LAKESIDE COMMUNITY COUNCIL MEETING – May 2011

DATE: 05/31/2011 TIME: 7:00pm

PLACE: Lakeside Sewer District Meeting Room; 253 Bierney Creek Rd.

NOTICED: County P&Z website Calendar of Events page; Lakeside Plan Committee's website Calendar Page, posters in Library and Post Office in Lakeside, submitted to DIL Daybook column.

AGENDA:

1. Call to order
2. Sign-in sheet
3. Approve Agenda
4. Approve prior meeting minutes –
    a. Approve meeting minutes from April 26, 2011
5. Review/recommendations on any County applications in the Lakeside planning area (if any are scheduled)
    a. None
6. Guest presentations or reports (listed below, if any are scheduled)
    a. None
7. Sub-committee reports from any LCC authorized subcommittees (listed below, if any are scheduled)
    a. Lakeside Neighborhood Plan
8. Procedural discussions or items (listed below, if any are scheduled)
    a. Any updates on Council positions expiring in 2011.
    b. Thanks to Brent & Rex.
9. Public Comment
10. Meeting adjourned

MEETING MINUTES:

Council Members attending: David Fetveit, Barb Miller, Keith Brown, Mike Wilson, Rex Boller, Brent Hall, Gene Shellerud

Council Members not attending: none

P&Z attendees: none

Public: Jim Spaulding, Debbie Spaulding, Margaret Davis, Craig Koontz, Pat Reilly, Susan Handy

MINUTES:

1. Meeting called to order at 7:04pm.
2. Sign-in sheet passed.
3. Barb motioned, David seconded, and passed unanimously to approve the agenda.
4. Brent motioned, Rex seconded and passed unanimously to approve the prior meeting minutes. Keith confirmed that Jim Clarke was sent the electronic copy of the injunction which he had requested at the prior meeting.
5. County business: none
6. Guest presentations: none
7. Sub-committee reports: Barb gave a status update and indicated it was time again for the community to show support for the process and the plan. This support needs to be shown to the Commissioners so that

they will challenge the county attorney's office to defend this case vigorously. David motioned and Rex seconded that a letter be drafted from the Council to the Commissioners requesting more vigorous support and resources from the County Attorney's office. Keith will compile the letter and review the content with Rex before sending to the Commissioners.

8. Procedural items:
    a. Vacant Council seat: Due to an email address error, Keith did not receive the letter of interest from Ryan Keeler. Keith has drafted a letter to the Commissioners recommending the only other candidate, Janet Conroy. David motioned, Gene seconded and passed unanimously that Keith ask for a more detailed resume from Ryan and revise the letter to the Commissioners, submitting both Janet and Ryan as candidates with their attached resumes, explaining the delay due to the email address error.
    b. The Council expressed thanks to Brent and Rex for their service to the Council; this is their last meeting as Council members.
    c. The Council welcomed Craig Koontz, elected unopposed for one of the two vacant seats.
9. Public Comment: Maggie Davis read a presentation (attached to these minutes) regarding development that seems to be occurring at the Edgewater RV Park and resort. Her concern was shared by several Council members in that proper county processes are possibly not being followed. Barb motioned; Brent seconded; and passed 6-0 (Gene abstained), to draft a letter from the Council to BJ Grieve (Director of Planning & Zoning, the Commissioners (individually) and Ed Corrigan (County Attorney's office). The letter will indicate and include the presentation made by Maggie to the Council and request assurance in writing to the Council that the proposed development meets all county regulations and Lakeside Zoning Regulations and is following all appropriate processes.
10. Ray and Brent jointly motioned, Barb seconded and passed unanimously to adjourn at 8:43pm.

Edgewater RV Resort 31 May 2011

Margaret S Davis, Lakeside MT, blems@aol.com

The Edgewater RV Resort has been an asset to the community in many ways. Its well-kept, attractive grounds and structures attract seasonal visitors who enjoy extended stays in Lakeside. Edgewater has been supportive of the community with fund-raising events. It also provides its guests with lake access and additional accommodations at 7145 Hwy 93 S.

On the Certificate of Survey 14735 filed July 25, 2001, the owners attested that the purpose of the survey was to relocate common boundary lines and not to create any additional lots other than parcels A (pads 1-7) and B (pads 8-16). COS 14735 did not create 15 lots within Parcels A and B.

