

CITY OF POLSON COMMISSION MEETING

Commission Chambers

April 18, 2016

7:00 p.m.

ATTENDANCE: Commissioners Coutts, Donovan, Erickson, and Turner, City Manager Mark Shrives, and City Clerk Cora Pritt

ABSENT: Mayor Heather Knutson, Commissioners Siler, and Southerland

OTHERS PRESENT (who voluntarily signed in): Jack Duffey, Elsa Duford, Lita Fonda, Ralph Kirscher, Bonnie Manicke, Lee Manicke, Debra Sommer, and Jamison Starbuck

CALL TO ORDER: (00:01) Commissioner Turner called the meeting to order. The Pledge of Allegiance was recited. Roll call was taken.

APPROVAL OF PROPOSED AGENDA (01:03) - Commissioner Coutts motion to approve the proposed agenda. Commissioner Erickson second. Commission discussion: none Public comment: none **VOTE: Unanimous Motion carried**

PUBLIC COMMENT ON SIGNIFICANT MATTERS TO THE PUBLIC **NOT ON THE AGENDA (01:40)-none**

CONSENT AGENDA (01:55)-(a). April 1-14, 2016 claims, (b). City Commission meeting Minutes April 4, 2016, **Commissioner Donovan motion to approve the Consent Agenda. Commissioner Coutts second.** Commission discussion: none Public comment **VOTE: Unanimous Motion carried.**

CITY MANAGER COMMENTS (02:45)-City Manager Shrives commented on the following: May 6th will be City Clean-Up day. The Downtown Clean Up/Green Up will be April 29th. The Polson Police Department Special Olympic Torch Run will be Friday, April 13th. May 18th will be the Montana Law Enforcement Memorial Parade. Polson Police Department will be hosting. The parade will begin at 11:30 a.m. at Wal-mart. There will be a ceremony at Linderman Elementary.

APPROVE SPECIAL USE PERMIT #16-01, NEW 3 CABIN SYLE HOTEL DEVELOPMENT IN RESORT ZONING DISTRICT (04:44) – City Planner Kyle Roberts presented this agenda item. This is Special Use Permit #16-01 (SUP) for a proposed cabin style new development in Resort Zoning District. The property owner is Stephen and Nathalia Shrives. The applicant and technical assistance is provided by Jack Duffey, Duffey Surveying. This application was received on March 1, 2016. The Staff Site Review was March 10th. The Public notice was published in the *Lake County Leader* in the March 24th edition. The adjacent property owners were mailed their notice on March 21st. There was public comment received and included in the packets. The applicant is requesting a SUP to construct 3 cabins on site. The cabins and the existing houses will be rented nightly, weekly, or monthly. The proposal consist of 3 cabins with a foot print of 660 sq. feet and 16 to 20 feet in height. There will be a grand total of 6 parking spaces (2 per cabin) per the Development Code. The cabins and the associated parking spaces will be constructed between the 2 existing houses along with a proposed drive running north to south along the western end of the property. The existing turn around located on the south side of the northern most house will be utilized. Access to the lot will be provided via an existing approach of U.S. Highway 93. The property is located at 50578 U. S. Highway 93, across the highway from Richwine's Burgerville. The property is zoned Resort which is suitable for this type of use. This zone does permit mixed high density residential and resort development. The subject property is under an acre in size and has an average slope of 8% from south to north. The property has 2 existing dwellings. The larger of the

2 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 definition of a large scale development because it will not produce more than 1,000 vehicle trips per day. As mentioned, there was a site review with the applicant on March 10th with Planning, Building, Water/Sewer, Streets, and Fire departments were present to review and comment on the proposal. Some of the comments include again, traffic will enter off of Highway 93 off an existing approach. MDoT (Montana Department of Transportation) requests that applicant file a Change of Access Permit and widen the driveway based on MDoT requirements. Paved parking areas will be provided for each proposed cabin. This will keep the drive on the western end of the property open for vehicle turn around on the northern portion of the property. The current shoreline buffer will not be altered or impacted. The existing grass lawn will continue to serve as a shoreline buffer. Signage is proposed to be placed along the highway frontage advertising the cabins. As such, a sign application and fee will be required. Multiple collection containers are proposed for garbage collection. There is an existing City water line that runs along Highway 93 and an existing City sewer line is located across the northern portion of the property. The existing houses on the property are connected to water and sewer. A new water/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. The proposed site plan does show some 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 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 a.m. to 9 p.m. 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 which will help mitigate noise and screening from car headlights. 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. Under the Facts, on the natural environment 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. So that said, after reviewing the application, material, site plans, site review discussion, both the City County Planning Board as well as the Planning Staff finds this application does meet the requirements of the Polson Development code and recommends approval of the special Use Permit with the following conditions; so originally there were 11 conditions but to highlight some of the key ones: the applicant shall apply for and receive a building permit from the City of Polson prior to the start of construction of the cabin. Permits shall be on site prior to ground breaking. Again, the 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. Again, the applicant shall develop the driveway for ingress/egress from Highway 93 including the parking lots and interior circulation. A sign permit and associated fees will be required for the proposed signage for the project. The applicant shall work with 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. The City County Planning Board has recommended placing an additional Condition of Approval again because the residents on the western end of the property line, there are 2 residents there, so given that the City County Planning Board has recommended that a condition requiring an opaque screening buffer along the western property line be installed. You will see in the Staff Report that 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. Again, the applicant is here if you have any questions for him as well.

