

CITY OF POLSON COMMISSION MEETING AGENDA

COMMISSION CHAMBERS

April 18, 2016

7:00 P.M.

1. CALL TO ORDER

Commissioner Turner

2. PLEDGE OF ALLEGIANCE

Commissioner Turner

3. APPROVAL OF PROPOSED AGENDA

Commissioner Turner

4. PUBLIC COMMENT ON SIGNIFICANT MATTERS TO THE PUBLIC **NOT ON THE AGENDA (address items to the Chair. Commission takes no action on items discussed)**

5. CONSENT AGENDA

- a. April 1-14, 2016 claims
- b. City Commission Meeting Minutes April 4, 2016

6. CITY MANAGER COMMENTS

City Manager Mark Shrives

NEW BUSINESS

7. APPROVE SPECIAL USE PERMIT #16-01, NEW 3 CABIN SYTLE HOTEL DEVELOPMENT IN RESORT ZONING DISTRICT

City Planner Kyle Roberts

8. ADJOURN

The City of Polson encourages public participation in its public meetings and hearings. In doing so the City holds its meetings in handicapped accessible facilities. Any persons desiring accommodations for a handicapping condition should call the City Clerk at 883-8203 for more information.

For doc #s from 123829 to 123944

5a.

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
1000 General All-Purpose Fund	410200 Executive Services	000185 SUPER 1 FOODS	FACL-SUPPLIES STRATE	44.66
1000 General All-Purpose Fund	410360 Municipal Court	2031 DENNIS DEVRIES	CORT-CITY JUDGE CONT	1,650.00
1000 General All-Purpose Fund	410360 Municipal Court	4880 ACCESS MONTANA	CORT-INTERNET SERVIC	15.00
1000 General All-Purpose Fund	410360 Municipal Court	4920 OFFICE DEPOT, INC	CORT-SHARED OFFICE S	11.99
1000 General All-Purpose Fund	410360 Municipal Court	000282 QUILL CORPORATION	CORT-SHARED FUSER LA	170.00
1000 General All-Purpose Fund	410400 Administrative Services	4880 ACCESS MONTANA	ADMN-INTERNET SERVIC	15.00
1000 General All-Purpose Fund	410400 Administrative Services	4743 WEX BANK	ADMIN-C.M. SUBARU UN	76.03
1000 General All-Purpose Fund	410400 Administrative Services	2074 VERIZON WIRELESS	ADMIN-C.M. CELL PHON	29.72
1000 General All-Purpose Fund	410500 Financial Services	4880 ACCESS MONTANA	FINC-INTERNET SERVIC	15.00
1000 General All-Purpose Fund	411100 Legal Services	4820 M RICHARD GEBHARDT	FACL-CONTRCT CITY AT	2,000.00
1000 General All-Purpose Fund	411100 Legal Services	4850 MORIGEAU LAW PLLC	FACL-CITY ATTY CONTR	2,000.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000877 JOHNCO STORAGE	FACL-UNIT STRGE 05/1	75.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	1780 BLACK MOUNTAIN SOFTWARE,	FACL-MMO1-MAINT ACCN	2,571.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	1780 BLACK MOUNTAIN SOFTWARE,	FACL-MMO2-MAINT BUDG	1,087.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	1780 BLACK MOUNTAIN SOFTWARE,	FACL-MM15-MAINT CASH	1,513.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	3902 VALLEY JOURNAL LLP	FACL-PUBLIC HEARING Z	70.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000080 FLATHEAD NEWSPAPER GROUP	FACL-K SARGEANT FARE	45.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000080 FLATHEAD NEWSPAPER GROUP	FACL-PUBLIC HEARING	92.01
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000080 FLATHEAD NEWSPAPER GROUP	FACL-PUBLIC HEARING	92.01
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	2888 MISSION VALLEY SECURITY	FACL-MONITOR FIRE AL	75.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	2888 MISSION VALLEY SECURITY	FACL-MONITOR ALARM Q	35.50
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000282 QUILL CORPORATION	FACL-CREDIT MEMO PAP	-27.61
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000044 REPUBLIC SERVICES #889	FACL-WASTE DISPOSAL	58.10
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000185 SUPER 1 FOODS	FACL-COFFEE FOR BREA	15.96
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000185 SUPER 1 FOODS	FACL-CLEANING SUPPLI	17.17
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	1925 VALLEY BUSINESS SYTEMS	FACL-K232 CLEAN/TEST	150.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	4743 WEX BANK	FACL-ST DEPT P/U FIL	32.44
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	4936 ZOERENE GEMBALA	FACL-CLEANING SUPPLI	7.81
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000282 QUILL CORPORATION	FACL-EXPO NON TOXIC	10.99
1000 General All-Purpose Fund	420140 Crime Control and	4909 BCN2WEB	POLC-PPD BADGE	116.00
1000 General All-Purpose Fund	420140 Crime Control and	000545 POLSON ANIMAL CLINIC	POLC-K-9 VISIT, VACI	78.95
1000 General All-Purpose Fund	420140 Crime Control and	000545 POLSON ANIMAL CLINIC	POLC-EXAM, MEDICATIO	56.30
1000 General All-Purpose Fund	420140 Crime Control and	3037 EMBLEM ENTERPRISES, INC.	POLC-PATCHES	889.70
1000 General All-Purpose Fund	420140 Crime Control and	4880 ACCESS MONTANA	POLC-INTERNET SERVICE	15.00
1000 General All-Purpose Fund	420140 Crime Control and	4880 ACCESS MONTANA	POLC-DEDICATED LINE	57.94
1000 General All-Purpose Fund	420140 Crime Control and	2234 ACE HARDWARE/ TREMPER'S	POLC-KEY FORD PL H75	12.00
1000 General All-Purpose Fund	420140 Crime Control and	2888 MISSION VALLEY SECURITY	POLC-QTRLY MONITOR P	129.00
1000 General All-Purpose Fund	420140 Crime Control and	2888 MISSION VALLEY SECURITY	POLC-QTRLY MONITOR A	35.50
1000 General All-Purpose Fund	420140 Crime Control and	4920 OFFICE DEPOT, INC	POLC-SHARED OFFICE S	11.98
1000 General All-Purpose Fund	420140 Crime Control and	4920 OFFICE DEPOT, INC	POLC-BLACK PENS	17.99
1000 General All-Purpose Fund	420140 Crime Control and	000282 QUILL CORPORATION	POLC-SHARED FUSER LA	169.99
1000 General All-Purpose Fund	420140 Crime Control and	000044 REPUBLIC SERVICES #889	POLC-SHARED WASTE DI	27.65
1000 General All-Purpose Fund	420140 Crime Control and	4743 WEX BANK	POLC-FUEL 03/01-31/1	1,886.64
1000 General All-Purpose Fund	420140 Crime Control and	1879 THE UPS STORE	POLC-SHIPMENT	10.74
1000 General All-Purpose Fund	420140 Crime Control and	2074 VERIZON WIRELESS	POLC-I PHONE SERVICE	345.54
1000 General All-Purpose Fund	420140 Crime Control and	000085 SOUTHSORE VETERINARY	POLC-ANIMAL IMPOUND	42.00
1000 General All-Purpose Fund	420140 Crime Control and	3614 THE CAR WASH/GROGAN'S	POLC-VEH WASH 3/1-31	18.82
1000 General All-Purpose Fund	420140 Crime Control and	4159 REXEL INC, d/b/a PLATT	STRT-ASSORTED PRODUC	5.60
1000 General All-Purpose Fund	420140 Crime Control and	4159 REXEL INC, d/b/a PLATT	STRT-CLEAR SLEEV	73.68
1000 General All-Purpose Fund	420140 Crime Control and	4159 REXEL INC, d/b/a PLATT	STRT-CLEAR SLEEVS	1.94
1000 General All-Purpose Fund	420140 Crime Control and	000282 QUILL CORPORATION	POLC-HANGING FILE FO	31.97
1000 General All-Purpose Fund	420140 Crime Control and	000282 QUILL CORPORATION	POLC-SHARPIE CD/DVD	47.76

For doc #s from 123829 to 123944

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
1000 General All-Purpose Fund	420140 Crime Control and	4727 PREMIER VEHICLE	POLC-LIGHTS FOR NEW	204.00
1000 General All-Purpose Fund	420140 Crime Control and	4727 PREMIER VEHICLE	POLC-LIGHTS FOR NEW	453.48
1000 General All-Purpose Fund	420400 Fire Protection and	000414 BROWN'S JEWELRY STORE	FIRE-ENGRAVED NAME P	6.00
1000 General All-Purpose Fund	420400 Fire Protection and	4208 MAHUGH FIRE & SAFETY, LLC	FIRE-RIT BAG W/SKID	224.00
1000 General All-Purpose Fund	420400 Fire Protection and	4880 ACCESS MONTANA	FIRE-INTERNET SERVIC	15.00
1000 General All-Purpose Fund	420400 Fire Protection and	2234 ACE HARDWARE/ TREMPER'S	FIRE-FASTENERS	36.74
1000 General All-Purpose Fund	420400 Fire Protection and	2234 ACE HARDWARE/ TREMPER'S	FIRE-FASTENERS, GLUE	19.37
1000 General All-Purpose Fund	420400 Fire Protection and	2234 ACE HARDWARE/ TREMPER'S	FIRE-33 GAL BAGS	7.99
1000 General All-Purpose Fund	420400 Fire Protection and	2234 ACE HARDWARE/ TREMPER'S	FIRE-BAG TRASH CONTR	19.98
1000 General All-Purpose Fund	420400 Fire Protection and	000185 SUPER 1 FOODS	FIRE-CLEANING SUPPLI	6.09
1000 General All-Purpose Fund	420400 Fire Protection and	000185 SUPER 1 FOODS	FIRE-AUNDRY DETERGEN	22.97
1000 General All-Purpose Fund	420400 Fire Protection and	4743 WEX BANK	FIRE-FUEL 3/01-31/16	197.29
1000 General All-Purpose Fund	420400 Fire Protection and	4936 ZOERENE GEMBALA	FIRE-CLEANING SUPPLI	3.93
1000 General All-Purpose Fund	420400 Fire Protection and	4793 AUTOZONE, INC	FIRE-MINI BUBL LONG	9.24
1000 General All-Purpose Fund	420400 Fire Protection and	000011 MISSION VALLEY POWER	FIRE-705 1ST ST E SI	12.00
1000 General All-Purpose Fund	420400 Fire Protection and	4941 KENT D. BRUCE CO., LLC	FIRE-PARTS FOR NEW B	3,183.14
1000 General All-Purpose Fund	420540 Land Use	4880 ACCESS MONTANA	PLNG-INTERNET SERVIC	15.00
1000 General All-Purpose Fund	420540 Land Use	000080 FLATHEAD NEWSPAPER GROUP	PLNG-PUBLIC HEARING	20.44
1000 General All-Purpose Fund	420540 Land Use	000080 FLATHEAD NEWSPAPER GROUP	PLNG-PUBLIC HEARING	22.00
1000 General All-Purpose Fund	430240 Road and Street	4880 ACCESS MONTANA	STRT-SATELITE @1003	28.97
1000 General All-Purpose Fund	430240 Road and Street	2888 MISSION VALLEY SECURITY	STRT-EYEWASH STATION	80.22
1000 General All-Purpose Fund	430240 Road and Street	000044 REPUBLIC SERVICES #889	STRT-SHARED WASTE DI	27.65
1000 General All-Purpose Fund	430240 Road and Street	2074 VERIZON WIRELESS	STRT-CELL PHONE SERV	136.85
1000 General All-Purpose Fund	430240 Road and Street	4793 AUTOZONE, INC	STRT-WIPER BLADE, EX	42.88
1000 General All-Purpose Fund	460430 Parks	4880 ACCESS MONTANA	PRKS-INTERNET SERVIC	15.00
1000 General All-Purpose Fund	460430 Parks	4880 ACCESS MONTANA	PRKS-SATELITE SERVIC	28.97
1000 General All-Purpose Fund	460430 Parks	2234 ACE HARDWARE/ TREMPER'S	PRKS-CNTRL BRKR, WIR	20.56
1000 General All-Purpose Fund	460430 Parks	2888 MISSION VALLEY SECURITY	PRKS-VEH 1ST AIDE KI	34.74
1000 General All-Purpose Fund	460430 Parks	000044 REPUBLIC SERVICES #889	PRKS-WASTE DISPOSAL	56.95
1000 General All-Purpose Fund	460430 Parks	4743 WEX BANK	PRKS-FUEL 03/01-31/1	82.01
1000 General All-Purpose Fund	460430 Parks	2074 VERIZON WIRELESS	PRKS-CELL PHONE SERV	84.79
1000 General All-Purpose Fund	460430 Parks	000011 MISSION VALLEY POWER	PRKS-SACAJAWEA WLK P	52.70
1000 General All-Purpose Fund	460430 Parks	000011 MISSION VALLEY POWER	PRKS-J CAMPBELL PARK	12.00
Total for Fund:				21,213.42
2020 Police Municipal Services	420140 Crime Control and	001071 ST. PATRICK HOSPITAL	POLC-216CR0002627	246.00
2020 Police Municipal Services	420140 Crime Control and	2074 VERIZON WIRELESS	POLC-AIRCARDS & NOTE	400.12
Total for Fund:				646.12
2394 Building Code Enforcement	420500 Protective Inspections	4880 ACCESS MONTANA	BLDG-INTERNET SERVIC	15.00
2394 Building Code Enforcement	420500 Protective Inspections	4743 WEX BANK	BLDG-FUEL 03/01-31/1	36.13
Total for Fund:				51.13
2395 Tree Fund	480150 Tree Conservation	000011 MISSION VALLEY POWER	PRKS-SPORTS COMPLX,	12.00
Total for Fund:				12.00
2402 Light Maintenance	430263 Street Lighting	000011 MISSION VALLEY POWER	FACL-N END MAIN ST-L	218.57

