



LAKE COUNTY PLANNING DEPARTMENT

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January 20, 2006

Nick Fucci
Billmayer Engineering
2191 Third Avenue East
PO Box 1139
Kalispell, MT 59901-1139

Re: Proposed request for the amendment of the preliminary approval statement for the Kootenai Lodge Condominiums Major Subdivision

Dear Mr. Fucci:

This letter is a response to your request submitted for the preliminarily approved subdivision of the above-mentioned property. I have reviewed your request for the amendment of the total number of condominium units and conditions number 9 & 13 of the preliminary approval dated May 10, 2005.

Design:

The amendment request indicates your desire to modify the total number of condominium units approved. The 57 units that included single-family residential structures and multifamily residential structures plus a clubhouse and the original barn would now be reduced to 42 single family residential structures, plus the original lodge utilized as the clubhouse and the original barn.

The new design appears to be adequate as long as all the required and proposed setbacks are maintained or increased along the private properties to the north and south, the Sunburst Drive right of way, the Swan River, Swan Lake and Johnson Creek.

With no legend on the plat map it is hard to determine which line represents the high-water mark of the river and Lake, but it appears Unit 41 is encroaching on the Swan River buffer. Unit 33 is proposed to be expanded along the southern property boundary, whereas in the previous proposal, the expansion of that structure was northwestern. The structure is within 20 feet of the boundary and I feel that all new construction should maintain a 20-foot setback, minimum.

The new plat map does not include the lake access between Units 37 & 38. Is that being removed from the proposal?

Please include the following on the proposed preliminary plat:

1. The 100-year floodplain boundary along the Swan River, Swan Lake and Johnson Creek

shall be shown on the final plat.

2. The building setback along Swan River, Swan Lake and Johnson Creek. The setback along Johnson Creek shall include the 100-year floodplain width or 80 feet on either side of the stream, whichever is greater. The setback along the River and Lake shall be 80-feet.
3. A 50-foot building setback along Sunburst Drive from Johnson Creek to the southern edge of the property.
4. The location of the berm and landscaping that is required as a condition of approval along the entire northern property boundary of the subdivision.
5. Driveway access and the off street parking area for each structure.
6. All information that was contained on the plat that received preliminary approval. (existing trees, proposed and existing docks, etc)

Roads/Access:

Condition # 9 states: "The roadways within the subdivision, as shown on the preliminary plat, shall be developed to Lake County standards including a minimum width of 26-feet drivable surface and a minimum of a chip-sealed surface. (LCSR)"

The amended design has also revised the design of Johnson Creek Trail, Trout Trail and Copper Lane, and a portion of the southern section of River Run Loop. You have proposed to make Johnson Creek Trail, Trout Trail and Copper Lane one-way travel only. River Run Loop will now contain a parking area with 20 spaces at the Lodge, and the portion of the roadway south of the parking area will be one way to the exit. The one-way streets are designed to have a 14ft pavement width with 2ft drive over curb and gutter on both sides, for an effective one-way drivable surface of 18ft. In addition to the use of one-way roads; islands and vegetated medians have been incorporated into the design.

All subdivisions approved by the governing body of Lake County must comply with local regulations and must be reviewed on the basis of the review criteria specified in 76-3-608, MCA. Section VII-B of the Lake County Subdivision Regulations states, "Condominium developments must comply with those standards contained in Section IV, Design and Improvement Standards, which the governing body deems applicable. The Lake County Subdivision Regulations, Section IV-A-8 does not provide standards for one-directional roads; therefore a variance would have to be requested pursuant to Section VIII-B. Among other things, this section states that the governing body shall not approve a variance unless it makes findings that because of a particular physical or topographical condition of the property, an undue hardship to the owner would result if the strict letter of the regulations is enforced.

Section VII-A-2 states "where no division of land is created by a condominium subdivision, the subdivision must be reviewed under the procedures contained in Chapter V, Procedures for Subdivisions Created by Rent or Lease." Chapter V, Section D-2 does allow for one-way roads within a recreational vehicle park but I do not see any connection in utilizing that with your request.