Commissioner Turner asked the Commission if there were any questions. Commissioner Erickson's asked what the applicant had in mind for an opaque screening. Applicant responded a six foot fence. Commissioner Erickson asked if the fence would be solid. Applicant answered yes. City Planner Roberts

explained that the screening was to mitigate from headlights. Commissioner Erickson asked about signage advertising the place. Applicant answered yes, that is proposed. Commissioner Erickson asked what the applicant's thoughts were on that. Will the signs be right there on the highway directing traffic to turn off? Applicant answered yes there will be a sign advertising at the highway. Commissioner Coutts and Commissioner Donovan did not have any questions of the applicant at this time. Commissioner Turner asked for a motion. **Commissioner Erickson 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. Commissioner Donovan second.** Public comment: Jack Duffey-Ward 1-I think the Shrives are proposing a nice development here that will be tastefully done. It fits nicely with the intent of the Resort Zoning District and it will be relatively conservative in comparison to some of the permitted uses regards to density and lot coverage and things like that. We agree with the Staff Report and we accept the Conditions of Approval at this time. I'm here to answer any questions that I can. Thank you guys.

Ralph Kirscher- I'm one of the Board members. I appreciate the opportunity to make comment to all of you tonight. 3922 Bellcrest, Missoula MT but it is also here at Polson, 50558 Hwy. 93. We've lived at this area since '73. As you may know, if you are familiar with that area, since that time period or even before that time period, it was all residential along there. From the golf course condominiums, I'll call them that because I'm not sure of their correct full term, but from there going west to what used to be the marina motel. You may recall that. That's not there any longer but the marina is still there. Anyway, those were all private residents, single family residents. Over the course of time, changes occurred and if you have driven the area you also know at this time there's a bank building, there is a 6-plex condominium unit, The Narrows to the west, there's 2 single family residents, there's currently on the Shrives property 2 residences, (inaudible) house, to the east of that, and they had an additional 2 lots before you get to the smaller yellow house down by the lake and the big old house that's been in there for nearly 100 years, and then the vacant lot between the condos and the big house. Given the topography I think it's important, and I know the inception note this, it is an 8% grade. If you look at the property, I don't know if you've had the opportunity to go out and look at it but there is a, the topography is such that it slopes toward the lake and toward our property. That's why Condition #3 is so important because there will be a natural tendency for that water to run to our lot. It will go by our house but then come into the yard below that to the north of our house. So that's an important condition. Commissioner Ericson asked if it's soggy. Mr. Kirscher answered oh yes, it is spongy right now. That's not from run off. That's probably just from ground water. If you're familiar with that area from the golf course condominiums going west, that's real soggy and there's a lot of springs that feed probably from Skyview. I'm not sure. So that's an important issue. Now regarding ground water, that's a more difficult thing to know where is it exactly comes from. Certainly at this point in time, as I understand it, there really aren't any requirements that deal with that ground water. I do know when they did the condos they had a lot of ground water to deal with in the foundation and footings at that time. That's the property to the west. So that's an issue but certainly the surface run off is going to be an issue, will add to the soggy as well. The lights, the fence, the barrier. There's been a lot of discussion about that. Given again the topography as I understand it, it's unclear because the site plan really doesn't show this, but the road comes down on the western boundary, our eastern boundary, I don't know if it's going to be elevated at all. The existing road is elevated some and then drops down to the lot where Craig Rayle lives, the house right next to the highway. As it gets down to our part it's flat. It's pretty much the same level. So the concern we have at our spot is turn arounds, lights coming in, and that was the reason for the fence. Now a 6 foot fence probably isn't going to keep a lot of that light out but some. I know we had asked the Planning Board to also consider something with trees or something of that nature. They went with the 6 foot fence as a condition and that's what's currently there. If you look at the site plan, maybe look at, let me just point out (note Mr. Kirscher stepped away from the podium to point at the site plan map projected on the back wall) it may be easier to see Craig Rayle's house is located on this piece of property, our house is located on this piece of property, and it's probably in this vicinity here. That may be a little bit lower, right in here given the scale. So there will be some impact depending upon how these cars park. If they pull in or