For doc #s from 123829 to 123944

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
			Total for Fund:	218.57
2810 Police Training Fund	420140 Crime Control and	999999 STAND UP AMERICA	POLC-TKTS TO SHRF CL	50.00
			Total for Fund:	50.00
2820 Gas Apportionment Tax	430240 Road and Street	4743 WEX BANK	STRT-FUEL 03/01-31/1	546.85
			Total for Fund:	546.85
5010 Golf Fund	103010 Cash Drawer	000150 PETTY CASH FUND	GLFR-STARTUP CASH FO	750.00
5010 Golf Fund	346021 Golf Season Pass Fees	999999 CHAD KOMOLOFSKE	GLFP-REFUND SEASON P	619.00
5010 Golf Fund	460446 Golf Course -	4849 JOHN DEERE FINANCIAL	GLFM-OIL, WNDSHLD WA	62.88
5010 Golf Fund	460446 Golf Course -	000048 MIDLAND IMPLEMENT CO.	GLFM-HARPER BRUSHES	957.60
5010 Golf Fund	460446 Golf Course -	4955 PACIFIC GOLF & TURF LLC	GLFM-BUMPER, GROMMET,	229.09
5010 Golf Fund	460446 Golf Course -	4880 ACCESS MONTANA	GLFM-INTERNET SERVIC	77.94
5010 Golf Fund	460446 Golf Course -	2234 ACE HARDWARE/ TREMPER'S	GLFM-WINDSHIELD WASH	8.97
5010 Golf Fund	460446 Golf Course -	2234 ACE HARDWARE/ TREMPER'S	GLFM-FLUOR STRIP 8'	49.99
5010 Golf Fund	460446 Golf Course -	2234 ACE HARDWARE/ TREMPER'S	GLFM-ELEC BALLAST, N	33.97
5010 Golf Fund	460446 Golf Course -	2234 ACE HARDWARE/ TREMPER'S	GLFM-AIR FILTER	3.99
5010 Golf Fund	460446 Golf Course -	2234 ACE HARDWARE/ TREMPER'S	GLFM-GALV ELBOW	3.99
5010 Golf Fund	460446 Golf Course -	2888 MISSION VALLEY SECURITY	GLFM-QTRLY MONITOR A	72.00
5010 Golf Fund	460446 Golf Course -	000044 REPUBLIC SERVICES #889	GLFM-WASTE DISPOSAL	56.95
5010 Golf Fund	460446 Golf Course -	2094 WILBUR ELLIS COMPANY	GLFM-FERTILIZER	392.80
5010 Golf Fund	460446 Golf Course -	001145 MISSOULA TEXTILE SERVICES	GLFM-LAUNDRY	11.66
5010 Golf Fund	460446 Golf Course -	001145 MISSOULA TEXTILE SERVICES	GLFM-LAUNDRY	19.62
5010 Golf Fund	460446 Golf Course -	001145 MISSOULA TEXTILE SERVICES	GLFM-LAUNDRY	11.66
5010 Golf Fund	460446 Golf Course -	001145 MISSOULA TEXTILE SERVICES	GLFM-LAUNDRY	18.45
5010 Golf Fund	460446 Golf Course -	001145 MISSOULA TEXTILE SERVICES	GLFM-LAUNDRY	11.66
5010 Golf Fund	460447 Golf Course - Pro Shop	000076 LINK'S MANAGEMENT, INC.	GLFP-PRO CONTRCT SER	10,048.76
5010 Golf Fund	460447 Golf Course - Pro Shop	4664 CHARTER COMMUNICATIONS	GLFP-PROP SHOP INTER	137.94
5010 Golf Fund	460447 Golf Course - Pro Shop	3866 OFFICE MAX CONTRACT INC.	GLFP-OFFICE SUPPLY	47.58
5010 Golf Fund	460447 Golf Course - Pro Shop	000044 REPUBLIC SERVICES #889	GLFP-WASTE DISPOSAL	81.55
5010 Golf Fund	460447 Golf Course - Pro Shop	1925 VALLEY BUSINESS SYTEMS	GLFP-CANON PRINTER	250.00
5010 Golf Fund	460447 Golf Course - Pro Shop	001145 MISSOULA TEXTILE SERVICES	GLFP-LAUNDRY	14.82
5010 Golf Fund	460447 Golf Course - Pro Shop	001145 MISSOULA TEXTILE SERVICES	GLFP-LAUNDRY	6.47
5010 Golf Fund	460447 Golf Course - Pro Shop	001145 MISSOULA TEXTILE SERVICES	GLFP-LAUNDRY	4.00
5010 Golf Fund	460447 Golf Course - Pro Shop	001145 MISSOULA TEXTILE SERVICES	GLFP-LAUNDRY	4.00
5010 Golf Fund	460447 Golf Course - Pro Shop	000010 CENTURYLINK	GLFP-INTERNET SERVIC	22.95
5010 Golf Fund	460447 Golf Course - Pro Shop	000011 MISSION VALLEY POWER	GLFP-DOWNSTAIRS METE	68.09
5010 Golf Fund	460447 Golf Course - Pro Shop	000011 MISSION VALLEY POWER	GLFP-CAR STORAGE BLD	49.37
5010 Golf Fund	460447 Golf Course - Pro Shop	2054 FLATHEAD LOCK & SAFE	GLFP-2 KEY COPYS	7.00
5010 Golf Fund	460447 Golf Course - Pro Shop	000316 WALLACES GOLF SHOP	GLFP-CITY SHARE CC F	1,862.08
5010 Golf Fund	460447 Golf Course - Pro Shop	000316 WALLACES GOLF SHOP	GLFP-CITY SHARE CC M	820.08
5010 Golf Fund	460447 Golf Course - Pro Shop	4904 ONTOGOLF, LLC dba	GLFP-ANNUAL SUPPORT	746.25
5010 Golf Fund	460450 Golf Course Restaurant	3233 FOOD SERVICES OF AMERICA	GLFR-FOOD SUPPLY	188.35
5010 Golf Fund	460450 Golf Course Restaurant	3233 FOOD SERVICES OF AMERICA	GLFR-FOOD SUPPLY RET	-22.76
5010 Golf Fund	460450 Golf Course Restaurant	3233 FOOD SERVICES OF AMERICA	GLFR-FOOD SUPPLY	394.86
5010 Golf Fund	460450 Golf Course Restaurant	3233 FOOD SERVICES OF AMERICA	GLFR-FOOD SUPPLY	277.57
5010 Golf Fund	460450 Golf Course Restaurant	3233 FOOD SERVICES OF AMERICA	GLFR-KITCHEN SUPPLY	112.55
5010 Golf Fund	460450 Golf Course Restaurant	3447 SUMMIT BEVERAGE	GLFR-ASST BEERS	423.86

For doc #s from 123829 to 123944

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
5010 Golf Fund	460450 Golf Course Restaurant	3447 SUMMIT BEVERAGE	GLFR-ASST PRODUCT RE	-346.56
5010 Golf Fund	460450 Golf Course Restaurant	3427 ZIP BEVERAGE	GLFR-ASST BEERS	222.25
5010 Golf Fund	460450 Golf Course Restaurant	3447 SUMMIT BEVERAGE	GLFR-BALANCE OF INVO	346.56
5010 Golf Fund	460460 G. C. Restaurant O & M	3306 POLSON PROPANE	GLFR-PROPANE FUEL	222.61
5010 Golf Fund	460460 G. C. Restaurant O & M	2888 MISSION VALLEY SECURITY	GLFR-QTRLY ALARM MON	52.50
Total for Fund:				19,434.95
5201 Water Impact Fees	430500 Water Utilities	4834 COUGAR RIDGE DEVELOPMENT	WATR-PAYBACK AGREEME	8,777.50
Total for Fund:				8,777.50
5210 Water Fund	430500 Water Utilities	4880 ACCESS MONTANA	WATR-INTERNET SERVIC	15.00
5210 Water Fund	430500 Water Utilities	4880 ACCESS MONTANA	WATR-SATELITE @ 715	38.97
5210 Water Fund	430530 Source of Supply and	000011 MISSION VALLEY POWER	WATR-715 7TH AVE W S	167.38
5210 Water Fund	430540 Purification and	000101 MONTANA ENVIRONMENTAL	WATR-IRON, MANGANESE	30.00
5210 Water Fund	430540 Purification and	000101 MONTANA ENVIRONMENTAL	WATR-CHLORINE, COLIF	106.00
5210 Water Fund	430550 Transmission and	2074 VERIZON WIRELESS	WATR-CELL PHONE SERV	201.03
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATR-UPHOL TACKS, TH	4.08
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATR-DRILL BITS, FAS	95.48
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATR-DRILL BIT	36.99
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATR-FASTENERS	0.65
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATR-ASSORTED PRODUC	11.44
5210 Water Fund	430550 Transmission and	000044 REPUBLIC SERVICES #889	WATR-SHARED WASTE DI	27.65
5210 Water Fund	430550 Transmission and	4743 WEX BANK	WATR-FUEL 03/01-31/1	165.10
5210 Water Fund	430550 Transmission and	4793 AUTOZONE, INC	WATR-VENTVISOR 2 PC	21.94
5210 Water Fund	430570 Customer Accounting and	000005 POSTMASTER	WATR-BILLING RESERVE	315.00
5210 Water Fund	430570 Customer Accounting and	2888 MISSION VALLEY SECURITY	WATR-QTRLY MONITOR A	35.50
Total for Fund:				1,272.21
5310 Sewer Fund	430600 Sewer Utilities	4880 ACCESS MONTANA	SEWR-INTERNET SERVIC	15.00
5310 Sewer Fund	430600 Sewer Utilities	4880 ACCESS MONTANA	SEWR-SATELITE@ 715 7	38.97
5310 Sewer Fund	430630 Collection and	2074 VERIZON WIRELESS	SEWR-CELL PHONE SERV	201.02
5310 Sewer Fund	430630 Collection and	3411 WESTERN STATES EQUIPMENT	SEWR-ATS STARTUP-PER	363.08
5310 Sewer Fund	430630 Collection and	3411 WESTERN STATES EQUIPMENT	SEWR-ATS STARTUP-PER	363.08
5310 Sewer Fund	430630 Collection and	000011 MISSION VALLEY POWER	SEWR-WEST SHORE	135.23
5310 Sewer Fund	430630 Collection and	4743 WEX BANK	SEWR-FUEL 03/01-31/1	533.66
5310 Sewer Fund	430630 Collection and	000101 MONTANA ENVIRONMENTAL	SEWR-LAB, BOD	47.00
5310 Sewer Fund	430630 Collection and	000101 MONTANA ENVIRONMENTAL	SEWR-LAB, COLIF ESC,	162.00
5310 Sewer Fund	430630 Collection and	000101 MONTANA ENVIRONMENTAL	SEWR-AMMONIA BOD	72.00
5310 Sewer Fund	430630 Collection and	000101 MONTANA ENVIRONMENTAL	SEWR-LAB BOD	47.00
5310 Sewer Fund	430630 Collection and	000101 MONTANA ENVIRONMENTAL	SEWR-LAB BOD	47.00
5310 Sewer Fund	430630 Collection and	4793 AUTOZONE, INC	SEWR-VENTVISOR 2 PC	21.93
5310 Sewer Fund	430630 Collection and	000011 MISSION VALLEY POWER	SEWR-715 7TH AVE W S	167.38
5310 Sewer Fund	430630 Collection and	4756 J&M TRANSPORTATION	SEWER-COURIER SERVIC	36.00
5310 Sewer Fund	430630 Collection and	4756 J&M TRANSPORTATION	SEWER-COURIER SERVIC	36.00
5310 Sewer Fund	430630 Collection and	4756 J&M TRANSPORTATION	SEWER-COURIER SERVIC	36.00
5310 Sewer Fund	430630 Collection and	4756 J&M TRANSPORTATION	SEWER-COURIER SERVIC	36.00
5310 Sewer Fund	430640 Treatment and Disposal	2183 DOWL HKM ENGINEERING	SEWER-TASK ORDER #4	47,723.75
5310 Sewer Fund	430640 Treatment and Disposal	000080 FLATHEAD NEWSPAPER GROUP	SEWR-CDBG ADVERTISEM	22.00
5310 Sewer Fund	430640 Treatment and Disposal	000044 REPUBLIC SERVICES #889	SEWR-SHARED WASTE DI	27.65

04/14/16
13:40:06

City of Polson
Claim Details by Fund, Account
For the Accounting Period: 4/16

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Report ID: AP100Z

For doc #s from 123829 to 123944

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
5310 Sewer Fund	430660 Geographical Information	2234 ACE HARDWARE/ TREMPER'S	SEWR-BENCH GRNDR, CH	209.89
5310 Sewer Fund	430660 Geographical Information	2234 ACE HARDWARE/ TREMPER'S	SEWR-FUEL CAN SPOUT	25.47
5310 Sewer Fund	430670 Customer Accounting and	000005 POSTMASTER	SEWR-BILLING RESERVE	315.00
			Total for Fund:	50,682.11
			Total:	102,904.86

Fund/Account	Amount
1000 General All-Purpose Fund	
101000	\$21,213.42
2020 Police Municipal Services Levy	
101000	\$646.12
2394 Building Code Enforcement	
101000	\$51.13
2395 Tree Fund	
101000	\$12.00
2402 Light Maintenance District #20	
101000	\$218.57
2810 Police Training Fund	
101000	\$50.00
2820 Gas Apportionment Tax Fund	
101000	\$546.85
5010 Golf Fund	
101000	\$19,434.95
5201 Water Impact Fees	
102250	\$8,777.50
5210 Water Fund	
101000	\$1,272.21
5310 Sewer Fund	
101000	\$50,682.11
Total:	\$102,904.86

CITY OF POLSON COMMISSION MEETING

56.

Commission Chambers

April 4, 2016

7:00 p.m.

ATTENDANCE: Mayor Heather Knutson, Commissioners Coutts, Donovan, Erickson, Siler, Southerland, and Turner, City Manager Mark Shrives, City Clerk Cora Pritt

OTHERS PRESENT (who voluntarily signed in): Bruce Agrella, Hu Beaver, Elsa Duford, Dennis Duty, Lita Fonda, Mike Lies, Bonnie Manicke, Lee Manicke, Rick Newman, and Jeff Walla

CALL TO ORDER: (00:30) Mayor Knutson called the meeting to order. The Pledge of Allegiance was recited. Roll call was taken.

APPROVAL OF PROPOSED AGENDA (01:26) - Commissioner Southerland motion to approve the proposed agenda. Commissioner Erickson second. City Commission discussion: none Public comment: none **VOTE: Unanimous Motion carried**

PUBLIC HEARING-POLSON DEVELOPMENT CODE (02:00)

City Planner Kyle Roberts gave a brief summary of the public comments received regarding the set back from the lake. There seems to be some confusion. Ordinance #551 adopted the Lake County Lake Shore Protection Regulations and creates the City as the administrator within the City limits. These regulations govern from the mean high water mark of Flathead Lake to 20 feet inland. The Lakeshore Protection Regulations can be supplemented with an additional 30 feet and that is the current Development Code as well as the newly proposed Development Code. The City County Planning Board made the recommendation that in the Resort Zoning District the set-back should be 20 feet. The 50 foot would apply to all other zones. For readability purpose it is recommended that this text be added to the Specification Tables.

Margie Hendricks-addressed an issue to the City three times. The letter is in regard to the Polson Development Code hearing. Both the new Development Code and the 1993 Development Code state that driveways accessing an arterial shall be at least 200 feet from any other point of access, other driveways, or intersections. Hillcrest Drive and 7th Avenue have been historically seen as an arterial by the State of Montana Department of Transportation and the City. In 2005 Cougar Ridge, now renamed Ridgewater Subdivision went through preliminary plat approval proposing the largest subdivision the City had seen. The subdivision proposed 60 commercial lots, 145 single family residence lots, and 119 multiple housing lots. Hillcrest Drive was proposed as an access road for the subdivision. Hillcrest Drive is a substandard road, 23 feet wide. The developer, a City Councilman, and the head of the Planning Department voiced the opinion that Hillcrest Drive did not need the walking path, an additional 5 feet along one side of the road. The citizens living on Hillcrest Drive or accessing their lots off of Hillcrest tried to articulate their concerns about the road and the walking path but were told that the preliminary plat hearings were concerned with only Phase I. The development and issues concerning Hillcrest could not be heard until Phase III. No hearing has yet taken place. Residents on 15th Avenue East and Claffey Drive both voiced strong concerns about their roads being used as an access for the subdivision and as a result, the City Planning Board required the developer get a traffic study. The developer hired Sterling Engineering to do the Traffic Report. The 2005 Traffic Impact Report, page 8 says: "In the study area, the City of Polson defines U.S. Highway 93, Montana Highway 35, and 7th Avenue/Hillcrest as arterial streets." Under 3.1 Site Access location page 12, 3.1.6, Access 8, "Hillcrest Drive connection it states this would be a new roadway built to connect to Hillcrest Drive which connects 7th Avenue to the west. This access would not be constructed until final build out conditions." Turning lanes on Hillcrest were also required in this

study. Ridgewater Subdivision anticipated they didn't have enough room on their lot adjacent to Hillcrest to build the road and the 50 foot turn lanes required on each side of the road. They negotiated with neighbors to combine their road access with an existing road on adjacent property. Or next to the adjacent property. In 2005 the City tried to do away with the name Hillcrest Drive and make all of the road 7th Avenue. The citizens petitioned to keep the name Hillcrest Drive. Neither the 1993 Code nor the newly prepared proposed Development Code spells out clearly where the arterials are in the City. The new Development Code addresses the issue in Chapter 4, Off-street parking performance standards. Number 11, under section O titled Off-street Parking and Loading Area says, "Driveways accessing an arterial shall be at least 200 feet from any point of access." A two-lot subdivision was recently given final approval to build a road 12 feet from an existing road on Hillcrest Drive, in violation of the Development Code. The reason a mistake was made regarding the two-lot subdivision was because the City Planner unfamiliar with the area evaluated the two-lot subdivision proposal based on what she saw in a code. The surveyor, who proposed the subdivision plan, was also most likely unfamiliar with the history of the road. The City Manager, Mayor, and City Commissioners likely didn't know about the history of Hillcrest /7th Avenue designation. This mistake makes it clear that 7th Avenue/Hillcrest arterial needs to be spelled out in the new Code. A question needs to be addressed concerning the implications of a mistake made concerning Hillcrest Drive. The City was informed about the mistake concerning the arterial June 18, 2015, nearly nine months before the two-lot subdivision was given final plat approval. Does the fact the City was informed and knew the subdivision proposed violated the intent of the Development Code compromise decisions made regarding the Ridgewater access onto Hillcrest Drive. Can Ridgewater now say they can't be required to follow the rules regarding an arterial when others aren't required to do so? Has a precedence been set regarding future applications to access roads onto Hillcrest Drive? Thank you.