In 2002 the 15 RV pads in Parcels A and B were designated as potential timeshare units under the name of Edgewater RV Time-Share Resort. This plan was filed with the county. No timeshares or Interval Units were sold, and as result, no pads were committed to this form of ownership. At timeshare resorts, the purchasers do not have any interest in the underlying real estate; they only have the guaranteed use of a portion of the resort for a specific period of time. A state license is required to sell timeshares and Edgewater Time-Share Resort received one in 2002. It expired in 2004 according to the State Board of Realty regulation. To receive a new license requires a new application. The Legislature updated timeshare laws in 2009.

This spring the Edgewater RV Resort is being marketed in the form of 51 different lots and units; including 9 motel units, 7 portable cabins, and 35 RV "lots". The proposed plots range in size from approximately 1300sf to 2000 sf. According to MLS information, the amenities being offered do not include the use of the lakeshore property across the highway. Other than the motel units, the "lots" do not meet the Flathead County definition of "condominium".

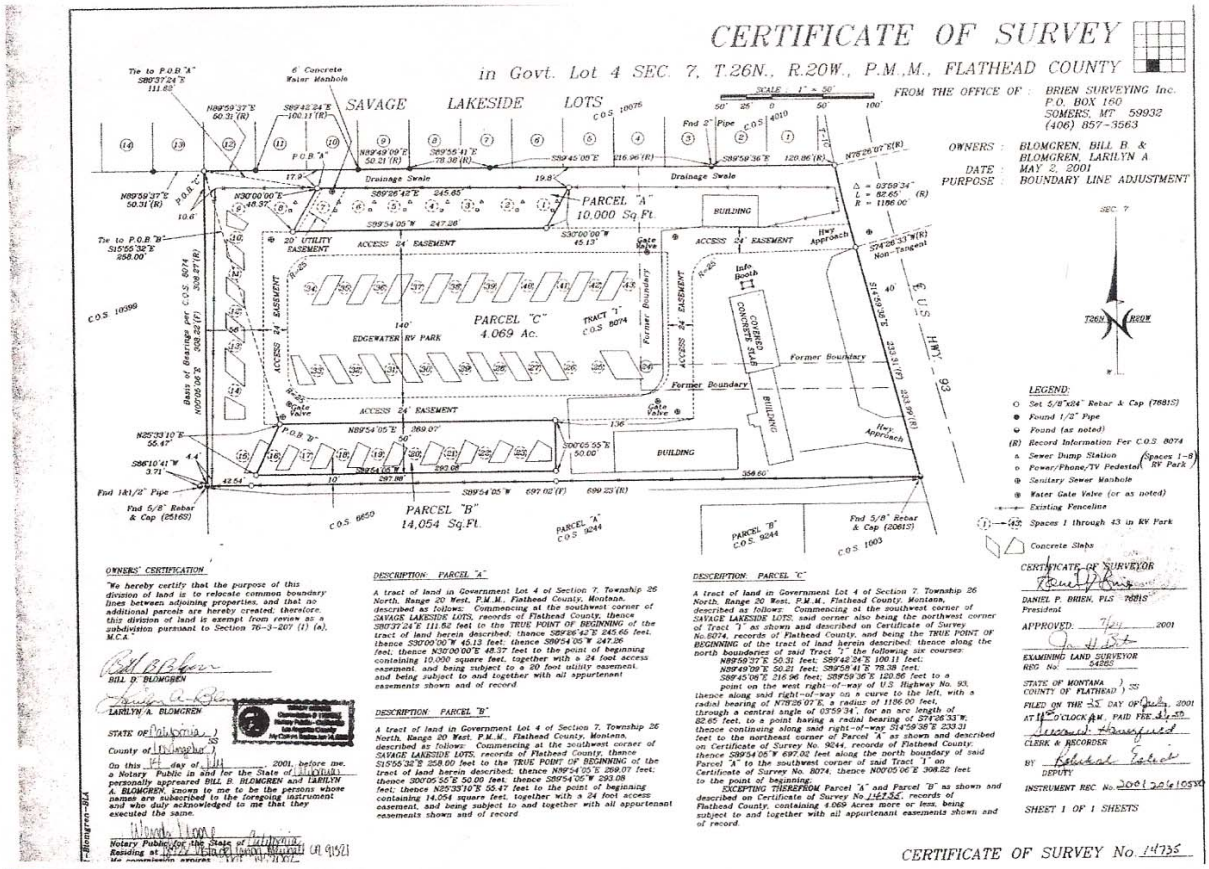
> *7.04.150 "Condominium – Ownership in common with others of a parcel of land and certain parts of a building together with individual ownership in fee of a particular unit or apartment in such building."*