if they back in with lights. The bedrooms are on this side. Mr. Rayle's bedrooms on the upper level are also on his eastern side. So there's a concern about that. And again there's been some consideration for that with the fence, which will be helpful. The proposal that they have, could be very nice. They're talking about underground utilities, controlled area with a manager on site for a number of hours during the day. I don't know what the hourly, not the hourly, but what the hotel rates will be; nightly, monthly, or weekly. I think that is something that in some point in time they will post. I don't know if they're required to do that or not. So that would be something to look at. They will pave, and they will build these cabins. It's a narrow lot. I think the site plan doesn't have necessarily all of the measurements for the driveway and the radius of the parking. I think one concern that we have is how the parking will occur. How it will be controlled as they develop them. I'm not sure if it's going to be a phased development, it will occur all at one time, so that's a concern. Talking with Mr. Shrives, he hasn't really, I realize his son is the one that is doing the development but we've all kind of talked with him a little bit about what the project might be. So that's been helpful to some degree. We don't know what the buildings will look like at this point. Only that they will be 23 x 30 I believe. There will be 3 units. We don't know how high they will go for sure. If they will have a loft or not. So there's some unknowns. Mr. Shrives has indicated that his son wants a first class development. So we're kind of relying upon that as we're going thru this process as well. A remaining concern I have is still some of the screening, buffering, potential noise. I realize it is in a 70 decibel zone now. I'm not sure what that means. I don't know what that intensity is. That's certainly something that we'll look at and address it I'm sure if there are any issues that arise. The other thing that we had a concern about at the Planning Board meeting was access onto the property. I realize we're doing a fence and I know they wanted to demarcate their line not only for our privacy to keep people off but to probably keep our people off their property as well if that would occur. I'm not sure at this point if the fence as a buffer would only go to about 8 feet beyond the deck on the northern most house. There's still, and this is merely an estimate, I'd say probably another 40 maybe 50 feet to the 20 feet protective zone. I'm not sure about that. I might be off on that. So there's some distance there that will not be fenced based upon the condition that the Planning Board put on there. Likewise it goes only to the paving of the northern most house. It doesn't go clear to the access easement of the road. Like I say, there's some unknowns. Overall, if you've read the comments that have been submitted, there are some concerns procedurally about this being used. This coming forward at this time with under the new zone which really isn't even effective yet until May, but that's been put forward in the materials that you have. I think we've addressed the other concerns that we put forth at the public hearing with the Planning Board. I think that's all I have to say. Thank you. If you have any questions, I'd be happy to address them.

Jamison Starbuck, I'm an attorney here on behalf of Craig Rayle and Debra Sommer who own the house next door on the southern end to the proposed project. Craig and Debra understand that the development of the property is supposed to be done in a tasteful way and they are supportive of that. But have some concerns about 2 things. One is the process and the other area are some of the specifics. There wasn't very much information given to them in advance and so no real way to prepare for trying to come up with comments and suggestions. The process seemed quite accelerated and there was also, for instance, no there was no pre-application meeting which your City policy recommends or requires. There was no environmental impact statement. There's little information provided about roadways or some of the realistic needs for parking. As we understand it, this is actually not a 3 cabin development but a 5 cabin because there are 2 existing properties that are also going to be used as rentals. So it's a 5 full independent dwelling houses being placed on a lot that the zoning really only allows 2 houses. So a second concern in addition to the accelerated process and the absence of the pre-application meeting, is how did the City we would like to understand how the City reached the legal conclusion that 5 independent dwelling homes are actually a hotel. The definition of a hotel is quite a bit different than independent dwellings. What one could anticipate is that if the rental business as a hotel doesn't work out, that one ends up with 5 independent dwelling units. In essence a subdivision that have not undergone any kind of subdivision review and that's of some concern. The third point is that, though no disrespect intended, I think it would be helpful if on the record it was listed that there is a bit of a conflict of interest in that Mr. Shrives is the father of the person who owns the property and he's also the City Manager. I