Mark Johnston-Ward I-This evening I am talking on behalf of the Flathead Lakers, on which I am a board member. They actually presented, I think, the objection to the City County Planning Board and Kyle about the set-backs in the Resort district. It had gone from 50 feet to now encroaching within 20 feet of lake. There's a concern by the Lakers that that was getting too close to the lake and there would be some issues with that even though it was a very small area concerning those Resort district areas. As the Lakers, we appreciate you guys even listen to us to begin with. Heather read the letter two weeks ago in the first voting on the proposed Code. We appreciate that we were even heard. Over the last couple of weeks I've had some conversations with Joslyn, who's the Chair of that City County Planning Board, I think I talked with Heather a little bit, I think then Joslyn talked with other members of the Council, then the Planning Department. The Lakers appreciate that you are even investigating this and putting some time into it. We realize it is the 11th hour of a document that's 200 pages thick. So, there are some conditions for amendments at future times. I think we may come back and try to address that set-back too. The way the Lakers look at it, it's like a death by a 1,000 cuts. Maybe there's a slight encroachment in one part of the lake today but then it's another one tomorrow and another one the next day. Singularly they don't add up, or singularly it doesn't make a whole lot of difference but as they add up over time then it encroaches more and more on the valuable asset that is the lake. That's where the 1500 member Lakers group has a big concern. So I just want to address that and say we appreciate you guys even listening to us in the first place. We may look at the amendment criteria to address it in the future but at this time just wanted to say thanks and take care of the lake and try to maybe get us involved if there's some encroachment on the lake in the future. Thank you.

Hu Beaver, Hu Beaver Builder-I'm just commenting on the Resort Commercial area just for the fact that I am a land owner. Knowing what I've had to do in past with being close to the lake, I mean a lot of times you don't have to be closer than 50 feet but there's times when it would be better if there wasn't rules. If you wanted to go 40 or 30 you had that option. Any time we're close to the lake, we play by different rules in this Resort Commercial because we have to take all of our storm water, it goes through our storm drains into filter systems and everything I've been associated with Bear Harbor, Shores, Watermark, we all had filter systems that go into the lake even though we are 50 feet. So we're playing by different rules. It's just in the City limits that this is happening. So I think it's a great thing that you

have flexibility if somebody needs it. That would be my concern. I mean I'm all about the lake too. I'm a Laker myself but it's good for the town and any resort development.

Elsa Duford-Ward III-I hardly know where to begin with this. So I will go back and part of what I wanted to say overlaps with what's on the City minutes. Can I use that now? It's all related to the Development Code. Mayor Knutson, "We're talking just the proposed Development Code. So any specific element on the proposed Development Code. Those are the comments that we're looking for right now. Comments on the minutes would be when we go back to regular session." Elsa Duford commented I will save that I guess that part for the minutes then. I do want to bring something else to your attention. In order to be informed as the Council is so that we can communicate on the same level, hopefully, it is very frustrating to try to read these massive amount of pages on the computer. And so I just wanted to tell you how it would work. If I wanted to get a copy made at City Hall," Mayor Knutson paused Elsa for one moment to comment that we are looking for specific comment on the Development Code. Elsa Duford- I know. The Development Code is what I am talking about. To get the same information that you have, that we can communicate on this, one copy would cost \$37.80 for a citizen to get what you have so that we had the same information. On the last one, it was 191 pages and at \$.30 cents a copy it would cost \$57.30. What I'm trying to get across is that if we don't have the same information that you have we're at a disadvantage and I'll tell you it is very tough to read it off the internet. Mayor Knutson comments that we had talked about this before. You have a jump drive we could get it for you. It's a much better deal. Elsa Duford comments that yes, we did that before. In case you just stop and think a minute about it, because as citizens and tax payers we are actually paying for all of your paperwork you get. On top of that if we want to know the same thing we have to pay again. So I will comment on the other during the minutes.

Lita Fonda-Ward I-I just wanted to say that a while back you all got a document from me that had some questions and comments. I just hope you consider those. Ultimately it is your decision and a lot of those were just things that I was hoping you would think about. So thank you for taking the time to do that. I'll just assume that you did that. I did want to just highlight a couple of points. I have paper, same size, 50%, 75% (note: Lita was folding the paper to 50% and 75%). When people talk about 50% lot coverage they don't always realize what it looks like if you put it in the middle. There's 75. Put it the other way, I don't know how to fold this to make it come out to 80%. But I'm a little concerned about 80% coverage in the Resort Zoning District. Resort Zoning District is both residential and commercial. As the revision has proposed it's got a lot more uses and things specified than it used to have. 80 seems awfully high for along the river and the lake which is kind of, for many people see that as the life blood of the town. I would just like to see us take better care and maybe keep that at 55%. At one point when the draft went from committee to the City County Planning Board there was 55% and you could get a bonus if you left lots of some percentage of view to the lake and river. So I would like you to consider putting that back in. Back at 55%. I support the Lakers comments both on the 80%, reducing the 80 to 55 and also the set-back returning that back to 50 from 20. Sounds like they are willing to go through the amendment process but it seems like it would be simpler just to adjust it now. That seems reasonable. Or maybe there's some other number. While I'm up here I can't but resist saying thanks for supporting OTZD and again if you need any facts or information on that, I've got lots of it. The other comments I was going to make, I originally got involved with this as a citizen with a good background because I had dealt with this extensively at the City. What happened was there was the lot next to mine was permitted improperly. There was a lot of confusion over gravel. One of the comments in the note that I sent you had to do with an example on, I think it's on page 72 of the draft, I've seen so many drafts I do apologize if my page number is off. It talked about temporary non-conforming use, surfaces, or structures and gave some examples. I had asked in my comments just that to clarify that a little bit so that it was absolutely clear that you couldn't just pave something that was gravel. They weren't the same. So I will reiterate that comment here. I have a little bit of concern with the lot coverage definition change where decks would no longer be considered lot coverage. That was because they added a deck on their plan too so even though their over their lot coverage they wanted to add more. If that definition changes it seems like they

could just cover their lot with decks. So that was a concern too. Anyway, thank you for all your work on this. It's much appreciated.

PUBLIC HEARING CLOSED AT 7:27 P.M. (27:31)

PUBLIC COMMENT ON SIGNIFICANT MATTERS TO THE PUBLIC **NOT ON THE AGENDA (27:38)-none**

CONSENT AGENDA (28:23)-(a). March 18-31, 2016 claims, (b). City Commission meeting Minutes March 21, 2016, **Commissioner Coutts motion to approve the Consent Agenda. Commissioner Turner second.** Commission discussion: none Public comment: **Elsa Duford** –Ward III-Part of this, what I want to say applies to both. I was led to believe some very different things here apparently that were not consistent with what was in this Code. I want to make a correction to the minutes. It's on page 4 of the minutes. Where it says in the first paragraph, "she thinks this needs to be looked at. She can't agree with the penalty attached to for making use of their homes especially seniors. Long-time residents should" I think it should be **NOT BE** penalized for making use of their homes. And especially seniors if they need the extra income. Also, I have to go back a few pages here, where Lita comments on page 5, "I was listening to what Elsa had to say. What I heard may not have been what she meant. It sounds like she was talking about an apartment within a dwelling. That is already allowed in the current Development Code and would be allowed in a revised Code. The part with accessory dwelling would be a separate detached dwelling and it was done very carefully. In Low Residential, I believe that is the district that Elsa lives in, you could have a mother-in-law apartment but in order to have an accessory dwelling the way the Code is currently written you would need to have an acre." I think I brought that up at the last meeting the differences in all this but it's not in these minutes. Mother-in-Law apartment, I have not seen that written into the Code. Is there such a thing as Mother-in-Law apartments? Mayor Knutson, I think what it is referring to is within your own home. You could have an area. Elsa Duford, I don't see a place where it specifically states that. Mayor Knutson, Right and I think that's because we wouldn't necessarily monitor that particular thing. It's only when there's additional buildings being structures being placed on the property but within your own home, you could have a section of your home that is for Mother-in-Law purposes. Elsa Duford, Okay. Well I think that needs to be clarified in the Code that there is such a section that is classified as that. I think there's still issues that need to be looked at again. So I don't think this is ready for a vote at all. Then Sam Jacobson spoke and he said, "She spoke to just one issue we're in the middle of how do we enforce this?" That's on page 4. About being like police checking residents and all that type of thing. This has been going on for 7 years and I think people had good intentions probably when they started this but I think it has gotten to be so involved and when he said, "We have way too many things in the City that are already in violation and are not a good way to fix it. Sending a complaint letter to the City attorney is about the only way to enforce a lot of these regulations. We haven't come up with a good solution." Right now, once it is done and constructed it will require a citizen's complaint to the City attorney. This is getting way far-fetched as to what a citizen can do because of the way these codes are written. I think Sam said it very well. You've got a lot of these things called ordinances and regulations you can't enforce them. And so I don't think this is anywhere near ready even as hard as people have worked on it to try and make it work for Polson. This isn't ready for a vote tonight. For a decision. I think you would be making a huge mistake. Mayor Knutson, We're talking about the minutes. Elsa, Yes. Well I told you at the beginning this was interconnected to what I wanted to say earlier. But I'll just bring this up now. I also don't think that the...well it's interchanged so I can't separate them. I'm sorry. It also says that on the Whereas sheet the proposed subdivision ordinance includes the administrative materials as attachments which would allow for reasonable administration of the ordinance. Such materials may be amended from time to time by the City Manager without further amendments to this ordinance. Well I am going to be very much opposed to having any amendments made to these documents that don't go before a public hearing and the Board to know what is being amended. That is not okay with me. Mayor Knutson, Okay. And that is on Agenda Item #9. Elsa Duford, It is. Like I said they are intermingled. They are cross referenced and it is very (inaudible). Mayor Knutson, I understand. Elsa Duford, Thank you. Mayor Knutson, So with that

and some of the stuff that Elsa is referring to is again is going to be on Agenda Item #9. But specifically I agree with her change there to “NOT” to be added. I remember that being in the context of her statement. City Manager Shrives, I want to remind you of one thing though. These are not the official minutes. Mayor Knutson, I know, I know. City Manager Shrives, The official minutes is the tape. Mayor Knutson, I understand. These are published. City Manager Shrives, To change these minutes isn’t necessarily something we need to always do because the official minutes is the recording. Mayor Knutson, I understand but I think (inaudible). Non-identified speaker, Where are the official minutes located? Mayor Knutson, The official minutes are recorded minutes. The recording gets put up on the website, those are the official minutes that we have. These ones are written minutes but the official ones that we are approving are the actual audio minutes that we have. Mayor Knutson, Commissioner Coutts and Donovan I would like to suggest that we do the approval with the change that Elsa noted on page 4 adding “NOT” to long term residents should NOT be penalized for making use of their homes. Are you guys okay with making that change? Commissioner Coutts, Yes. Commissioner Donovan, Yes.
VOTE: Unanimous Motion carried.

CITY MANAGER COMMENTS (37:18)-City Manager Shrives commented on the following: The Polson Police Department will be partnering with Pizza Hut on Tuesday, April 5th from 5:00 p.m.-9:00 p.m. to benefit the Montana Special Olympics. The Polson Police Department will be waiting on tables and 10% of every order taken will be donated to the Special Olympics. For every dollar donated, 60 cents will go towards Polson community athletes. The other 40 cents stays in Montana to help fund the other Montana Special Olympic programs.

APPROVE SECOND READING OF ORDINANCE 2016-003 TO ADOPT THE ZONING REGULATIONS AND ZONING MAP FOR THE CITY OF POLSON DEVELOPMENT CODE 2016 (38:27)-City Planner Kyle Roberts presented this agenda item. Staff has made the recommended changes to the Zoning Map. Staff recommends approval. **Commissioner Turner motion to approve the second reading of the Zoning Ordinance number 2016-004 to adopt the 2016 Polson Development Code and Zoning Districts Map with the recommendation that staff add minimum setback from the Lake, River, or Stream to the specification standards tables of the four zoning districts abutting the lake. Commissioner Southerland second.** Commission discussion: Public comment: Mayor Knutson asked City Planner Roberts about the lot coverage in Resort Zoning District (RZD) to be lesser lot coverage with offering views of the lake. City Planner Roberts replied it was originally written in the draft code. If the development afforded views of the lake the developer could have a lot coverage that would go from 55% to a maximum of 75%. The View Corridor was a standard that was recommended to be stricken from the Code. City Manager Shrives commented that it was based on public comment received. The Board discussed this and determined the percentage to be 80, striking the bonus and the view corridor. Mayor Knutson asked Dave DeGrandpre if he had anything to add to this. Dave DeGrandpre commented that it is public good vs. private good. On the public side, the view of the lake has historically been maintaining the views of the lake is important to the economic development of the City. Developers were offer the incentive to maintain some of those views in RZD. The Development Code Re-write Committee debated this and discussed it back and forth. The Planning Board, based on public comment, where they came in was to do away with the incentive and allow a higher maximum lot coverage in the RZD. Mayor Knutson asked about the set-back of 20 feet or 50 feet. Dave DeGrandpre commented that the Re-write committee saw fit to maintain the 50 foot except in RZD. The argument was that this is where a more intense development could occur. This change was based on public comment. Mayor Knutson asked about the minimum lot size for accessory dwellings. Dave DeGrandpre commented that the idea how do we address affordable housing, aging in place, families with aging family members who need a place to stay. The idea was to provide options for an accessory dwelling. There are a lot of stipulations. The proposed code on all lots with attached accessory dwellings are allowed on all lots. On larger lots, in Low Density Residential Zoning District (LRZD) there is a larger lot size required. There was some controversy and much discussion. There were stipulations to try

and address all concerns. There is no perfect way to address this. There are protections written into the Code. On page 99 the proposed Code states that LRZD accessory dwelling requires 1 acre. Mayor Knutson asked about the Vision Triangle for driveways having 30 feet vs 15 feet. Was that discussed the application and reality of putting stuff up there. Dave DeGrandpre commented that the Clear Vision Triangle idea is if a driveway comes into a road, the driver should have some space that is clear to see either way. The idea is to provide standards for safety. It is not perfect every time. Commissioner Southerland asked if the Committee have input from the Lakers when the discussion of the 20 foot set-back. Dave DeGrandpre commented that it was not discussed at the committee level. The Lakers did not attend the committee meetings. Mayor Knutson commented that she had a conversation with a member of the PDC Re-write committee and in the conversation it was recommended that one year from approval, the City County Planning Board look at the Code again. City Manager Shrives commented that the Code will be approved in two years after the State Legislature meets. Dave DeGrandpre commented that on page 66 that review period is in the Code. **Public Comment: Elsa Duford-WardIII-Already** commented on that in the minutes. Dave read page 98 and it was helpful to keep in mind. As far as zoning in LRZD Accessory Dwellings, additional building, I'm talking about the owner living in the home and having an area within the home. I don't know if we're talking about the same thing. I think we should not make a zone penalized. It's tough for people to be able to stay in their home and maybe the parents or something, live with them, and take care of them. But to make it so many restrictions placed on this, I think you need to look at it again before you make a decision on it. I don't think it deserves a penalty if you don't do it right. A lot of people aren't even going to know what this is. I would like you to reconsider how you are going to word this and as far as I'm concerned I'm not going to pay a penalty for having any of my family live in my home. So whether they like it or not, I'll just make that statement. **Mark Johnston-Ward I-** After Heather brought up the set-backs again and Commissioner Southerland brought it up, I think the Lakers position was the set-back was originally suggested at 50 feet. That 50 to 20 feet came in after there had been a lot of other suggestions. The Lakers were disappointed that there wasn't actually a process to discuss that. What was suggested that it was a private vs. public good and I think in this case the private good is winning and I don't think that is a good way to go. The developers can develop it under the guides and the codes that there are. To infringe upon the lake infringes upon the public good. That should be carefully considered by the Commission. If there's still an opportunity to go back to what that original suggestion was, until in a closed meeting later on in the process it got adjusted to 20 feet, I think you should seriously consider that. City Manager Shrives commented that for clarification it was not in a closed meeting. There was a Public Hearing at the Planning Board meeting is where that decision was made. There was no closed meeting that changed that. **Lita Fonda-Ward I-** I just wanted to offer a clarification. The definition of Accessory Dwelling includes a description of Accessory Apartment. It calls it an Accessory Apartment rather than a Mother-in-Law apartment. But it is there in the Accessory Building definition section. So that isn't (inaudible). One other thing, Kyle mentioned all of the districts to put the 50 foot in the Specification Standards, I didn't hear if he mentioned Transitional. Salish Point, if that all goes Transitional, that needs to be included too. I just wanted to mention those two things. Thank you very much for all the work you have done. **Dennis Duty-32425 Hellroaring Road-**this discussion on the set-back had been at 5 hearing we had with the City County Planning Board. There's been multiple comment on this. Commented on it here several times. The idea is not to hurt the lake in anyway shape or form. That zoning district, if it's in the Resort Zoning District, will be meticulously regulated by all the governmental agencies out there, Federal and State to make sure that there is no pollution going on from any dwelling units. Again I will reiterate that again in the County, the majority of the lake is at 20 feet. Only those zoning districts that are formed at the County level, have 50 foot set-backs. The majority of the lake is still at 20 feet. Now again, I live here because of the lake. I think most of us do. There's no idea of trying to hurt the lake by trying to reduce this, it gives some ability to do a nicer design without any desire to hurt or to pollute any of the water. It seems like its kind of coming late stage of the game that now suddenly their having significant more discussion about this. I'm okay with that, its just making sure that we get the facts correct here. This has been vetted several times for weeks, for months and months with the Planning Board. Thank you. **VOTE: Unanimous Motion carried**