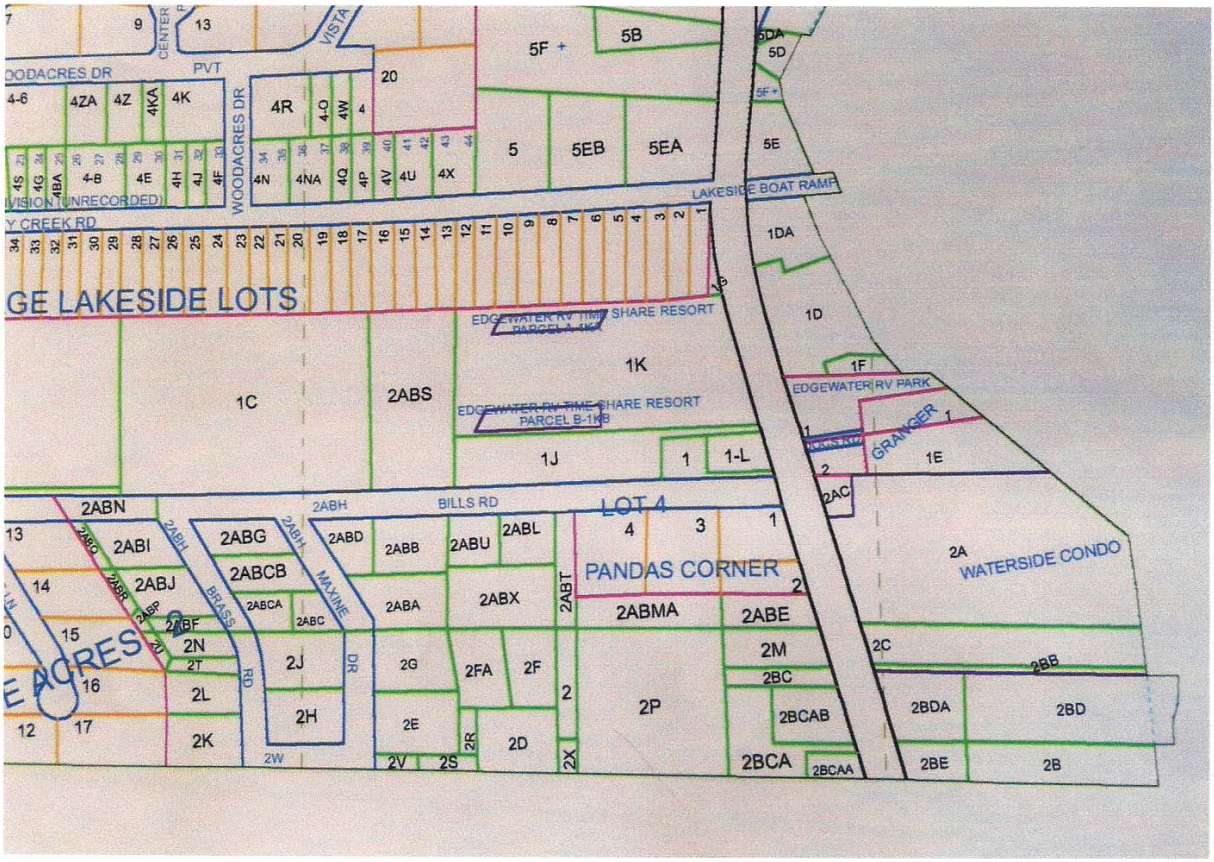
Subdivision review is called for to evaluate the proposed changes. Other questions raised include the following:

1. How does Lakeside zoning apply and does this proposal comply?
2. What are the correct setbacks and how are they being complied with?
3. Does this development meet fire protection access and other safety requirements?
4. Are utilities (water, sewerage, electrical, communications, cable) adequate to meet year-around occupancy?
5. Is improved storm water drainage, in lieu of the drainage swale along the north border of the property, necessary for year-around occupancy?
6. Are utility and road easements adequate?

I respectfully request that the Lakeside Community Council ask the developer and the Flathead County Planning Department to work together on the matter of subdividing the Edgewater RV Resort. The plan as proposed is best described as a "work in progress" with many loose ends and uncertainties.

Buyers of real property in Lakeside should be assured that their investments meet legally adopted standards and that their deeds are valid and transferrable. This is the cornerstone of private property ownership. The rules and regulations may be somewhat onerous, but most of the people in Lakeside try to follow them because they recognize that it is the interest of the larger community. The five acres of the Edgewater properties are in a prime location and their development will be important to the future of Lakeside.





Persons with a disability may request a reasonable accommodation by contacting Elaine Nelson at the Flathead County Commissioner's Office at 758-5501 or TTY (800) 335-7592, or call Montana Relay at 711. Requests should be made as early as possible to allow time to arrange the accommodation.