just think that should be on the record in terms of decision making and choices. When we get to the specifics, the noise level is of great concern because the 70 decibel level is in play there. The space between Debra and Craig's home and the uppermost presently existing cabin/home. It's about 14 feet. So driving recreational vehicles, potentially trucks pulling jet skis, or boats or other things that one would anticipate people bring to a rental on the lake the assumption is that there will be quite a bit of over 70 decibel noise happening right there by their bedroom in that echo chamber between those 2 houses which is really 14 feet. We feel that that should be assessed before approval because so that we can do some mitigation in terms of shrubbery or sound barriers or other things so that their not above the 70 decibel level. If you can imagine people coming in late at night or early in the morning or there was some talk from Mr. Shrives about putting in a marina. I know that that is not under the City's but that has to do with the Tribe. The plan is to put a marina there which means boats and jet skis and other things that are certainly going to increase the traffic and the noise level quite significantly. And then there's the concern of where are those things are going to park. If their building 3 new buildings that can each be up to 12 hundred square feet, that's potentially 8 people per dwelling times 5 that's 40 people and they have parking for 2 vehicles at each of 3 cabins and then some overflow. That seems to require perhaps a little more consideration. The second issue that they feel strongly about is with regard to the fence. Debra and Craig would like to put up the fence themselves and would like to do that this spring in order to alleviate any concerns about as the project proceeds of people because it is such a narrow roadway of people using their property to turn big machinery around on or other ways invading their property. There's a slope there, a little bit of a slope, and it could easily happen that their property gets used as part of the construction zone. We were informed by Montana Power or Northwest Energy, I'm not sure what you have up here but the power company, is willing to allow them to do that fence now because the Shrives are going to take the power down and do underground power and do it on their side of the property in that 5 foot easement. So Debra and Craig would like to have permission to put up a wood fence along the property line in order to mitigate against the noise and confusion and everything that happens as part of a building project. The other thing that they would like to know is if anybody has any thoughts on when exactly groundbreaking might occur in order to be kind of planning. Commissioner Turner, at this point I would say that none of us do. Jamison Starbuck, Right. Commissioner Turner, I'm guessing there's still the issue of the development being financed. I personally don't know. Jamison Starbuck, well I'm hoping perhaps that the Shrives could let us know what their thinking in terms of when. Obviously people are starting to plan their summer time at the lake and all that and trying to get a sense of what to anticipate. So that's all I have. Commissioner Coutts, Just one quick question. Just to make sure I understood you right, did you say from house to house, from the side of house A to the side of house B a total distance is 14 feet? Jamison Starbuck, 14 to 15 feet. Commissioner Coutts, 14 to 15 feet. So the existing driveway that's where the existing driveway is? Jamison Starbuck, The existing driveway is about 12 1/2 feet wide. I think. Craig would know more specifics. Non-identified speaker, from the property line is 13 1/2 from our property line to their house. Then there is a set-back more or less, Commissioner Turner, can I have you come up to the podium.

Craig Rayle-To get a sense of distance. We live in Missoula. We have a house across from Burgerville, 50568 U S Highway 93, it is directly across from Burgerville. Like absolutely. You might have noticed it. It was sort of run down. The dogs had taken over and the fence was falling over, some of the windows were broken. We put a lot of time into it and Polson is a place that we really love. It could be my first home. So anyway, we enjoy Polson. The distance, I guess we'll talk about that first. It's probably, it's 5 feet, I did this at the last meeting but literally 5 feet from our bedroom to the road. Which would be you know right here. So we're concerned about that. Rightly so. There's a steep grade going up the hill steeper than you would allow for a subdivision. I know this isn't, it's real strange to look at this because it is a weird creature. It's not a full blown subdivision. I'm not sure if it is a hotel. There's some real nice houses that could be rented short term and probably rented long term in the summer. Maybe someone would take a real liking to them and rent one of them for years on end. So it's a strange creature and I know that. That is part of the thorny problem that I think the City probably ought to deal with. I do believe they're dwellings. I didn't see a single word in the application except the title of what it was. This is a hotel but there's nothing in the application that actually describes what I would normally call a