APPROVE SECOND READING OF ORDINANCE 2016-004 TO ADOPT THE SUBDIVISION REGULATIONS FOR THE CITY OF POLSON DEVELOPMENT CODE 2016 (01:09:08)-City Planner Kyle Roberts presented this agenda item. This is ready to go. **Commissioner Coutts motion to approve the second reading of the Subdivision Ordinance Number 2016-004 to adopt the 2016 Polson Development Code. Commissioner Donovan second.** Commission discussion: none Public comment: none **VOTE: Unanimous Motion carried** City Manager Shrives thanked the Re-write Committee, Planning Board, City Planner Kyle Roberts, and Dave DeGrandpre for their time and hard work

APPROVE AGREEMENT FOR PROFESSIONAL SERVICES POLSON AIRPORT (01:11:38)- This agenda item is presented by City Manager Shrives, Jeff Walla (KLJ Engineers). The City of Polson Airport Representative Bruce Agrella brought two documents to the City. One is an Agreement for Professional Services for JKL to put a procurement contract together. The other one is an application for Federal assistance which is a grant application through the FAA. Bruce Agrella and Jeff Walla will be addressing these two projects. Jeff Walla, KLJ speaking on behalf of the Lake County Airport Board. A few months ago the board came to me and asked if they could get a new snow plow. Apparently the piece of equipment that they have right now is pretty unreliable. It's an old piece that they acquired some time ago. They are just having a difficult time getting all the snow removed. Snow removal equipment, when acquired new, are eligible for federal reimbursement by the FAA. There is a procurement program out there. What we have on the agenda tonight is our agreement to assist the Airport Board and put together a competitive bid package to go out to procure the equipment. We have to put together a performance (inaudible), jump through all the federal obligations we have to, the FAA guidelines and all these things. That's the first item on the agenda. The second item is the grant application. There will be another piece coming down the road once we go through and bid a piece of equipment. There will be an equipment contract executed once we actually enter into an agreement with the supplier. That's in a nutshell what you have before you. Mayor Knutson, What's the current equipment? What is currently used for snow removal out there? Bruce Agrella, Ward II, An old Ford truck, We lost our lease with the Tribe. It took us 10 years to get it back. We have a 40 year contract paid in full. It didn't cost the City anything. In that time frame, we had to maintain everything that we had and we used up all of our cash. We have a year to pay engineering costs etc. and it kind of got put on the back burner. We had planned to replace the truck 10 years ago but we lost FAA funding, we lost everything. So we've been hanging on by a thread. We are clear of lower debt and we need the truck. Mayor Knutson, This truck is extra special based on what we're looking at. What are the requirements? Bruce Agrella, Its FAA requirements. They're Cadillacs I'm telling you. Jeff Walla, I can't give you any details right now. They have a complete circular out there that we're supposed to follow. You have to be able to clear the runway so quickly. It has to be a large piece of equipment. Sticking a snow plow on the front of a one-ton pick-up isn't (inaudible). The truck itself will be performance based. We will put together a spec based on needs and the FAA specs and it will be competitively bid by several manufacturers. These are usually 3 to 3 ½ ton trucks, bucket dumpers on the back. Commissioner Turner, You said a medium size airport. Do you think Polson is a medium size? Jeff Walla, Yeah. It is based on the amount of pavement. Some airports just have the single runway. It's not Glacier Park International by any means but it's got a significant amount of pavement. Commissioner Turner, What is the requirement after a snow storm that snow be removed? Jeff Walla, Off the top of my head I can't answer that question. The FAA does have some grant assurances in place, you operate 24 hours a day, you have certain requirements to keep that airport open a substantial amount of time. You are not allowed to close it unless there are special conditions. Obviously places like Yellowstone Airport because of the massive amounts of snow that they have (inaudible). Areas like Polson, you are a federally funded airport, to maintain it and to maintain it (inaudible). Some airports are able to get by using local road crews like the County come and do it but the FAA typically requires that there agreement in place that it be accomplished in a certain amount of time. Generally that means you get your primary routes open necessary for towns, and schools for the major traffic to function then do the airport. Commissioner Turner, Does it matter that our airport, talking about being open, is a GPS approach vs. an ILS approach? Every airport now has a GPS approach but we are not certified for an IFR due to no ILS. Is there any FAA rule, statement because we really don't have

that, our airport (inaudible). Jeff Walla, I don't believe that it ties into the approach procedures or anything really ties into whether the airport is certified or not. A commercial service airport. You are not a commercial service airport. You don't have those strict requirements. It's really more-less maintained and that airport open for public use. I'm not certain how quickly you have to have the runways cleared. Commissioner Turner, I guess for me the big question is the price of the snow removal. That just seems like an awful amount of money. Mayor Knutson, I'm looking for that page. City Manager Shrives, It's on the grant application. Mayor Knutson, It's on the grant application. I know there's a summary page. Jeff Walla, The plows are typically 50 to 60,000.00 just for the blade. It's a hydraulically operated from inside the truck. Its specialized equipment and it is expensive. Unfortunately the FAA does not support getting used equipment. That's the dilemma we have with why the smaller airports (inaudible). Its sticker shock to see \$180,000.00 piece of equipment. It doesn't get used that often. Commissioner Turner, Our biggest issue here is fog. Jeff Walla, Typically this equipment will last probably 30 years. Commissioner Turner, Do you put together any maintenance program or cost of running? Jeff Walla, Yes. That's part of the bid. Yes, the recommended maintenance is part of the (inaudible). Commissioner Turner, Is that built into the future airport budget? Bruce Agrella, We have the money. Mayor Knutson, Are future operating expenses are also included? Does it require a CDL license? Jeff Walla, As long as the airport personnel are operating it, it's typically all included in there. Mayor Knutson, It's not a Board member? It's an actual airport personnel? Commissioner Turner, How many employees do we have at the airport? Bruce Agrella, One and one volunteer. We did this in Ronan, got a snow plow. We had to get a building first. The building cost \$171,000.00. The snow plow cost over \$100,000.00. That's how they operate. Mayor Knutson, So we have a storage facility for this? Bruce Agrella, We do. Mayor Knutson, You went through the same process having to contract to be able to find a snow plow in Ronan as well. Bruce Agrella, We do the same thing in Ronan. Mayor Knutson, You had to go through the engineering process? Bruce Agrella, Oh yes. Oh yes. Jeff Walla, It's a common procedure. All the airports are doing that. Commissioner Turner, Where is the storage building? Bruce Agrella, We have one by the old (inaudible). Commissioner Turner, Okay. Commissioner Siler, I keep hearing the word grant but what is the City going to have to pay? What's the bottom figure? Jeff Walla, So 10% match I believe come totally out of the airport budget. I don't think the City pays anything. Commissioner Siler, Oh. Okay. Mayor Knutson, We have to approve it. City Manager Shrives, The City is the sponsor of the airport and you also inherit, as the City you also inherit the grant assurance which goes with these requirements. You inherit, or accept the grant assurance for the next 20 years. Mayor Knutson, So bottom line, City doesn't have any financial obligation at this point. We have the obligation that we, the maintenance happens. City Manager Shrives, I will never say never. The City as the sponsor has the obligation if the airport board falls apart or something yes then the City inherits this obligation. The obligation is 10%. Then of course you have the grant assurance obligation. If the airport board went away, loss funding from the County, 1 mil from the County, then the future operation and maintenance for that snow plow potentially could fall to the City. Rick Newman, Chairman of the Board. Each one of the three cities, towns has a representative and the other two come from Lake County Commissioners. So it's not one entity. The way the FAA set up when you read all the guidelines. It's 90% for them and 10% on us as the airport board. We always look at it that we have the money to cover our 10%. Our two options, Capital Improvement, hangar lease, and Montana Aeronautics. Once a year we go with grants from the FAA. We try to get a loan or a grant from them. That always brings in money to cover these projects. The half a million dollar check that we had to write to the Tribe took 9 1/2 years and we got it done. We have 40 years that they are guaranteed. We looked at Polson as a whole. This is one of the pieces that Bruce brought up that we need to do at the airport. All the lots have hangars. There might be a few small lots that are empty. You can't go either direction with the runway. We have to protect what we have. Bringing the guys in from the County, those plows would peel the runway up. The snow plow that we have has protection from peeling out the material that we put in every five years to protect the tracks out there. If you try to go cheap, buy a snow plow, peel everything up that we just put down to protect the pavement out there. We're looking at cost to maintain these three airports. Two are federally funded. I'm on the other end of that valley, down at St. Ignatius. I have to beg for all my money to support that airport. I don't get any help from the FAA. That 1.03 Mil levy is not a guaranteed number. If everybody pays their taxes on time, it's great. We got plenty of money. If a lacking or a tax bills don't

get paid, we got quite a bit smaller number to deal with these airports every year. So we're looking after everybody's interest. Because you guys own ground out there just like Ronan, just like St. Ignatius, we have to go through this procedure. And it keeps you guys in the loop of what's going on with the airport. If you ever have any questions, please come talk to us every second Thursday at 7:00 p.m. at the Ronan Airport. Mayor Knutson, Thanks. Good information. What Rick was saying if we tear out the material that we put in year-after-year definitely a cost off-set that. I think it is a lot of money but I guess it is the recommendation of our Board who works out there. **Commissioner Siler motion to approve the Agreement for Professional Services for the Polson Airport. Commissioner Turner second.** Commission discussion: none Public comment: none **VOTE: Unanimous Motion carried**

APPROVE THE APPLICATION FOR FEDERAL ASSISTANCE AT POLSON AIRPORT

(01:31:09) This agenda item was presented by City Manager Shrives, and Jeff Walla KLJ Engineering. **Commissioner Erickson motion to approve the application for federal assistance at Polson Airport. Commissioner Southerland second.** Commission discussion: none Public comment: **Elsa Duford-Ward III-Is this only for the snow plow?** Mayor Knutson, Yes. Elsa Duford, Bruce Agrella mentioned the agreement with the Tribe was gone. Is that right? Commissioner Turner, Elsa, the agreement is not gone. It's in place. Mayor Knutson, It was gone for 10 years but they've gotten it replaced. It's for 40 years. Elsa Duford, Is the Tribe participating in any of this expenses? Mayor Knutson, No. Elsa Duford, Alright. Thank you. **VOTE: Unanimous Motion carried**

CITY MANAGER ANNUAL APPRAISAL REPORT (01:33:25) –This agenda item was presented by Mayor Knutson. Mayor Knutson read the following report:

City Manager Annual Appraisal Report

Discussion: March 21, 2016

Report Date: April 4, 2016

Overall the Commission feels Mark is a good City Manager and has made many positive changes for our City. It is beneficial to the City to have someone with Mark's experience, training, understanding, and leadership, who has the time dedicated towards navigating the various issues of the City. Mark has done a good job at keeping the Commission apprised of current or upcoming issues; is doing a good job at leading us through the challenges; and is keeping the communication flow going. His leadership and work has had a positive influence on the City of Polson and its relationship with the community. Not only are the Commission meetings running well because of this, we believe the community perception of the city has had great improvements, as well.

Some specific successes we would like to highlight include the following:

- Mark is responsive to our recommendations and suggestions.
- The Agenda Item Summaries have added great value to the Commission and Citizens – the accompanying documents are helpful in further explaining the agenda item.
- The Strategic Planning Workshop was a huge success and his organization and leadership in that was very important. As we continue to utilize and grow this tool, it will be very valuable for the City of Polson, the staff and the citizens.
- Mark's suggestion to compromise on the Polson Development Code – to maintain the CCPB but allow us to operate the Codes independently – was great. It allowed us to continue co-op planning efforts, but also allowed the County to become more comfortable with things before jumping in. It was a great idea.
- Updating processes and procedures within the City and leadership of City departments and personnel.
- One of Mark's strengths is his ability to complete projects. Updating Ordinances, staff evaluations, and many other important projects that have been in the works for some time have

moved forward and many have been completed since Mark has been in his position. These projects are difficult, but Mark has the right balance of being patient, generating understanding, and moving forward.

A couple things to continue to work towards:

- Continue to provide us with great information, and please be sure to share your own perspectives and opinions on matters to help us understand more thoroughly your thoughts and ideas.
- Continue to focus on having Commission packets out by Thursday at 5:00 PM prior to meetings on Mondays.
- Although we have not reached the end of the quarter, we want to make sure we do not lose sight of doing quarterly financial reports for the Commissioners.

Overall, we have seen good things happening. There is a sense of partnership between the Commission and the City Manager, and we believe his skills and experience will continue to be helpful and valuable to the City Commissioners, City Staff and Citizens.

Commissioner Turner motion to approve the City Manager Annual Appraisal Report.

Commissioner Southerland second. Commission discussion: none Public comment: none

VOTE: Unanimous Motion carried

(01:37:46) Mayor Knutson commented that a meeting may be closed to discuss the strategy of pending, threatened or actual litigation; City Manager Shrives replied it should. Mayor Knutson asked if the litigation was between two governmental agencies. City manager Shrives replied no. Mayor Knutson asked if the discussion of this legal matter in open meeting have the potential to adversely affect the City if the strategy to defend the matter is disclosed. City Manager Shrives replied yes. Mayor Knutson commented that based upon the representations of the City Manager, I find that the Commission should close its meeting into executive session so that we may discuss the litigation strategy of pending, threatened or actual litigation." "I believe that we will be discussing this matter for 45 minutes. Thereafter, we will reconvene the meeting only to determine full or action minutes and to adjourn the meeting

.RECESS: (01:38:44) EXECUTIVE SESSION

RECONVENE: (01:38:48) Mayor Knutson commented for the record

(01:38:53) Mayor Knutson asked the Commission if there were any items that needed full minutes or will action minutes suffice. The audio will be the official meeting minutes. Commissioner Turner requested Agenda Item #11 be full minutes, action minutes on the remaining.