It must be recognized that the new road design will decreased impervious surface area and reduce the number of trees that will have to be removed which will lessen the potential for impacts to the natural environment, however at this stage of the review of your subdivision the only proposal that would allow a reduction in roadway design standards would be a Planned Unit Development (PUD). Seeking this type of designation would allow modification of the standards if all streets provide safe access and circulation within the subdivision. It would also reinstate the subdivision review process, as a PUD designation must be granted prior to submittal of the preliminary plat.

Parking:

The parking area for the Lodge will provide 20 spaces for the owners of the units and guests. (I am assuming there will be no public/commercial use of this structure. If my assumption is incorrect, please contact me to allow additional comment.) The design includes 90 degree parking on either side of the street with a minimum 22-foot aisle width. A typical parking standard is to not create a situation where vehicles are required to back onto a public street. Since the use will be private the unit owners and guests would be most affected, but I felt it was prudent to mention this standard. The 22-foot turning radius provided at the end of the island in the northern portion appears adequate for traffic circulation and emergency vehicle accommodation. A larger area will need to be created in the southern portion to provide adequate area to prevent people backing out of the parking spaces onto the one-way road that goes south. If one-way roads are not included in the amended proposal, the aisle width should be a minimum of 26 feet throughout the parking area.

Sewage Disposal:

13. *The owner shall obtain an amendment of "The Ridge" covenants allowing 1) The off-site sewer facility 2) A lot for a future fire station for the Ferndale Volunteer Fire Department 3) A helispot for the Bigfork Fire and Ambulance Service 4) A lot for the Sheriff's search and rescue division (if applicable). A copy of the amended covenants shall be provided to the Lake County Planning Department. In the event that the covenants cannot be amended the developer shall resubmit a revised plan indicating an alternative wastewater disposal site for the subdivision. Upon resubmitting an alternative site the subdivision shall go through the planning process including a public hearing with the Planning Board or as otherwise required by State law and the Lake County Subdivision Regulations. (commissioners report Section II.C)*

The new plan submitted to Lake County Environmental Health Department for significance determination shows that you would like to develop the sewer treatment facilities on property the corner of Broken Leg and Halverson Road, which is legally described as the S $\frac{1}{2}$ S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 1, Township 26N., Range 19W.

The following questions regarding the sewer proposal will also need to be addressed in the formal application:

1. Indicate the route the sewer line would take to the property in relation to the edge of pavement and road right-of-way.
2. Which side(s) of Sunburst Drive and Kelley Drive will the line be located and the length of each if the sides vary.

3. Which side(s) of Sunburst Drive and Kelley Drive the line will be located and the length of each if the sides vary.
4. A letter addressing the impacts of the sewer line including any stormwater drainage or private approach issues and/or requirements from the Lake County Road Supervisor.
5. Submit comment from the MDOT regarding design criteria requirements to cross the highway and the proposed use of their right-of-way.
6. Indicate size and location of all proposed sewer and water lines within the subdivision and in relation to the right-of-way for the public roads and the edge of pavement.
7. You will also have to address the States' non-degradation requirement for surface waters.
8. Provide the necessary information to address any concern relating to whether the sewer treatment system proposed will impact neighboring wells.

Environmental Assessment:

Section 76-3-603 MCA requires an environmental assessment to accompany the preliminary plat for a major subdivision. You will have to submit an amendment to the original environmental assessment submitted in the Montana Department of Environmental Quality Joint Application Form. Specifically, Part II .C. will have to be revised with information pertinent to the new sewer proposal, and Part III. E if any of the access roads will change.

All the information listed within this letter must be submitted to Lake County Planning Department a minimum of 28 days prior to the Planning Board meeting. Typically, the Lake County Planning Board meets on the second Wednesday of each month. Once submitted, deemed complete and legally noticed, the proposed amendment shall be taken to the Planning Board for a public hearing on the new information. The recommendation of the Planning Board shall be forwarded to the Board of County Commissioners for a final decision on the proposed amendment. Should you have any questions regarding the review process or the required information, please feel free to contact me at the Lake County Planning Department at 883-7235.

Sincerely,



Susan Shannon
Planner

pc: Paul Milhous, Kootenai Associates
Tim Fox, River Run Associates, LLC
Dave DeGrandpre, Land Solutions, LLC