hotel. What defines them as a hotel in the code? I think the City should wrestle with that. I'm not saying it should be shut down but you know you have another, basically if you look at the map, you have the entire brown area pretty much from their property over, Mark has a lot of hats on, so I'm not going to address him directly, let him off the hook, but from their property over to the golf course there's all this undeveloped property. So I think, you know, at any time someone could say well we're going to build a hotel and it's I don't know how or what the answer to that problem is but there could be a lot of houses that weren't reviewed that would be rentals that would maybe not be cared for as much as the Shrives care for them. You know, down the road there could be 5 houses next to us without any real very active management. So thinking of wrestling with that idea. I think it's a good thing for the City to do. As long as I mentioned Mark, I think I should say we've had conversations about putting up a nice wood fence. What we both envisioned. I think that would do a lot for sound. We appreciate that. I started looking at the idea that maybe we could just build our own fence. In advance of the bulldozers, bulldozer is probably an overstatement. That's heavy equipment and it adds to construction. I know after kicking around somebody, maybe Jack, has been down to the power company and part of the project is to get an underground easement. It looks like the underground easement will be entirely on the Shrives and they will bury the (inaudible). Let me know if I got any of this wrong because I talked to a guy down at Mission Power. As soon as that easement got approved, then we would be free to build a fence. (Inaudible) doesn't want you building fences (inaudible) property lines, trees under power lines. So in conjunction of that the Planning Board said that there wouldn't be any foliage along the fence. You know no mandate, stipulation of that. If the buried easement in on their side, you can't put foliage on a buried easement. So the fact that they said that there didn't need to be and there can't be kind of go hand in hand. So if we need to mitigate problems from their property we are free to plant foliage along our side with a fence. We would really like that to be set up so that it's a positive solution that we get to take advantage of that doesn't encumber them. That we don't have to, you know, go and talk to them and say well where are those 6 trees? That whole thing is just a mess. It creates tension and our idea of what should happen and their idea of what should happen. I mean I don't want to do this very often. We've had a lot of nice conversations and I don't want to stay in this, you know, mode of what's happening? So it would be really nice to get the City to say that the power line should be settled first and then we would be free to build a fence. I would like that to be a condition. The noise requirements can be a problem. Again if I'm just looking at I know I read somewhere that, Stephen is a builder so he probably can tell me about how far, what would it be 13 18 or 17 feet. Probably like from here to that wall. So basically you're going to have a fair number of cars going between 2 houses in sort of a tunnel. There's no ceiling to it. Kind of a tunnel situation. There's a 12% grade to go up. So I started looking and I don't know if you guys got it, I'd hoped to send you some information from real rough stuff about the DBA. The State of California allows 95 DBA to come out of (inaudible) in figuring out there's some ways to do it. Just like putting trellis' against their house and having vines on trellis' is going to suck up a lot of the noise. We both cut down our trees. We cut them down before they moved in, about 2 years ago, and they cut theirs down last year and there's an incredible difference in the traffic noise on the property. So the vegetation will have a real factor. We'd like the freedom to put an 8 foot fence up. If we start building a fence we'd like to ask for reasonable costs for the fence. Some of that we can talk out amongst ourselves. We've talked about helping with the fence and they've talked about getting rid of, we've got some pretty ugly power lines. So we're not opposed to working some stuff out. Let's see what else.....the process was sometimes, I mean I was a Planner for the State of Utah, and I know that sometimes the whole planning process is like a game of stop and you can try to bollix things up. You're a builder. The more bollixed up you make it, the bigger mess you make it. So that's not my intent. Sometimes it was a real running target about what information we were getting 6 days before the Planning Board I got the final proposal. The final plat map. So those things, seems like the cart, the horse could be cleaned up and thought about as the project goes forward. Some of it might be Kyle's, you know, the whole plan is new and Kyle is new. So looking at things, get the process tightened up. The one thing that didn't come through, again, was some of the details about how tall, specifically whether there were lofts planned, how many bedrooms, and all that has to do with how traffic's going to be generated. This also was a plan, I don't know where that is, to develop kind of the mini-marina with 1 slip per house and a break water. Now there is a dock out there that is dilapidated. It has some slips in it. It's not like it's just going to start

from scratch. You kind of replacing some old stuff but it would be used again and I think expanded. So that's going to create traffic. And again it's all got to go up that hill and gotta go through the tunnel next to my bedroom. So the other specific thing I would like would be to have more vegetation or dampening alongside of the houses. One of the things I found out as I was looking, and I should have thought about before, a violin doesn't make much noise but when you put a violin in a concert hall, it's magnifies the decibels to the point where maybe a couple 3 thousand people could listen to this little violin. There's some of the same effect when you run 2 cars between like a house there and a house where I am. Unfortunately our bedroom is right there. So trying to mitigate that would be very important. I think that's about all I have. I do want to back up and appreciate the fact that we talked about putting up a beautiful fence, reducing noise, and then the fact that you've gone to the power company and trying to get the impact moved over to their side of the property line early in the process so that we can just move forward and not have any contention problems. So I do appreciate that very much. Commissioner Turner, Quick question for you. Craig Rayle sure. Commissioner Turner, I did do a little research. Do you guys rent out the upper half of your house at this point? For week rentals or other rentals? Craig Rayle, Sometimes. Probably 4 or 5 times during the winter. We have had, we had a retired policeman from Annaconda staying downstairs the whole winter. Commissioner Turner, Okay. Leaving Mark out of this, have you contacted Stephen Shrives and just had a general conversation? A lot of times stuff like this does come to us but there's certain things that Council does have to look at and other things are more of a neighborly issue. I think we can all understand your concerns. I don't think that there's anything out of control. My question is have you called Stephen and just actually talked to him directly about these? Craig Rayle, There's a thing in the application to do not contact Stephen. Is says don't contact the owner. Contact Jack Duffey. So I have said please relay these comments. I sent some ideas about just moving, making the 1st cabin lower and maybe increasing the heights of the back cabins to protect the lake shed view. Maybe moving the cabins up 10 or 20 feet. The first plans had the cabins a lot closer to the (inaudible) house. Just some ideas about how to solve some of the impacts without really effecting the project. So I did send the, Jack I don't know if it made it to Stephen or not. Commissioner Turner, I think you brought up a valid point when they cut down all the trees there in front or whatever bushes those were, I would guarantee that changed what you hear. So if shrubbery or greenery is a great way to help that noise. Thank you.