Adjourn. (01:40:02) Commissioner Donovan motion to adjourn. Commissioner Coutts second.

Commission discussion: none Public Comment: none **VOTE: Unanimous Motion carried.**

ADJOURN: 10:55 p.m.

ATTEST: _____

Heather Knutson, Mayor

Cora E. Pritt, City Clerk

CITY OF POLSON

CITY COMMISSION AGENDA ITEM SUMMARY

Agenda Item Number: 7
Meeting Date: April 18, 2016
Staff Contact: Kyle Roberts, City Planner
Email: cityplanner@cityofpolson.com Phone: 406-883-8213

AGENDA ITEM SUMMARY: Consideration of a Special Use Permit application #16-01 proposed by Jack Duffey, PLS on behalf of the property owners, Steven and Nathalia Shrives. The property is located at 50578 US Highway 93 in Section 3, T22N, R20W, Lake County, Montana.

BACKGROUND: The applicant is requesting a Special Use Permit to construct a three cabin-style motel for nightly, weekly, or monthly rental in the Resort Zoning District. This proposal includes the construction of three cabins, with building footprints of 660 (30' x 22') square feet each and proposed building heights of 16 to 20 feet. There will be a grand total of six parking spaces (two spaces per cabin). The cabins and associated parking areas will be constructed in the area between the two existing houses along with a proposed drive running north-south along the western end of the property. An existing turnaround located on the south side of the northern most house will be utilized. Access to the property will be via an existing approach off of US Highway 93. The subject property is under an acre in size and adjacent to the lake. The current shoreline buffer will not be altered or impacted.

STAFF RECOMMENDATION: The Planning staff recommends to the City Commission to approve the Special Use Permit request.

PLANNING BOARD RECOMMENDATION: The City-County Planning Board made the motion to forward a positive recommendation on to the City Commissioners to approve the Special Use Permit request. There were two dissenting votes.

PUBLIC/PLANNING BOARD COMMENTS: The City-County Planning Board has made a recommendation that an additional Condition (#12) be added. Given that there are residences located very near the western property line, the City-County Planning Board has recommended that a Condition requiring an opaque screening buffer along the western property line be installed. As such, Condition #12 reads: *The applicant shall install an opaque screening buffer at least six feet in height along the western property line running from the southern edge of the existing paved area on the south end of the lot to eight linear feet north of the deck of the north most dwelling.*

SUGGESTED MOTION: *I MAKE A MOTION TO APPROVE THE SPECIAL USE PERMIT REQUEST FOR THREE CABIN-STYLE MOTELS ON BEHALF OF JACK DUFFEY, PLS, ALONG WITH THE CONDITIONS OF APPROVAL AS DESCRIBED IN THE STAFF REPORT ATTACHED WITH ADDITION OF CONDITION #12 REQUIRING AN OPAQUE SCREENING BUFFER AT LEAST SIX FEET IN HEIGHT.*

ATTACHMENTS: -Staff Report (prepared by City of Polson Planner, Kyle Roberts)
-Special Use Permit #16-01 Application Package (prepared by Jack Duffey, PLS)
-Written Public Comments

STAFF REPORT
Polson City-County Planning Board
Tuesday, April 12, 2016 at 6:00 PM
Polson City Council Chambers
Special Use Permit for the proposed Cabin-style Motels

GENERAL INFORMATION:

Property Owner: Steven and Nathalia Shrives
11948 David Forti Drive
El Paso, TX 79936
shrives@gmail.com

Applicant: Jack Duffey, PLS
PO Box 531
Polson, MT 59860
406-885-6727

Technical Assistance: Jack Duffey, PLS
PO Box 531
Polson, MT 59860
406-885-6727

Applicant Number: SUP #16-01
Application Type: Special Use Permit for new development in RZD
Date Application Received: 3/1/2016
Date of Site Review: 3/10/2016

APPLICABLE REGULATIONS:

- Polson Development Code
- Resort Zoning District (RZD)
- Polson Growth Policy
- Montana Dept. of Environmental Quality (Stormwater and MFE standards)
- Polson Building Code

PUBLIC NOTICE:

Lake County Leader: 3/24/2016
Notices for mailing to adjoining property owners: 3/21/2016
Staff Report completed: 4/4/2016

WRITTEN PUBLIC COMMENTS: See attachment

PROPOSAL: The applicant is requesting a Special Use Permit to construct three cabins on site. The cabins and the existing houses could be rented nightly, weekly, or monthly. This proposal includes the construction of three cabins, with building footprints of 660 (30' x 22') square feet each and proposed building heights of 16

to 20 feet. There will be a grand total of six parking spaces (two spaces per cabin). The cabins and associated parking areas will be constructed in the area between the two existing houses along with a proposed drive running north-south along the western end of the property. An existing turnaround located on the south side of the northern most house will be utilized. Access to the property will be via an existing approach off of US Highway 93.

PROPERTY DESCRIPTION:

The subject property is located at 50578 US Highway 93 (across from Richwine's Burgerville) in Section 3, Township 22 North, Range 20 West, Lake County. The property is zoned RZD and is the suitable zoning district for the proposed use. Per the Polson Development Code, a Special Use Permit approval is required for all new motel developments in RZD. Although the proposed development is not what many would consider a traditional motel, the proposed development fits the description of the Polson Development Code's definition of a 'hotel/motel' and therefore is reviewed as such.

The property is under an acre in size (~42,525 sq. ft.) and has an average slope of 8% sloping from south to north. The property has two existing dwellings; the larger of the two is located on the southern end of the lot, and the smaller on the northern portion, approximately 135 feet from the lake.

This proposal does not meet the definitions of a Large-Scale Development because it will not produce more than 1,000 vehicle trips per day.

REVIEW PROCESS:

The Polson City-County Planning Board shall conduct a public hearing on this request and make a recommendation to the Polson City Commission. Once the public hearing is closed, the City-County Planning Board will evaluate the request under the terms of the Polson Development Code for the Resort Zoning District standards and specifications, the Special Use Permit process and other portions of the Polson Development Code as applicable.

The Polson City-County Planning Board shall make a recommendation to approve, deny, or conditionally approve the Special Use Permit to the Polson City Commission. The City Commission is the permit-issuing authority for all Special Use Permits within the city limits.

If the Special Use Permit is denied, the City-County Planning Board and/or City Commission shall specify the codes, standards, regulations, and/or public input that the applicants have not met and note them under 'Findings of Fact.' Consideration of a Special Use Permit application may be tabled for no more than 35 days.

ANALYSIS:

The applicant is proposing to construct three cabins. The applicant had a Site Review Meeting on 3/10/2016 where Planning, Building, Streets, Water/Sewer, and Fire Department were present to review and comment on the proposal. Comments from that Site Review meeting included:

-Traffic will enter off Highway 93 utilizing the existing approach. Per MDOT request, the applicant will file for a change of access permit and widen the drive based on MDOT requirements. Paved parking areas will be provided for each proposed cabin. This will keep the drive open and allow for vehicle turnaround.

-The current shoreline buffer will not be altered or impacted – the existing grass lawn will continue to serve as a shoreline buffer.

-A sign is proposed to be placed along the highway frontage advertising the cabins. A sign application and fee will be required.

-Multiple collection containers are proposed for garbage collection.

-An existing City water line runs along Highway 93 and an existing City sewer line is located across the northern portion of the property. The existing dwellings on the property are connected to City water and sewer. A new water and sewer service line will be installed along the proposed drive on the west end of the property and will branch off to the proposed cabins.

-An open space exists between the north most house and the lake. This open space will be used as a picnic and recreation area for the people utilizing the lodging.

-The proposed site plan depicts supplementary landscaping. Given the scale of this project and that there is existing vegetation, staff feels that the proposed landscaping plan is sufficient. It is recommended that the applicant provide staff with a detailed list of trees/shrubs to be planted.

-It is recommended that cabins have side-shielded outdoor lighting. No dust, odors, fumes, or vibration is anticipated for the proposed use.

-It is projected that office hours will be from 7 AM to 9 PM with a person onsite to collect rent and prepare cabins for occupation.

-The developer will provide buffering along the western property line via fencing and/or hedges.

-All surface runoff from new construction will be contained onsite. Downspouts from new cabins will connect to infiltrator chambers with perforated pipe to retain runoff. Ditches and swales will be utilized to retain runoff from newly paved areas.



FINDINGS OF FACTS:

Primary Review Criteria

Effect on Local Services:

1. The developer will connect to municipal water and sewer systems. The developer pays the cost of connecting and extending. The developer will pay regular water and sewer charges, impact and hook-up fees.
2. The development will receive law enforcement services from the Polson Police Department and fire protection services from the Polson Fire Department.
3. The applicant will develop the driveway from Highway 93 and all of the parking and interior circulation.
4. The developer will be required to contract with the local solid waste removal company for regularly scheduled garbage pickup.

Effect on the Natural Environment:

1. The owners are responsible for managing post development runoff onsite. Stormwater management, drainage and grading plans shall be submitted, and reviewed and approved by the City Engineer prior to construction. No development shall channel surface or irrigation water on to another lot or property.

2. The owners are responsible for weed control and shall prevent the proliferation of weed growth within the property boundaries and their spread to neighboring properties.

Effect on Public Health and Safety:

Based on available information such as FEMA Floodplain Maps and Cadastral Maps, the development does not appear to be at risk to natural hazards such as flooding, high winds, wildfire, nor potential man-made hazards such as high voltage power lines, high-pressure gas lines, or past industrial/railroad use.

EASEMENTS FOR UTILITIES:

1. For public utilities near the property, extension will be at the developer's expense.
2. Legal and physical access is provided by Highway 93.

CONFORMANCE TO ADOPTED GROWTH POLICY:

The development proposal conforms to the Goals, Policies and Objectives as outlined within the Polson Growth Policy adopted by the City of Polson, 2006.

STAFF RECOMMENDATIONS:

After review of the application materials, site plans and site review discussion, the planning staff finds this application meets the requirements of the Polson Development Code and recommends approval of the Special Use Permit with the following Conditions. These Conditions, along with any other Conditions imposed by the Planning Board or City Commissioners, must be met for the approval of this Special Use Permit and to receive a Certificate of Compliance and Certificate of Occupancy.

-
1. Any further modifications or additions to the submitted plans shall be reviewed and approved by the Polson Building and Planning Department. If at any time the applicants, their heirs or assigns propose a major change of use or expansion of the structure/site that is not herein proposed and designated, they shall obtain the necessary applications/permits/approvals through the City processes.
 2. Applicant shall apply for and receive building permits from the City of Polson prior to the start of construction of the cabins. Permits shall be on site prior to ground breaking.
 3. Applicant's drainage and stormwater runoff management plans shall be reviewed and approved by the City Engineer prior to issuance of a building permit. Applicant's drainage and stormwater installation shall be inspected and approved by the City Engineer prior to the issuance of a Certificate of

Occupancy. It may be necessary to complete a SWPP in accordance with *City of Polson Standards for Design and Construction*.

4. The applicant shall develop the driveway for ingress/egress from Highway 93 including the parking lots and interior circulation.
5. Clear vision triangles shall exist at the intersection of the highway and driveway ingress/egress location. The driveway/road intersection shall be designed to safely accommodate the ingress and egress of larger vehicles such as fire trucks.
6. A sign permit and associated fees will be required for the proposed signage.
7. The applicant shall work with the City Water/Sewer department during the installation of the service lines. The developer shall notify the City and pay appropriate fees for hook-ups before a building permit is issued.
8. Developer is responsible for any applicable Impact Fees as determined by the current impact fee schedule (Resolution #2015-17) or any new resolution adopted before an application for a Building Permit is made.
9. LP gas tank, mechanical, plumbing and electrical permits are separate applications/fees. All of these permits are issued by the City of Polson, except for the electrical permit, which is issued by the State of Montana.
10. The City of Polson reserves the right to revoke this permit, terminate or enjoin the use of the structure or property, should the applicants, their heirs or assigns violate the standards of the Polson Development Code, or any Condition on this permit.
11. This Special Use Permit is valid for construction to be completed within three years from the date of issuance. The permit may be extended for a mutually-agreed upon period of time if the applicants request an extension of time prior to the expiration date.
12. The applicant shall install an opaque screening buffer at least six feet in height along the western property line running from the southern edge of the existing paved area on the south end of the lot to eight linear feet north of the deck of the north most dwelling.

The City-County Planning Board and the City Commission are encouraged to visit the site, ask questions and request additional information (if necessary) from the Planning Department before the hearing.

Duffey Land Surveying

PO Box 531 * Polson, MT 59860

883-1727 or 885-6727

duffeysurvey@gmail.com

March 1, 2016

TO: Kyle Roberts, City Planner

RE: Shrives Application for Special Use Permit

Dear Kyle:

Steven & Nathalia Shrives are the record owners of the subject property (see included warranty deed for legal description). The property is within the City of Polson's Resort Zoning District and is located at 50578 US Highway 93 across from Richwine's Burgerville. There are two existing dwellings on the property. The Shrives are proposing to add four cabins to the site. The cabins and the houses could be rented nightly, weekly or monthly. This proposed use falls under the definition of Hotel/Motel and is considered a Special Use under the RZD Zoning.

The attached site plan shows the existing houses along with the four proposed cabins. Access will utilize the existing approach off US Hwy 93. A paved drive and parking areas are proposed. City water and sewer are existing on site along with electric power. All new electric lines are proposed to be installed underground. Please call with any questions regarding this proposal.

Respectfully,

Jack Duffey, PLS

Agent for Steven & Nathalia Shrives



106 1st Street E., Polson, MT 59860
406-883-8200 Fax 406-883-8238
www.cityofpolson.com



**APPLICATION FOR
SPECIAL USE PERMIT**

PROPOSED USE: Hotel

OWNER(S) OF RECORD

Name: Steven & Nathalia Shrires

Mailing Address: 11948 David Forti Dr.

City/State/Zip: El Paso, TX 79936 Phone: shriress@gmail.com

*PERSON(S) AUTHORIZED TO REPRESENT THE OWNER(S) AND TO WHOM ALL
CORRESPONDENCE IS TO BE SENT.*

Name: Jack Duffey, PLS

Mailing Address: PO Box 531

City/State/Zip: Polson, MT 59860 Phone: 885-6727

LEGAL DESCRIPTION OF PROPERTY (Refer to Property Records)

Street Address: 50578 US HWY 93 Sec. No. 3 Town-ship 22N Range No. 20W

Subdivision Name: _____ Tract No(s). _____ Lot No(s). _____ Block No. _____

1. Zoning District and Zoning Classification in which use is proposed:
RZD

2. Attach a plan of the affected lot which identifies the following items:

- a. Surrounding land uses.
- b. Dimensions and shape of lot.
- c. Topographic features of lot.
- d. Size(s) and location(s) of existing buildings
- e. Size(s) and location(s) of proposed buildings.
- f. Existing use(s) of structures and open areas.
- g. Proposed use(s) of structures and open areas.
- h. Existing and proposed landscaping and fencing.

APPLICATION FOR SPECIAL USE PERMIT Cont.

3). On a separate sheet of paper, discuss the following topics relative to the proposed use:

- a. **Traffic flow and control:** Traffic will enter off Highway 93 utilizing the existing approach. The existing paved drive will be utilized. Paved parking areas will be provided for each proposed cabin. This will keep the drive open and allow for vehicle turnaround. An existing turnaround area is located on the south side of the north most house.
- b. **Access to and circulation with the property:** Access is off an existing approach to Highway 93. Vehicles will utilize the existing drive and new parking areas are proposed for off road parking.
- c. **Off-street parking and loading:** Off street parking is provided at each proposed cabin. No regular or continuous truck loading or unloading is anticipated.
- d. **Refuse and service areas:** Multiple collection containers are proposed for garbage collection. No service area proposed.
- e. **Utilities:** Electric service is existing along the west boundary of the property. City water is existing along Highway 93. An existing City sewer line is located across the northern portion of the property. Developer will work with the City's Water & Sewer Dept. regarding any new connections.
- f. **Screening and buffering:** The existing grass lawn will continue to serve as a shoreline buffer. Trees may be planted between cabins to provide shade and screening.
- g. **Signs, yards and other open spaces:** A sign is proposed along the highway frontage advertising the cabins. Grass areas between and around structures are proposed. There is a large open space between the north most house and the lake. This area of the property will remain as open space.
- h. **Height, bulk and location of structures:** All existing and proposed structures are shown on the site plan. Proposed building heights of new cabins is 16ft to 20ft. The four proposed cabins are 20ft wide by 30ft long.
- i. **Location of proposed open space uses:** An open space exists between the north most house and the lake. This open space will be used as a picnic and recreation area for the people utilizing the lodging.

