off the lake and owned by Plum Creek.
- Water Quality (d, e, j, and q) – Building roads on steep slopes, and increasing the density of homes will definitely impact the quality of the lake's water and create a sterile lake that no one will be able to enjoy.
- Rural Quality (d, j, l, o, and q) – Roads and homes on steep slopes, increased density of homes and increased removal of vegetation will eliminate the rural quality, which makes Lake Mary Ronan a very special place for many to enjoy.

The Proposed Amendments also request to annex 80 acres that is approximately ½ mile from the lake shore. The last time the Maddy's proposed a subdivision on Lake Mary Ronan, they averaged in land off the lake. Is their intent this time to increase the density of lots on the lake even more than you would first believe?

There are many examples of counties throughout the country that have allowed a high density of homes around lakes that resulted in changing the character from a rural nature and ruining the fishery. These counties are dealing with major problems that are not easily solved and the lessons learned need not to be relearned. Thus, we ask you not to adopt any of the changes proposed by the Maddy's, so Lake Mary Ronan can remain a very special place that many can enjoy for generations.

Sincerely,

Jim and Ann Grant

Lake County Planning

From: Jim Grant [jimanngrant@hotmail.com]
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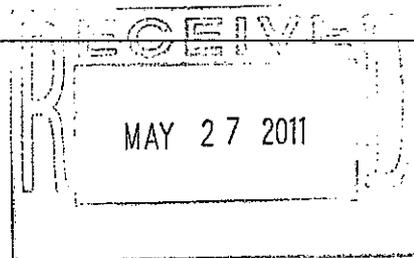
Jim & Ann Grant
jimanngrant@hotmail.com
(406) 251-2050 Home
(406) 370-3954 Jim's Cell
(406) 370-1283 Ann's Cell

Lake County Planning

From: Gary Westermann [gary@marlinwindows.com]
Sent: Friday, May 27, 2011 8:57 AM
To: Lake County Planning
Subject: Lake Mary Ronan proposed amendments to zoning district
Response letter opposing changes to zoning

5/27/11

Lake County Planning Dept.
106 Fourth Ave East
Polson, Mt. 59860



Gentlemen,

This letter is in response to the proposed changes for the Lake Mary Ronan zoning district regulations by Mike and Marlo Maddy.

We have read the proposed amendments and the supporting statements by their agent Dave DeGrandpre and do not agree with their observations, assumptions and general pro development baloney talk. The only interest served with these proposed changes is Mike and Marlo Maddy. There is no doubt these changes will adversely affect the lake as it is documented as a dying water body. There is no public good or interest that is generated by their proposals - only negative impact for the environment and those that live on the lake and the public that use it.

Nothing has changed since the two sub-districts were created other than the water quality has turned for the worse. The original common sense reasoning for the two sub-districts as stated in Resolution 97-23 is still valid if not more so today. To allow the density to more than double under the current west zoning is not maintaining, protecting and enhancing the natural environment and water quality. It just more than doubles Maddy's take.

The amendment to allow structures on 25 degrees is just pure greed and should not be allowed on east or west. Their statement about avoiding ridge top development is almost laughable if not ridiculous. A look at the east side confirms this.

Annexing the 80 acres into the combined zoning from 20 acre parcels as is current density to five acres is increasing the density 4 times and there again Maddy's pocketbook. No benefit to anyone but Maddy, but bad for the lake, and general surrounding environment.

These proposed amendments are bad for the lake and quality of the surrounding environment. **WE ARE STRONGLY OPPOSED**. They benefit no one but Maddy.

We would ask the planning board to say No, and protect fragile Lake Mary Ronan from dying.

Sincerely,

Gary and Kathryn Westermann
Lot 5 Lake Mary Ronan Cove

5/27/2011

Lake County Planning

From: Sharon Palmer [sharonpalmerosa@yahoo.com]

Sent: Tuesday, May 31, 2011 5:50 PM

To: Lake County Planning

Subject: Maddy proposed amendments

Attached are our comments regarding Mike and Marlo Maddy's proposed amendments to the regulations for the Lake Mary Ronan Zoning District.

Ron and Sharon Palmer
(406) 849-5095

May 31, 2011

Lake County Planning Department
106 4th Avenue East
Polson, MT 59860

Re: Opposition to Mike and Marlo Maddy proposed amendments to the
Regulations for the Lake Mary Ronan Zoning District

Lake Mary Ronan is our home. We reside here year around and do so because of the life style its rural surroundings offer. Anything that affects the area directly affects us.

It has been said that further development of the lake is inevitable even though it goes against all reports concerning the fragility of the lake and the negative impact that further development would have on it. It may be inevitable, but we hope that when it does happen that the land will be developed by someone who will feel some responsibility for the environment and the people who seek to protect it.

We do not believe that Mike Maddy has any genuine environmental concerns. He has proven, in the past, that his only concern is the money that development will put in his pocket. This was evident in 2004 when he tried to push his development plan through the process. His proposal, this time, is even more thoughtless and self serving. He is seeking an even higher density development and proposes to change the zoning regulations in order to do it.

The Lake County Density Map and Regulations were written and adopted after a very comprehensive public planning process in compliance with Montana law. It is your obligation to the community to base your judgement of this proposal on the facts of the law. If you do, your only choice is disapproval.

We are sure that you have read the Maddy proposal very carefully. In doing so, you must recognize that the only legitimate argument for changing the zoning regulations in this area of proposed development is "**consistency**". The rest is just words. If consistency was an issue in the formation of the zoning regulations, it would have been addressed at the time when they were written and adopted. Are you willing to ruin Lake Mary Ronan for the sake of "**consistency**"?

It is a big responsibility that has been placed in your hands. We hope that you will take this opportunity to do the right thing and send Mr. Maddy back to the

Lake County Planning

From: Sharon Palmer [sharonpalmerosa@yahoo.com]

Sent: Tuesday, May 31, 2011 5:55 PM

To: Lake County Planning

Subject: Maddy Proposed Amendments

I am afraid that the second page of our comments on Mike and Marlo Maddys proposed amendments to the regulations for the Lake Mary Ronan Zoning District did not get attached. I will try again. Sorry for the inconvenience.

Sharon Palmer

drawing board for a plan that is consistent with the current zoning regulations and the purpose for which they were adopted.

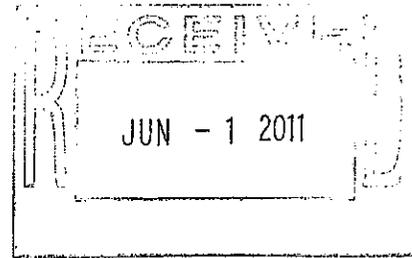
The regulations, as they exist, were found to be the appropriate density designation to adequately protect important wildlife, water quality and natural resources. To change them for the financial gain of the developer would be a crime.

Sincerely,

Ron and Sharon Palmer

52282 Lake Mary Ronan Road
Proctor, MT 59929
(406) 849-5095
sharonpalmerosa@yahoo.com

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