David Simons Jr.-I'm the Building Official for the City of Polson. I'd like to address 2 of the comments that you guys had asked about. Like the occupancy of the dwellings that are there. They're not single family dwellings. The Building Code specifically is what gives the like an occupancy or classification of a building. The existing could be considered an R-3. What they're trying to do in the way of renting them out, what they are transient in nature is what the Building Code says. So by definition these would be R-1 which is a unit and not a hotel but a motel. A motel used to be a single level where you could come in to it. It used to be real popular like in the 50's and 60's where you had 3, 4, 5 or 10 single units where a person pulls in to. It gives them a more secure, relaxed feeling but by definition in the Building Code these are R-1 occupancies. They are not single family dwellings. Doesn't say that she can't have a kitchen. You can. Like a kitchenette type thing if you will. But by definition of the transient by nature is how it defines it in the Building Code is what defines a single family dwelling is what they consider primary, permanent in nature. It means someone has their residency there. That's what you use. Like I have a couple of homes but my primary resident home is here in Montana. It is primary in nature so that is how you get the R-3 occupancy classification. These are considered R-1 which is what is in the motel which is what the hotel/motel. Unidentified speaker, Are there any prohibitions or let's say that they rent out one of the, or all 3 on a yearly basis and becomes rental. David Simons Jr., that would be something that the City wouldn't, I don't think that as far as Building Codes go, you're not going to get into it from the Building Code standpoint. One reason would be the way Montana has changed some of the requirements for sprinkler systems. I would be more than happy, so it doesn't take up a lot of time here, if you guys ever want to question me about, please come in to the office I'll show you what's in the Building Code. Try and explain where it's coming from. You said you were one of the neighbors also. If you guys would like any type of conversation with me, I'd be more than happy to discuss it with you guys. I know that was one of the things I heard a couple of times. Another thing would be when you are

asking about heights and what it's going to be. In all of the SUP's in the almost 2 years now that I have been here that doesn't come up at this time. It comes up during the Plan Review stage and during the Plan Review Process. That's when I'll be looking. Hypothetically I'm going to say there's going to be a 35 foot max height to a building. That's when I'll look at it. You look at the slopes. How you come up with the average slopes and where they take that measurement from. I would say that the 2 bedrooms, we'll say 2 queens or king beds in it, if that's what it was a 4 person not an 8 person per unit. That's typically how you do it. Like when you do hotel/motel type things. You look at the beds. Sometimes they will look at, if they have it, a couch that can be turned into a bed, a convert-a-bed type thing, but usually they typically look at it is 2 people per bed for like an occupancy classification. But again if there's something I can do to help you guys with any of those questions I'd be more than happy to. Craig Rayle, for this consideration here how would you turn those numbers into traffic? The amount of traffic going up and down that? If it's a single foot print it would be different than if it's a loft. David Simons Jr., the Building Code doesn't per say go in to it. We do have some requirements as far as the parking requirements that are in kind of in the zone but it would be per the units. Sometimes it says per building. I'd have to actually look all of this up. I was more wanting to get to you guys because the occupancy seemed to be the biggest question that I kept seeing that coming up. A couple of the different emails that Kyle has sent to me also. But you know the traffic itself and by definition would be when you come off that's all a private drive. It's no different than like the Red Lion or one of the other drives. It's actually a private drive to that facility. The drives that you had, say 2 cars, if it were 2 cars per unit, like if say my wife and friends, 2 couples meeting somewhere what would you get? Maybe 6, 8 traffic you know exchanges a day depending on how you may be doing a little bit of driving around. I'm sure we could look some more up. I don't think that you will get quite the traffic that you are thinking of this far. From the Building Code standpoint I just wanted to try and clarify that because that seemed to be the thing. They are not single family dwellings. They definitely do not fall into that under the Building Code. The Building Code is what classifies the buildings. Craig Rayle, I just read they were dwellings. They are permanent provisions. They have a dining room, kitchen. A dwelling is those having sleeping rooms, suites and so I think still if I had a way, what I've been told in the application....David Simons Jr. the Building Code is what classifies a building. It pretty much is that simple. That the Building Code, the Development Code does not classify buildings. That is a Building Code, it is in Chapter 3 and the way that Montana adopted the Building Code, The Building Code is the classification and occupancy of a building. It says shall be. From the Building Code. If there's anything I can do for you as in the future, I don't want to take up any more of your time, I'd be more than happy to if you guys ever want to meet with me. Please give me a holler and I'll get whatever information I can to you. Commissioner Turner, David 2 questions for you while you are up there. So I know within this, the fence, can that fence actually be taken all the way to the water? David Simons Jr., I'd have to look that up because I know there's some set back regs and I'm pretty sure in the zoning code it basically talks about the screening for the parking. I don't believe it says anything beyond parking or how it goes. It's a buffer for the parking and for headlight glares is what it says. Commissioner Turner, even if that fence is going to end, and I'm look past you at the map there, at the end of that deck, the north building neighbor-to-neighbor, you might be able to..... David Simons Jr., this one down here? Commissioner Turner, right. From where that fence ends down to the lake. Just some sort of shrubbery. Just being neighborly. Shrubby I would say has to be permitted. David Simons Jr., yeah again I would have to look it up. I know that there is a set-back from the shoreline back that you can build. Commissioner Coutts, we got our fence permit to build to the lake. That was 3 or 4 years ago. David Simons Jr. if I could get back to one question you guys asked. You guys want to build a fence? Come in and get a fence permit. You can build a fence anytime you want. Craig Rayle, yeah but the guy from Mission Power is having cats. David Simons Jr., oh. Okay. Craig Rayle, once a power easement then we're okay. I assume there's no problem. Especially given the situation it would be a blessing for everyone. Commissioner Turner, what is our maximum height on a fence allowed? David Simons Jr, don't know that we have one. We have a 6 foot written on one thing and it has some kind of grey area to be honest with you. Again I apologize I just brought, I was more concerned with the fact that there was a group of people who had questions about the occupancy classification. That I'm pretty confident about. A lot of this stuff, as far as the zoning, I would have to do a little more research on it. But again it would be something during the Plan Review stage that I'll be