- j. **Hours and manner of operation:** Office hours 7 am to 9 pm. Person on site to collect rent and prepare cabins for occupation.
- k. **Noise, light, dust, odors, fumes and vibrations:** Noise should be minimal with ordinary noise levels associated with human occupancy. Side-shielded outdoor lights on each cabin. No dust, odors, fumes or vibration anticipated for proposed use.
- l. **Drainage and Stormwater runoff management plan:** All surface runoff from new construction will be contained on site. Downspouts from new cabins will connect to infiltrator chambers with perforated pipe to retain runoff. Ditches and swales will be utilized to retain runoff from newly paved areas.

FEE AGREEMENT

Dear Applicant/Developer:

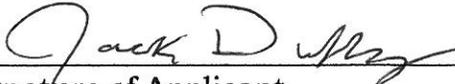
Please be advised that you are responsible for any and all fees incurred from the City contract engineering firm, per Resolution #942, effective February 21, 2007. These fees begin with the Pre-Application through Final City Council Approval, including inspections. The fees also include any contact or requests from the Applicant/Developer or any person working with the project directly to the City Engineer.

Also, per Resolution #942 there will be an administrative surcharge of 5% to defray the administrative costs hereof, from the requestor, pursuant to the preceding acknowledgement.

Per Resolution #942, paragraph 4: No project or request may move forward thereafter until such time as the City department has been reimbursed the fee and/or cost, together with the five percent surcharge, associated with the City's engineering review of such project or request.

ACKNOWLEDGEMENT

I do hereby acknowledge and accept any and all costs incurred on behalf of the application/development as state in the above paragraphs.



Signature of Applicant Date: 3 / 1 / 20 16
Agent for Shrivcs

Owners within 150 feet of subject property:

- 9071 S3-T22N-R20W TR-A COS 3259 Brian Rayle, 418 Edith Street,
Missoula, Montana 59801
- 8413 S3-T22N-R20W Remainder COS 3259 Ralph Kirscher, 3922 Bellecrest
Drive, Missoula, Montana 59801
- 9125 S3-T22N-R20W TR-B1 COS 4493 Phillip Donahue, 254 Eden Road,
Great Falls, MT 59405
- 8485 S3-T22N-R20W Tracts in Gov't Lot 1 Linda L. Kosvic Trust Agreement,
18100 Honeysuckle Ln, Wayzata, MN 55391
- 8812 S3-T22N-R20W TR in SE4SE4 Lucille E. Richwine Trust, 921 11th
Street E, Polson, Montana, 59860
- 9137 S3-T22N-R20W TR-A H-617 Missoula Holdings LLC, 600 Main Street,
Butte, Montana 59701
- 23099 S3-T22N-R20W Unit 2, Narrows Revised Condominium Subd. Michael
Bray, 4075 Kaleigh CT, Missoula, Montana 59803
- 23100 S3-T22N-R20W Unit 3, Narrows Revised Condominium Subd. Thomas
Yost, 11071 Sixty Six Ln, Missoula, Montana 59808
- 23098 S3-T22N-R20W Unit 1, Narrows Revised Condominium Subd. Dirk &
Beverly Kenfield, 617 Anglers Bend Way, Missoula, Montana 59802
- 23101 S3-T22N-R20W Unit 4, Narrows Revised Condominium Subd. James A.
Noe, PO Box 373, Red Lodge, Montana 59068
- 23102 S3-T22N-R20W Unit 5, Narrows Revised Condominium Subd. Jamie &
Patrick Darbo, 3015 Erwin Ave, Bozeman, Montana 59715
- 23103 S3-T22N-R20W Unit 6, Narrows Revised Condominium Subd. Geraldine
Arnold, 8031 Anchor Dr., Longmont, CO 80504

After recording return to:

Steven J. Shrives and Nathalia Shrives

11948 David Forti Dr.

El Paso TX 79936

545036 PD

WARRANTY DEED
TO JOINT TENANTS WITH RIGHT OF SURVIVORSHIP

THIS INDENTURE Is made the 15th day of July, 2015, by and between, PAUL LAKEHOUSE, LLC, 1663 Holland Lake Rd., Condon, MT 59826, Grantor, and STEVEN J. SHRIVES and NATHALIA SHRIVES, as Joint Tenants with Right of Survivorship, 1111 Austin Way, Unit 5303, San Antonio, TX 78209, Grantees.

WITNESSETH:

That the said Grantor, for and in consideration of the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, lawful money of the United States of America to Grantor in hand paid by the said Grantees, the receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell, convey and confirm unto the said Grantees, as joint tenants and to the survivor of said named joint tenant, and not as tenants in common, and to the heirs, successors and assigns of the survivor of said named joint tenants forever, all that certain lot, piece or parcel of land, situate, lying and being in the County of Lake, State of Montana, and particularly described as follows:

LEGAL DESCRIPTION

A tract of land situate and being in Lot 1 of Section 3, Township 22 North, Range 20 West, P.M.M., more particularly described as follows:

Beginning at a point which is South 89°50' East 75.7 feet and North 0°02' West 30 feet from the Southwest corner of Lot One of Section 3, Township 22 North, Range 20 West, P.M.M.; thence North 0°02' West 556.1 feet to the meander line of Flathead Lake; thence North 73°00' East 75 feet; thence South 0°02' East 578 feet; thence North 89°50' West 71.7 feet to the point of beginning.

WR

542488

Excepting therefrom those lands heretofore conveyed to the State of Montana by Instrument dated August 25, 1956, recorded October 11, 1956 in Book 46 of Deeds, Page 72, records of Lake County, Montana. And that portion conveyed to Lake County by Deed recorded July 14, 1925, as Book 3 of Deeds, Page 138.

Recording reference: Instrument No. 454506

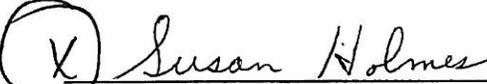
SUBJECT TO AND TOGETHER WITH Covenants, Conditions, Restrictions, Provisions, Easements, Reservations, Encumbrances and Matters apparent or of record.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and the reversion and reversions, remainder or remainders, rents, issues and profits thereof, and also all the right, title, interest and right of homestead property, possession, claim and demand whatsoever, as well in law as in equity of the said Grantor of, in or to the said premises, and every part and parcel thereof, with the appurtenances. **TO HAVE AND TO HOLD**, all and singular, the above mentioned and described premises, together with the appurtenances unto the said Grantees, as joint tenants with right of survivorship, and not as tenants in common, and to the heirs, successors and assigns of the survivor of said named joint tenants forever.

And the said Grantor and Grantor's successors and assigns, do hereby covenant that they will forever **WARRANT AND DEFEND** all right, title and interest in and to the said premises, and the quiet and peaceable possession thereof unto the said Grantees, as joint tenants with right of survivorship, and not as tenants in common, and to the heirs, successors and assigns of the survivor of said named joint tenants, against the acts and deeds of the said Grantor and all and every person and persons whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal the day and year first above written.

PAUL LAKEHOUSE, LLC



SUSAN HOLMES, Managing Member



SHAWN HOLMES, Member

SHRIVES PROPOSAL SPECIFIC ANALYSIS AND SPECIFIC COMMENTS

Craig Rayle and Debra Sommer

A--The Submitted Plans Do Not Describe the Activities in Enough Detail to Adequately Evaluate and Place Mitigating Conditions on the Special Use.

The specific building plans for each cabin are not given. In the application only the footprint of the cabins –now 630 sq. ft.—is specified. Several designs for 630 sq. ft., 2-bedroom single family homes were found online some with 2 bedrooms large enough to accommodate queen sized beds. (see https://www.southlandloghomes.com/sites/default/files/Clark_1_First_Floor_0.jpg; https://www.familyhomeplans.com/plan_details.cfm?PlanNumber=52784; <http://www.tumbleweedhouses.com/blogs/tumbleweed/14061973-step-inside-a-tumbleweed-cottage>)

An additional sleeping loft, murphy bed or screen porch could readily be added to any of these designs adding still further permanent provision for sleeping in these cabins. Futons or hide-beds in the living room could easily be used. The end result of a 630 cabin that might sleep 10 or 12 and could be advertised and rented as such; many of us remember as kids being housed cheek to jowl with relatives when we visited the lake. A good representative example of summer use occurs next to the Schrive's property; at the Kirscher's single-story home the families of their two adult children come to visit with the grandchildren and all reside for the weekend in two bedrooms and a den, without a loft.

Now mention of if dwellings are one or two stories. The Shrives application currently allows each cabin to 22' x 33' with a 20 ft. height which would allow for two story cabins totaling 1360 sq. feet of living space. (For a slab-on-grade house: .66' [8"] above grade, 7.5 foot first floor ceilings, .66 [8" second floor assembly, 2 x 6 second floor joists, 4/12 main roof or gable roof pitch would allow pitch or gables would allow for a second story of 7.5 ft. in average height.) Again online it is easy to locate building plans for such structures, particularly if the roof pitch in the found plans is lessened. A great room with a partial second story sleeping loft or 15' x 20' (two bedrooms or more beds in a common area) would be even easier to design and build. http://www.stocktondesign.com/plans.php?act=detail&f=1_2012.jpg <http://www.theplancollection.com/house-plans/home-plan-41> <http://www.houseplans.com/plan/1360-square-feet-3-bedrooms-2-5-bathroom-cottage-house-plans-0-garage-37334>

Remodeling design for the existing street-side home and lakeside home are not given. While the plan states that the front house will be rented as part of the plan, no details regarding the remodel are given. In particular, the number of planned bedrooms is not specified, nor whether these are "hotel" style sleeping rooms or suites. This is a two story home that could be modified, again to contain 3- 4 bedrooms, or two bedrooms and a large bunk style sleeping room in the lower level.

Were the Shrives to maximize the space in these unspecified plans the result could will be the establishment of five single-family homes on one lot, five with 4 bedrooms or sleeping lofts and one with 2 bedrooms. The resort zoning district allows for a single family dwelling but it does not state that 5 such dwellings could be established/constructed without subdivision of lots.

The Code also allows for a variety of uses but does not specify all the uses would be allowed in a single lot.

Plans for construction of multiple slip “dock” are not included in the application. In our discussions with the Shrives family they stated the family’s plan is to replace the unsafe dilapidated dock now at the property. The plan was for multiple slips, one for each dwelling; The plans as submitted fail to mention any such dock/marina plans; creation of this would greatly increase noise at the lakeshore from watercraft, would greatly increase use on the property particularly from Polson residents who do not have lake access but would come to the Shrives property to visit family or friends renting the property. Such a large dock would create problems for trailer storage and would also tend to draw larger crowds to the property, discussed more below.

No specifics or consideration of the private recreation area. The Shrives Application proposed a private picnic and recreation area (*Code 3.i*). The code specifically mandates Special Use Review of this additional use (Table II.16 RZD Land Use). Further, impacts near the shoreline need to be considered per Code IV.C--Shoreline Buffers.

The Shrives make no mention or discussion of large groups using the property. The total property with 20+ bedrooms and further sleeping on Murphy beds or hide-beds will make an ideal site for a wedding or family reunion. Wedding and receptions are a common use of the lake in Polson. The Application calls for development of infrastructure ideal for a wedding, a lakeside “picnic and recreation” area for the people utilizing the lodgings and a multi-slipped dock with a breakwater verbally mentioned by the family. Such a space would be ideal for weddings. The event might be—catered by one of several local companies. If the Shrives development is successful, large group use might be a common occurrence in the summer months. The average cost of a wedding is now 28K, and this would be a lucrative source of income.

<http://www.prnewswire.com/news-releases/the-knot-the-1-wedding-site-releases-2014-real-weddings-study-statistics-300049675.html>

From online sources a medium-size wedding is 150 guests with perhaps fifty more at a reception.

<http://www.prnewswire.com/news-releases/the-knot-the-1-wedding-site-releases-2014-real-weddings-study-statistics-300049675.html>

Given these realities, it is not difficult or unreasonable to imagine* the property packed with people at celebratory events, cars parked on any available space, including as allowed on Hwy 93 in front of adjacent homes. The use by or large groups is not limited by or addressed in the application.

(It is easy to find local examples where such activities do occur for example Swan Lake Cabins—a smaller property on a much larger more secluded setting has one stand-alone house and five sleeping-only cabins and advertises as *the perfect base for ... wedding and family reunions*,

<https://www.vrbo.com/566375>).

Sky Ridge Ranch outside Ronan regular hosts wedding involving a few hundred people and dozens of cars. <http://www.skyridgemontana.com/>

The impacts on parking, noise and visibility on neighboring properties trying to maintain the quiet use and enjoyment of their homes is not addressed in the Shrives plan. No discussion of the context of the requested special use (the landscape setting and neighboring land uses is given and no assessment of their impacts is made. Specifically no plans exist for:

- 1) Fences or vegetation along the property line to provide visual screening /sound barriers/traffic screening

- 2) Routing foot traffic away from the existing residential neighbors, particularly the existing deck adjacent to the Shrives property; a walkway along the east border would accomplish this.
- 3) Building heights are not considered relative to the existing view shed from our property (we have a second story deck and a lower deck beneath it and the entire property was built with views of the lake in mind with, with long sets of large windows (on both the upper and lower levels) facing the shore.

The Special Use Process review stipulates consideration and reasonable mitigation for impacts to the landscape setting ... [and] neighboring land uses.

The small size of the Shrives lot and amplification of adjacent impacts is not discussed. The Shrives property is one of the undeveloped lots in the RZD. The presence of two existing dwellings limits the manner in which new development can be located. Due to the small nature of the lot, user conflicts are greater, noises are closer to the neighbors, visual impacts are more apparent. The lots sizes of adjacent lots and of lots with developed resorts are given below:

Subject Shrives Lot 75 frontage x 567=42,525

Empty Lots in Front of Glacier Bank 281 x 203= 57,043

Kosvic (now for sale west of Shrives) 216 x 584 = 126,144 216 wide frontage

Lanier 67 x 597 39,999 67 ft wide frontage

Stripling (The Yellow House) 244x696 = 100,224 244 wide frontage

Pebble Beach 448 x 594 = 266,112 448 wide frontage

Country Club Shores = 500,000? +/- fronted on side street

Lake Place 57,934; 210 wide frontage

Sheni LLC Marina and Rentals 200, 000?+/-?? 350 feet

Bear Harbor 300,000 +/- fronts on side street.

Taken from or estimated with Montana Cadastral. <http://svc.mt.gov/msl/mtcadastral/>

B--The Planned Dwellings Do Not Clearly Fall Into the Hotel Categorization Allowed in the RZD.

The Planned Cabins Might Be Described as Dwelling Units or Hotels. A central question in looking at the plans is whether the Shrives cabins are hotels or dwelling units. A quick intuitive test would seem to be what renters would say as they were leaving Betty's Diner. "Honey I am going back to the cabin." (or house or lakehouse) or "Honey I am going back to the room (or suite)". The definitions from Polson Code reinforce this intuitive test. They are annotated for functionality and design here are:

Hotel/Motel.

A building or a group of buildings containing five (5) or more individual **sleeping rooms or suites**, each having a private **bathroom attached** thereto, for the purpose of providing **overnight lodging** facilities to the general public for compensation **with or without meals**, and usually providing on site recreation services, (Polson Development Code: Pubic Hearing Winter Draft, 2016, Chapter C, 3—Other Definitions, pg. 173.)*

Dwelling Unit.

A **single living space** providing **complete, independent** living facilities for one or more **persons**, including **permanent** provisions for living, sleeping, **eating, cooking** and **sanitation**. (Polson Development Code—Pubic Hearing Winter Draft, 2016, Chapter C, 3—Other Definitions, pg. 173 . , and the definitions of each are given below.

Hotels are allowed in the RZD and single family dwelling units are allowed, but only one additional “accessory dwelling unit” is allowed per lot (**Polson Development Code; Pubic Hearing Winter Draft, 2016, Chapter IV, Y. 3a, pg. 98**). The Shrives property already has the two allowed dwelling units—a main house along Hwy 93 and an accessory dwelling unit, the small lakeside house. Development of further dwelling units might be disallowed, or considered a variance, subdivision or need an amendment to the Polson Code.

The Shrives in their application, through agent and planner characterize the additional structures as “cabins” and acknowledge that “there are two existing dwellings on the property”. They do not differentiate between cabins or the houses stating that each could be rented “nightly, weekly or monthly”. They make no mention whatsoever of rooms or suites which are necessary and integral parts of a “hotel” (or motel, or tourist or motor court) The inference is that the cabins are additional houses to be rented in their entirety. (Re: Shrives Application for Special Use Permit, Duffy Land Surveying to Kyle Roberts, Polson City Planner, March 6, 2016). Each of three proposed structures has a 660 sq. ft. main floor and at 20 feet would allow for a 1320 foot “home”.

Of Note, Montana Code Annotated 50-51-102 states "Hotel" or "motel" includes:

*(a) a building or structure kept, used, maintained as, advertised as, or held out to the public to be a hotel, motel, inn, motor court, tourist court, or public lodginghouse; and b) a place where **sleeping accommodations** are furnished for a fee to **transient guests, with or without meals**. (13) "Transient guest" means a guest for **only a brief stay**, such as the **traveling public**. From Montana Code Annotated, 50-51-102. (Emphasis added.)*

In their initial review of the application the City erroneously interpreted the meaning of “dwelling”. The city assumed that a dwelling unit must be 1000 sq. ft. This minimum size requirement is only for single family dwellings and also applies only to modular homes that are being proposed as single family dwellings. Therefore, the initial review failed to discern between dwelling and hotels and whether the plan should rightly be reviewed as a “hotel”.

Mechanism exists for evaluating a use not clearly permitted in a district. The Shrives are clearly not constructing a traditional “hotel” but rather they are modifying existing dwelling units and constructing additional structures which may be construed either as “hotels” (allowed in RZD) or “dwelling units”. A procedure for determining which definition is materially closer to the proposed use is delineated in the Development Code, again emphasis is added:

The administrator shall determine **if a use not listed is materially similar to a permitted or special use** listed in that chapter. Interpretations may be appealed to the city BOA (see III.P).

Materially similar means the use provides a **similar function**, occurs within a **similar structure** or **setting**, and has a **similar scale** to a permitted or special use listed in that chapter.

(Code 2016, II.F. 1-3)

Of note, the Polson Development Code makes specific mention of “cabins” only in Performance Standards for Recreational Development and General Campgrounds. The RDZD district is more restrictive than the RZD and more importantly the cabins defined there seem to me more ramshackle and temporary in nature than those proposed by the Shrives: **Cabin: A hard-sided structure occupying a camp site that is set on a permanent or temporary foundation**. These defined cabins also occur in conjunction with a campground with a campground which the Shrives are NOT proposing.

Functionality and structure and design within the various definitions: a room or a house. My wife and I met with the Shrives family, March 5, and they spoke of the plans to construct two rental cabins and described them as small and high end structures; he made no mention of constructing sleeping rooms or construction of suites, and I would not associate small sleeping rooms or suites in a small cabin with high end lodging. So we were surprised when a proposal for a “hotel” with four new structures came to us in the mail; what we had talked about did not seem like a hotel.

Most of us have been to many hotel/motels during our life and know what a motel/hotel feels like or in legal parlance what a motel *materially* is. When the elements for functionality and design are pulled out of the Polson Code and Montana statutory definition of Hotel (MCA 50-51-102) the following is found: **sleeping rooms or suites, private bathroom attached, overnight lodging, with or without meal (Polson Code); sleeping accommodations transient guests, with or without meals, brief stay, traveling public.** The definitions are in close agreement, use is brief and overnight, the emphasis is on sleeping, meals might be available in an attached restaurant (but are not generally made in the room?)

For a dwelling unit, the design and functionality are clearly more established, private and less temporal: **single living space, complete, independent, [permanently provided] living, sleeping, eating, cooking [areas].** Essentially a dwelling unit is complete independent living unit designed for rental short term. The terms *living, eating, and cooking, complete, single and permanent* are absent the hotel concept as stated in law or local code.

If the Shrives intend to create single, stand-alone cabins rented monthly and perhaps all winter, providing dining (eating) areas with complete cooking and dining facilities then they meet the definition of dwelling units; the subject property already has a primary and accessory dwelling unit.

The Stated Use of the Proposed Cabins Goes Beyond Transient Guest. The cabins and existing houses could be rented nightly, *weekly* or *monthly*. (From March 1 letter from Duffy Surveying, to Polson City Planner Kyle Roberts, RE: Shrives Application for Special Use Permit.) Presumably the Cabins would be open for monthly rental for most of the year after the tourist trade dies. Most local motels sit empty or rent occasionally during the off-season; the Shrives would do well to find local residents to rent during the slow season and might want an 8-month lease on some or all of their dwellings--their application allows for such long-term monthly rental. Of note that might be primary means of rental from September to May. Put another way the application allows that the structures could be rented like most typical family homes in Polson for most of the year.

Hotel/motel rentals in Polson seem to only be offered overnight. In an extensive though admittedly comprehensive phone investigation found no weekly summer rates (at Kwa Tuk Nuk, Red Lion, Bayview Inn, Port Polson Inn, *Ninepipes offered no set rate but found after talking to the manager offered a % discount). By contrast the Shrives application states they will offer both weekly and monthly rates in the summer, both beyond normal “hotel” rental terms. Again discerning whether the proposed cabins are dwelling units are motels makes some intuitive sense. As travelers we might expect to rent the fully provisioned lake “house” or “cabin” by the week or longer, whereas we would never expect to pay for a full week if we drove into a Polson Hotel/Motel to book a room.

So, the proposed cabins to not rent in materially the same way as Polson hotel/motels; they might rarely rent for the same one-day time period; in the winter they might rarely rent to the same transient traveling public.

The Size and Facilities at the Cabin are Not Typical of the Historic “Tourist Court” and “Motor Court” referred to in the state definition of “Hotel”. There are precedents for considering rental cabins as a motor hotel (the roots of the word motel) but these lodging facilities—called tourist courts and motor courts in a bygone era, exist more in the lore of the past than in present planning. (Numerous web sites serve a public obsession much like antique buying and here you can find old post cards and even a treasured key to room #5 (\$16) of the Jim Bridger Court in Gardiner. This is the only Montana tourist court readily located in a Google search.

These court lodgings were generally and typically small, single room cabins, without partial kitchens or certainly full kitchens or dining area and often without plumbing but with parking for cars. Meals were sometimes offered at a restaurant. The photograph of the Bridger below shows a very small cabin with two “units” or rooms. The cabins do not have full kitchens.



Lochsa Lodge on Hwy 12 just over Idaho state line might be the closest thing to the luxury tourist cabins the Shrives have described. It can rightly be described as a tourist court. None of the cabins are stand-alone cabins with fully provisioned dining, eating and cooking (cooking actually prohibited in the cabins.) IF you came back from a vactation to Lochsa Lodge and someone asked you to describe the cabin, you would probably at some point explain to them that it was a sleeping only lodging, a room.

Several definitions for tourist courts (ie motel courts) exist on the Web. Web sites and images can be found on line generally agreeing that “tourist cabins” or a collection of cabins, tourist courts, were very small stand-alone rooms without full kitchens. The extended definitions are below but for clarity the key concepts are pulled out here with emphasis added: **small ... attached sleeping rooms; individual cabin or room rented for the night ... usually a series of very small one-room buildings.**

The local Cherry Hill Motel cabins are a very good example of a tourist court, though certain cabins are now rented long-term and as such are better called “dwellings”.

- *Tourist courts were usually a series of very small one-room buildings separated from each other by the width of an automobile.* <http://www.thefreedictionary.com/tourist+court>
- *Tourist camps and courts were a common form of lodging for travelers in the United States from the 1930s to the 1960s. The terms “tourist camp” and “tourist court” were used to describe both an individual cabin or room rented for the night and the business as a whole.* <http://www.encyclopediaofarkansas.net/encyclopedia/entry-detail.aspx?entryID=2700>
- Online, travelers still colloquially refer to these small one story motels with a row or L of attached sleeping room as “motor courts”, part of the state definition of “hotel” (see <http://dinerhunter.com/2015/09/20/on-the-road-billings-montana/> & https://www.tripadvisor.com/ShowUserReviews-g45212-d618594-r74123364-Lamplighter_Motel-Helena_Montana.html)
- The lamplighter in in Missoula is described as a typical fifties style motor court and a room is described by a patron as containing a mini-fridge and microwave and cable TV.
- https://www.tripadvisor.com/ShowUserReviews-g45212-d618594-r74123364-Lamplighter_Motel-Helena_Montana.html
- A motor court in Glacier is described as ... *a cabin duplex, known as a motor court back in the 1940's. These modest duplex cabins updated with a sink and small bathroom with shower in each room ...* https://www.tripadvisor.com/ShowUserReviews-g45152-d91219-r230190707-Rising_Sun_Motor_Inn_and_Cabins-East_Glacier_Park_Montana.html#

The proposed cabins are of a different scale than a typical motel. A typical motel room (240-325 sq. ft) is roughly half the size of the footprint of the proposed cabins and roughly a third the size of one of the cabins with a loft and one quarter the size of two story cabins on that footprint.

<http://loyaltytraveler.boardingarea.com/2009/06/09/my-square-foot-an-examination-of-hotel-room-size/>

<http://evstudio.com/construction-cost-per-square-foot-for-motels-2012/>

Local “hotels” are also materially different than the Shrives proposal. The rental terms for the propose cabins are atypical of “hotels” (motels) in Polson. In the summer none of local motels offered weekly rates as planned by the Shrives, (Kwa Tuk Nuk, Red Lion, Port Polson Inn, Bayview Inn). The Shrive also plan to rent by the month and for that term they will no longer be assessed the state “hotel” taxes. It might be assumed that in the off season, when tourist demand is down, some of the cabins will be rented long term; there is nothing in the plans to prevent this from occurring. Then the cabins would be functioning precisely like rented, single family dwellings. Of note, all the motel suites with kitchens found in Polson were attached to actual sleeping rooms in what is typical of a motel.

Trip Advisor Lists only 4 Hotels in Polson, though if you look hard there are a few more. A review of local hotels and motel indicates the proposed Shrive cabins are atypical of local Polson “hotels” (i.e. motels):

- **Bayview Inn**—No kitchens or kitchenettes. No weekly rental in the summer.
- **Port Polson Inn**—A few rooms did have full kitchens, but the receptionist did not call these motel rooms but explained that they were referred to as “the apartments”, a somewhat separate entity from the normal “motel”. These kitchened- rooms were not separate stand-alone structures as proposed by the Shrives, but rather were attached to the other rooms of the

motel. They were rented daily weekly or very rarely, monthly and the receptionist said she would have to consult the manager to determine a price. No weekly rental rate was offered in the summer.

- **Flathead Lake Inn of Polson**—No full kitchens, no kitchenettes no dining area. Microwaves only
- **Kwa Tuk Nuk Resort**—King suite, living room, bedroom, Jacuzzi none of the rooms have stoves or ovens, some have a wet bar or dining table but these rooms are the exception not the rule. No weekly rental rate in summer.
- **Red Lion Polson**—Has one room in motel attached to other motel rooms with a “kitchen” a small fridge, two burner stove, no oven, m-wave, small dining area. No weekly rental rate in summer.
- **Swan Hill**—Motel style sleeping rooms with one very large (1200-1500) foot lakeside cabin. Microwave is listed as only kitchen amenity.
- **Nine Pipes**—fridge, microwave only. No detached rooms. No weekly rental rate in summer but discount by special consideration.

From the information above appears that local “hotels (and motels) are structurally, functionally different. True in-room dining areas are rare. If kitchens and dining are available they are of a different scale than that of a stand-alone vacation cabins with complete living amenities which would be allowed under the Shrives current application. The use pattern of the Hotels is materially shorter than a vacation rental or winter rental, reflective of the terms in the code and statute definitions of “hotel”, *transient, sleeping, brief, traveling*. These definitional terms can evidently be applied to all the Polson motels, even the largest kitchen-equipped units. The terms found in the code definition of “dwelling” *complete, independent, permanent living* (as it might be thought of in a rental) structures are rarely if ever applicable to local “hotels” but they would be applicable to the Shrives stand-alone cabins rented for a week or month at a time.

Virtually all stand-alone cabin/house short-term rentals in Polson, were found not in suites but in single family residential housing. These summer rentals are vacation rentals, or tourist homes, not hotels. (This from a Google search using the terms “vacation rentals & Polson”)

Other local properties sheds more light on the Shrives proposal and hotels v. dwellings. *Swan Lake Cabins* is just over the Mission Mountains from Polson and a phone call did shed some light on the definition “hotel”. These cabins do not have full kitchens only a microwave or fridge, one of the biggest has a loft, a futon and added bedroom. But the manager was clear that even the biggest cabin is not stand-alone and fully provisioned. When asked if she would describe the operation as a “hotel” the receptionist said you would not describe Swan Lake Cabins a hotel or motel, and when questioned again she repeated that it would be inaccurate to see them as a hotel or motel. One stand-alone dwelling with a full kitchen was for rent, and it is called Hummingbird **House** (emphasis added) ; when asked more than once the receptionist was clear that it was a separate house. These questions were asked soliciting the receptionist’s opinion of what tourists would think to call their operation. It was clear that she did not hold out the cabins as a hotel or motel to callers and even more so that the standalone house was not a “hotel”. She was not asked for a legal definition but rather her colloquial understanding. She never held out any of her lodging as a Hotel or motel. Indeed a Google search for motels swan lake Montana at

(<https://www.google.com/search?num=50&safe=active&q=motels%20swan%20lake%20montana&npsi>)

April 5, 2016

City of Polson Planning Department
106 1st St. E
Polson, MT 59860

RE: Steven and Nathalia Shrives' Special Use Permit

To whom it may concern:

I am writing on behalf of Ralph Kirscher, the owner of the property directly west of the north half of the Shrives' property. As an adjoining landowner, Mr. Kirscher received a legal notice of the Shrives' Special Use Permit application to build a "Hotel" in the RZD zone.

Mr. Kirscher and I have reviewed the application, cover letter and site plan that was submitted to the Polson Planning Department by Jack Duffy, PLS on March 2, 2016. We have also reviewed the revised site plan that was provided to us via email by the Polson Planning Department today. According to the Polson Planning Department, there are no other application materials.

I would like to start off by stating that Mr. Kirscher is not outright opposed to the proposed hotel. In fact, he sees the proposed hotel as a potentially desirable buffer between his property and more intensive land uses to the east. Furthermore, Mr. Kirscher understands that the zoning of the property is RZD and the area will change over time.

However, due to the narrow lot configuration in this area and the proposed hotel being adjacent to an established residential land use, Mr. Kirscher simply wishes for the proposed hotel to mitigate impacts. Unfortunately, the application as submitted raises more questions than it answers for Mr. Kirscher.

I would like to address two primary concerns with the Shrives' Special Use Permit application. We hope that by providing these concerns in advance of the public hearing, the City of Polson Planning Department can work to identify opportunities for resolution.