looking at and if it doesn't meet a height or a set-back or a lot coverage that is stuff that I would pull up and then the permit cannot be issued if it doesn't fall within the perimeters of what's allowable per the Development Code. Jamison Starbuck, so just a quick question, as I understand it then, the requirement, the internal requirement for a hotel are different than for a residence. Is that what you're saying? David Simons Jr, the internal. Jamison Starbuck, the Building Code. David Simons Jr, there's a Residential Code and then there's a Building Code. Because of the size of these, there's some requirements that don't apply because of how the State of Montana Department of Labor and Industry has amended the Codes and again if you guys want I can get you copies of that kind of stuff if you guys ever want to bring a flash drive and I can get you the copies. It will talk about some of the sprinkler requirements for occupancies that don't have a certain number of individuals staying. There have been some amendments. It's not just specifically exactly the 2012 IBC (International Building Code). But this would be under the IBC because it's a commercial building. Commissioner Turner, then again. If you guys were looking for some more clarification please stop by any time and either call ahead and schedule a meeting with David or swing in and see if he's around. David is correct. Where this is sitting now, nothing has really been approved as far as a structure because that will get submitted to him. So that's when heights, I mean there's a lot more that goes with it. So this is more just about the project and the Special Use Permit.

Commissioner Turner, any other questions, comments?

Lita Fonda, Ward 1. I just wanted to comment that I'm concerned by some of the confusions and mistakes in both the process of the application and the process of the adoption of the RZD section of the Code. I'd come in, the notice ran I think it was in March and I came in to ask some questions about it. There was no new Code. There's just the existing Code. And that was when I asked the questions in line with because that's what existed. So I just wanted to express that concern. Also I hope just as general practice that you're getting the public comment that has gone to the City County Planning Board. And I'm curious, you mentioned earlier that this is a high density residential area. Is that actually stated in the purpose of the Code? City Planner Kyle Roberts, Yeah, I believe so. In the Resort Zoning District it does call for higher density. Lita Fonda, does it actually say that in the purpose? I was questioning that. I don't have a copy of the Code to look in. I do apologize for asking a question. I'm just supposed to be making a comment. City Planner Kyle Roberts, so the purpose of the Resort Zoning District is intended to permit higher residential and resort commercial development. Lita Fonda, okay. So it says higher density not high density. City Planner Kyle Roberts, higher density. Lita Fonda, and just as a tidbit I believe that from high water mark 20 feet back that if you have a fence it has to be 50% open for that 20 feet. So, anyway, thanks for listening.

Commissioner Turner, any other comments?

Jack Duffey-I'll go again if you don't mind.