1. Procedural Concerns

As previously stated, the Special Use Permit application was submitted on March 2, 2016. At that time, and as of the date of this letter, the effective zoning regulations are the "Polson Development Code 1993." The proposed hotel is not listed as a Special Use in the RZD zone in the currently applicable development code. According to information provided to us by the Polson City Planner on March 31, 2016 the application was submitted for review under the draft Polson Development Code that does list a hotel as a Special Use in the RZD zone. However, this draft code is not yet effective, and will not be effective as of the April 12, 2016 Planning Board public hearing on the Shrives' Special Use Permit. Providing legal notification to adjoining landowners, soliciting public comment, preparing a staff report, holding a public hearing and forwarding a formal recommendation by the Planning Board to the City Commission for a Special Use that does not technically exist under the effective zoning regulations seems awkward.

However, according to Chapter I, Section H of the draft Polson Development Code, a vested right to proceed with development is established when a permit is obtained. If the City Commission approves the proposed Special Use Permit after the effective date of the draft Polson Development Code, the permit would be “obtained” under the new code.

If this is the case, and the proposed Special Use Permit is vested in the regulations in place when a permit is “obtained,” then there is another potential procedural flaw. According to Chapter III, Section K of the draft Polson Development Code, a pre-application form shall be submitted to the administrator and a pre-application review shall take place, either with the administrator or, if the developer waives the 15-day timeline, before the city-county planning board. According to information provided by the Polson Planning Department, no pre-application review took place for the Shrives’ Special Use Permit.

2. Adequacy of the Application

Assuming the permit will be “obtained” after the effective date of the draft Polson Development Code, and that the applicant is therefore vested in the requirements of the draft Polson Development Code, there are many requirements of the zoning for which information submitted by the applicant is not adequate to assess compliance. According to Chapter I, Section M of the draft Polson Development Code, “The responsibility for demonstrating compliance with these regulations is the developer’s.” “Insufficient information to determine compliance” shall be proper ground for the rejection of an application. Furthermore, Chapter III, Section K, part 2 requires applications for Special Use Permits to contain “materials necessary to determine compliance with these regulations.” The term “these regulations” would indicate that a Special Use Permit Application must adequately demonstrate compliance with all applicable provisions of the draft Polson Development Code.

The applicant’s agent addresses the topics that are listed on page 2 of the Special Use Permit Application. However, many of the responses are vague and offer little detail upon which a concerned neighbor could otherwise rely to determine potential impacts and compliance with the applicable regulations. After reviewing the cover letter, application, and revised site plan (showing three proposed buildings), we are unable to determine many potential impacts to adjoining landowners or how the proposed hotel complies with the following regulations:

- i. Chapter IV, Section B: No runoff management plan has been submitted, although one appears to be required for the subject property. The property slopes to the west and based on the revised site plan, impervious surface directly adjacent to the west property boundary may direct drainage on to the Kirscher property. Neighbors are unable to determine potential impacts or adequacy of mitigation.
- ii. Chapter IV, Section D: No topographic information is shown on the site plan (although the application states on page 1 that it is required) so neighbors are unable to determine if the proposal complies with Lot Coverage requirements.

- iii. Chapter IV, Section M & Section N: The applicant does not address the width of internal roadways or specifications for access to US Highway 93 in a manner that allows neighbors to assess impacts to adjoining driveways, or for consideration and determination of compliance with the *City of Polson Standards for Design and Construction*. It is not known if the driveway for the proposed “hotel” is wide enough for two cars to pass or to avoid cars slipping off the driveway and on to adjacent property in the winter. The applicant does not address coordination with MDT for an approach permit. Neighbors and the public are unable to determine if safe access to a US highway has been contemplated or considered.
- iv. Chapter IV, Section O: The applicant states that parking will be provided on site. However, the applicant does not state how many parking spaces will be provided and how cars will be oriented so that a neighbor can determine potential impacts of car lights and exhaust. The applicant does not address driveway design to accommodate the specific proposed use (11.f), nor the minimum aisle widths (12.a).
- v. Chapter IV, Section P: The applicant does not show the location of required pedestrian access, making it impossible for neighbors and the public to assess and comment on potential impacts.
- vi. Chapter IV, Section V: (1) The applicant does not address mitigation of potential noise, nor does the applicant acknowledge the regulatory performance standard for noise and address compliance. (2) The applicant does not provide evidence of compliance with lighting requirements, nor does the applicant address the potential impacts of car headlights shining on to adjacent residential land uses while cars are parking at the hotel. (5) The applicant does not address the location of commercial solid waste disposal in a manner that allows neighbors to assess potential impacts. (7) The applicant does not address surface runoff adequately for neighbors to understand how it will be prevented from running onto another property.
- vii. Chapter IV, Section W: It is difficult to gauge if the Development Code requires a landscaping plan for a hotel, but no landscaping plan is available for neighbors to determine compliance. Specifically, Part 5.d.i of Section W appears to be specifically required for the subject development but it not addressed in the Special Use Permit application. There are many other requirements of this Section, but Mr. Kirscher is primarily concerned with mitigation of impacts to his adjoining residential land use.

As stated in Chapter I, Section M of the draft Polson Development Code, “The responsibility for demonstrating compliance with these regulations is the developer’s.” We feel that the Shrives’ application for a hotel on Flathead Lake does not adequately address many potential impacts or compliance with the regulations.

Thank you for the opportunity to provide written comments so they may be included in Planning Board packets.

Sincerely,
WGM Group, Inc.



BJ Grieve, AICP, CFM
Senior Planner

cc: Ralph Kirscher

April 6, 2016

City of Polson Planning Department
106 1st St. E.
Polson, MT 59860

RE: Initial Comments on Shrives Proposal to Add Four Cabins on Lot 1, Sec. 3, T22, R20

To the Planning Board:

We appreciate the opportunity to comment on the Shrives cabin proposal. Our primary concern is our view-shed of the lake; our home was built in 1957 and has eleven 4' x 5' picture windows on two living levels. These large windows were located in nearly every room specifically to capture the view of lake and mountains. We have a large lakeside barbeque deck on each level--again the view-shed from these outdoor living spaces is paramount. We are also concerned about the peace and quiet we enjoy at our property.

Scope and Process. According to the Special Use Process in the new Polson Development Code (Code), now is the time to mitigate the effects of the Schrives plan on both *landscape setting* and *neighboring land uses*. (III.K). The Code specifically points the public and this committee to looking at changes in *location, scale, design, and configuration* (III.K) when placing conditions and mitigations on a proposal and all our comments are focused those on those areas.

Insufficient Application. A key insufficiency in the Shrive plan as of this writing (4/7/16) is that it lacks adequate specific information regarding the scale and design of the proposed cabins. The applications fail to:

- include a prototype floor plan.
- specify the number hotel style of rooms and suites to be built.
- stipulate increased number of rooms or sleeping areas, suites in existing structures.
- specify square footage of finished living space in each finished structure.
- set the number of floors or partial floors (lofts) per dwelling.
- indicate which of the five total structures will be fully provisioned dwellings per the definition in the Code has been provided

The total project impacts vary greatly depending on the scale and design of the structures. Detailed floor plans are not needed at this time but without information stipulating the scale and essential design of the cabins, the project cannot be reviewed and assessed. In a meeting with the Shrives family March 5, we were told the plan was to construct two new guest cabins for "a total of four". No mention of suites or [sleeping] rooms was made; we assumed from description at that time these cabins would be small, stand-alone, fully provisioned cabins. We were surprised and alarmed when we received a certified letter that the 4 cabins, and were being evaluated as a "hotel". (Of note, the Special Use Application and Duffy Cover letter also make no mention whatsoever of "rooms" or "suites" and we are left to assume that the all the cabins may be stand alone in nature.)

We have talked to Kyle Roberts, Polson City Planner about these deficiencies and on March 29th we have requested specific additional information, but have not heard back on our request. Of note, it also seems that no determination of the sufficiency of the application has been made. The Code allows 15

days for notification and comment after sufficiency is determined, so it has been hard to pull together comment with scanty, incomplete information--I received the modified site plan only yesterday.

Cabins as Described May Not Qualify as a Hotel. If these structures are fully provisioned *dwelling units*, as defined at the end of the Code, then--given the dearth of travelers from September to June--there is a very real prospect that these dwellings will be rented not to transient users or the general public but to permanent residents of Polson, to families and other households. The application does not discuss the intended winter rental term; the cover letter only states *the [existing] houses and cabins could be rented nightly, weekly or monthly.*

In effect the plan will create five dwellings, for designed like and used as, rental homes to Polson families and households, throughout the Code there are prohibitions against establishing more than two dwelling units on any single, undivided lot

Additional Uses. The application and cover letter offer no specifics about the *location, scale, design, and configuration* of two major proposed additional uses.

One is the proposed private recreation/picnic area (Shrives Application, 3.i). In the Code, Table II.16 RZD Land Use, explicitly stipulates special use review of such a development and consideration of shoreline regulations in the Code certainly come into play.

Plans for a multi-slip dock and breakwater were also discussed with us in the March 5 meeting with the Shrives. In the Code, a Special Use Permit is specifically required for a private recreation area and, depending on the scale and design of the enlarged dock, this additional use may also be subject to specific special use review special is a specific special use listed in the RZD regulations as a lake-river use commercial area.

In concert the application allows creation of a five house resort with a small recreation area and multi-slipped doc. This would be an ideal location for a wedding—a common use in Polson—bringing perhaps 150 to 200 people; no mention or consideration of use of the property by large parties is given in the Shrives Application or Cover letter.

Recommendations to Locations, Design, Configuration, Scale. We seek to find solutions to some of these problems particularly, again looking at *location, scale, design, and configuration.*

In an On April 3 e-mail to Shrives agent, Jack Duffy, we asked the Shrives to turn the cabins lengthwise along the north south running fence, and to move the cabins uphill, closer to the large existing house. We pointed out that such a design change will yield many positive benefits:

- The lake view from the Shrives main house picture window will not be blocked.
- The Rayle/Sommer views of the lake and mountains, from picture windows and decks, will be substantially improved, reducing needed mitigation.
- The lowest cabin will not extend as far, creating less impact on the Kirscher's use and enjoyment of a new deck. (Though I need to make it clear I don't know his thoughts on this and am not speaking for him here.)
- The existing garage could be retained for storage, and its current function as a substantial visual break and sound barrier will not be lost.

- The cabins themselves would be stair-cased, possibly offering views from the lofts in each cabin or from decks on the front (west side).
- There would be a bigger west facing "front" yard for each cabin, (32' x 18' +/-) offering increased opportunities for trees, flower beds and outdoor use areas. This in turn will move noise and visual impacts roughly 10 feet further from the Rayle/Sommer property, reducing DbA.
- Most of the existing garden plot could be retained as some sort of open space and possibly the picnic and recreation area could be staged here, reducing use density and user conflict at the lake shore.
- Parking for the lower cabin will be moved to the north side of that cabin, "hiding" that parking impact from the Rayle/Sommer viewshed.

Alternatively, we ask here that only 1 stand-alone cabin be constructed, and the second and third cabins be combined into a larger structure with true "hotel" features of sleeping only rooms and some suites with kitchens. By combining the second and third hotels on the lower, lakeside portion of the property; the larger "hotel" could be moved still further from the lake and the structure would buffer for both noise and allow parking and activities to occur mostly on the north side of the structure mostly hidden from view. We know these are the Shrives design decisions but these requests are specifically what the special use permit contemplate to reduce impact without substantially reducing the Schrive's ability to use/rent their property.

We further ask that the scale and design of each cabins and planned remodels be specifically analyzed and that stipulations to construction be added to reasonably reduce impacts.

We finally ask that additions to the landscape design be made, specifically that fencing and vegetative screening be added along the western boundary to the Shrives plan to reasonably mitigate visual and noise impacts to our property.

Process and Compliance. The RZD is so multifaceted, complex and fluid that it naturally creates a thicket of procedural and legal considerations. As alluded to above, we think the proposed structures--as discussed with us by the Shrives, and described in the special use application--are more *materially similar* to dwelling units than hotels:

- They resemble dwelling units in function, structure, setting and scale, the elements to be considered per the new Code.
- They are bigger than anything that might be rightly called a hotel room.
- There are no provisions in the current application prohibiting construction of *dwelling: complete ... [with] permanent provisions [for] living, sleeping, eating, cooking and sanitation.*
- The rooms are not connected to one another as is typical in every local "hotel" we looked at. (Note, in the application or cover letter actually make no mention of rooms or suites).
- The "cabins" can, and probably will be rented monthly for most of the year to local residents (as opposed to the traveling public' transient).

The performance standards in the new Polson Code *with which all development must comply* stipulate *only one accessory dwelling is permitted per lot.* We don't think that calling dwellings hotels and then reducing the assessment of impacts is the right way to proceed. Further, the city planners and planning board should consider that when the property changes hands or the owners decide to no longer run a seasonal rental business, five single family dwellings will exist on one undivided lot.

The lot on which this development is proposed is unique. It is in a residential setting. It is the second narrowest lot in the remaining undeveloped RZD lots, between the bank and the golf course. It seems to be the smallest lot yet proposed for “resort” style development. The overview of the Polson Code states special use review goes beyond mandated consideration of permitted rights. Again, we seek a complete and substantial review of ***significant impacts on landscape setting[s] or neighboring land uses***—in other words on our viewshed and on our peaceful use and enjoyment of our property. We don’t see the application anywhere or in any way addressing these matters which are the heart of special use review established in the Code.

The new Code offers what we think is a means to fully consider these structures, call them cabins, houses or hotels. *A special use permit application may be submitted along with a zoning amendment or subdivision application and review may take place concurrently (III.K).* We would add that something like a variance might be considered in tandem if the Shrives want to proceed with development of several new stand-alone structures.

Specific Plans, Conditions and Mitigations Stated Up-Front.

We want the specifications for *location, scale, design, and configuration* put in now, at the front end of the Schrive’s planning. The mitigations and conditions should also be stipulated now.

It can be mutually upsetting and sometimes adversarial to comment on a neighbors plans for development. Postponing plan detail and review until the building phase, or the recreation area phase or the dock phase will only prolong the stress of these negotiations. We don’t. want to ride herd on the Shrives for several months or years when specifics can and should be provided now in this Special Use Review. We can then make an informed community decision and all get on about our business, a part of which is appreciating one another as neighbors.

Finally, we love our “home” in Polson and the neighborhood we share with the Schrives. We recognize that their plans call for less than the maximum allowed density; provide provision for some new trees, and seek to provide quality rentals so others may use and enjoy the grandeur of Flathead Lake. The proposed cabins have the potential to be tasteful and beautiful addition to Polson. The Shrives Resort is the sort of place we might book a child’s wedding, the sort of place we might see on line and book when we renew our own vows.

We don’t wish do delay the Shrives activities. We do want adequate specifics in the plan so that proper review and mitigation may take place. They are proposing much change in a very small lot--a recreation area, a mini marina and several what appear to be stand-alone house/cabins. We hope more detail will be provided and that a level of review considerably beyond what is not occurring will take place.

Kind Regards,
Craig Rayle and Debra Sommer

Saturday, April 9, 2016

City-County Planning Board

106 1st Street E

Polson MT 59860

RE: Special Use Permit submitted by Jack Duffy regarding Lot1 of Section 3, Township 22 North

To the Board:

Thank you for the opportunity to submit my comments. My husband and I own property at 50544 US Hiway 93, and will be impacted by this requested development.

We understand this property, and our property are within the Resort Zoning District, and don't object to development of properties in the district. Our concern for the district, and the community is that this be done wisely. That it be done in a manner that respects all property; and the people who reside in the area.

The lot is 75 feet wide, and it will take careful planning to avoid hotel development encroaching on neighbors. What measures will be taken regarding:

- Noise and lighting invading neighboring properties

- Parking for hotel guests and employees

- Protecting the views of all properties, not just the one being developed

- Landscaping and paving that doesn't degrade neighboring properties

Hiway 93 in this area has considerable traffic

- Safe entry and exit without creating hazards for all who use 93

If this development includes dock and/or lake use

- How will the use of it be controlled to prevent damage/risk to neighboring owners

Currently there are no sidewalks in the area. How will hotel guests and employees safely walk and/or bike in this area?

We have a beautiful area, and want to protect everyone's enjoyment of it. It would be a mistake to plan this development without ample consideration and attention to prevent problems and loss.

Jan Leishman-Donahue

406 453 4997