Commissioner Turner, hold on Jack. Go ahead unless there's somebody else that has not talked. Anybody else at this point?

Ralph Kirscher, I do have a comment but I've already talked. So.....

Commissioner Turner, tonight I will hear another comment. So, go ahead if nobody else has any comment.

Jack Duffey, Thank you. I just wanted to get on the record that Mark Shrives has no financial interest in this project. He just happens to be related to the gentleman that does. I'd also like to remind you to keep in mind that again this is a really conservative project in comparison to what could be. What some of the permitted uses. We just happened fall in the category that required a Special Use after we brought up to Kyle what we were proposing. We met with the department heads and we agreed that's where we fell. So that's why we're having this meeting. I'm not diminishing any of the neighbors you know concerns here. However, a permitted use there would be no meeting like this. They would come in and meet with the Building Department and the Planner and put up what's the max an 8 plex there. Up to an 8 plex with

80% lot coverage. You know, we're extremely conservative and I think it's going to be a nice development.

Ralph Kirscher, just a clarification. Under the Performance Code if it were an 8 plex you'd still have landscaping requirements. Jack Duffey, yes but you wouldn't have this meeting to come in. Ralph Kirscher, no but you would still have to deal with this. Jack Duffey, well sure. Ralph Kirscher, you'd have to have a landscaping plan. In that, when you're dealing with the residences and this is at page 90 under Parking Lot Landscaping and we have some of that here it's; all parking lots located on a lot with adjacent residential use or zoning must be screened from the residential within dense vegetation such as hedge, tree row, wood fence, chain link fence, with slat or other screening or earthier or masonry wall or earth berm. The screening shall be at least 4 feet tall. That was discussed at the Planning Board. That's when they went to 6 feet. The request was really to have if it did 4 foot then to have some buffering above that because at 4 feet it wouldn't really shelter the car lights. So I think a couple of points, the one that requirement at 3 and the requirement at 12, I think are important. It won't just only make this project better. I think it's the applicant's burden to prove that. Thank you.

Commissioner Turner, okay. Any questions from the Commission? Commissioner Coutts, I had a whole bunch. I think a lot of them have been answered by David. That really a lot of this is going to get hammered out at that level. I mean we don't really, my understanding it what how the cabins are designed, the floor plan, all that's not what we're..... Commissioner Turner, no. Commissioner Coutts, talking about. Commissioner Turner, no. Commissioner Coutts, what about things like, the only thing that kind of struck me a little bit about the plan was what about, like, emergency vehicle access? Aren't there certain requirements for that? That they have to be able turn around or have we encountered any of that? Is that separate from this? Jack Duffey, in our department head review, the Fire Chief basically said he wouldn't take, couldn't take one of the vehicle trucks down there. Commissioner Turner, the Fire Chief did sign off on the plan? Jack Duffey, yeah. We had the discussion of potentially another hydrant right up at the road at this property. That would suffice. Then there's a hydrant to the west at the 6 plex also which is only 150 some feet from the property there. City Planner Kyle Roberts, in addition there's 2 hydrants, 1 under 300 feet down on the highway to the east and the west. Commissioner Turner, yeah. Down towards the bank. Ian, any questions? Commissioner Donovan, no. Not right now. Commissioner Turner, Todd? Commissioner Erickson, got them answered. Commissioner Turner, Todd? Commissioner Coutts, I think I'm good for now. Commissioner Turner, Okay.

Commissioner Turner, alright. Just to recap; we are talking about the Shrives project approve Special Use Permit #16-01, new 3 cabin style hotel development in Resort Zoning District. I have a motion from Todd Erickson second by Ian. We have listened to the public. I really hope you guys understand I think a lot of concerns will actually come up when it goes to the actual permit for the structures. Okay. But I also would like to push you to try to work with Jack, if Jack's the middle guy, between Stephen and just be neighborly about it. When I look at a project like this and yes I am in the construction end of it, these aren't cheap projects. So to get financing or if he has financing, I'm not sure, but he's going to be watched pretty closely. So a project of that caliber I don't think anybody would do half way because I don't think by the sounds of this is what he's shooting for. So I think as neighbors to try and work through Jack, you can really get a little farther on those items that you were concerned with. And as a Commission I do feel we all understand and you feel your ideas are what's going on and concerns. So I hope that makes sense. So at this point we are going to vote. **VOTE: Unanimous Motion carried.**

Adjourn. (01:07:53) Commissioner Erickson motion to adjourn. Commissioner Donovan second.
Commission discussion: none Public Comment: none **VOTE: Unanimous Motion carried.**

ADJOURN: 8:08 p.m.

ATTEST:_____

Commissioner Stephen Turner

Cora E. Pritt, City Clerk