

LAKE COUNTY PLANNING DEPARTMENT

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June 11, 2009

Borchers of Finley Point Homeowners' Association:

It has been determined that the site plan and subdivision approvals for the Borchers of Finley Point Condominium Subdivision that is of record with the Lake County Clerk and Recorder's Office is not representative of what has been sold and constructed on site. The items that are not in compliance must be amended to clear the record in the Clerk and Recorder's Office and bring the condominium subdivision into compliance. The items that must be clarified or amended include the units proposed to be developed, the location of the units to be developed, the roadways that provide access to each unit, the sewer facilities that serve each unit, and the water facilities to serve each unit. In order to clear the record it will be necessary to amend the site plan of the Borchers of Finley Point Condominium subdivision through application to the Lake County Planning Department for Board of Lake County Commissioner review and application to the Lake County Environmental Health Department for Montana Department of Environmental Quality review.

Lake County has been in contact with representatives of the Homeowners Association over the last year in an effort to support and facilitate addressing the inconsistencies with the record and the as-built/sold units in the subdivision. Lake County has been asked to provide information on the status of the Borchers of Finley Point development regarding planning/zoning and sanitation issues. Enclosed is a summary of the status of each unit, based on available information, to assist your association in making decisions for the future of the development. Also included are letters and other documents provided for your reference.

In order to move this process forward, Lake County recommends the following steps to resolve the issues presented:

1. A maximum of 50 units is approved for this development. The filed legal documents stating which of the originally proposed units will not be developed is not consistent with the current ownerships and development. A resolution to correct the record regarding which units will and will not be developed is necessary.
2. The location of all the undeveloped units that are intended to be developed must be determined. This is needed in order to develop a set plan for infrastructure including roadways, driveways, parking, water systems, and wastewater systems. When considering the unit locations, the owners must keep in mind that all amendments must be in compliance with requirements of county and/or state regulations and must be approved by the homeowners' association. *(Please see attached addendum for additional information regarding county and/or state requirements.)*
3. The total number of single-family residential units, duplex and triplex units cannot be changed from the filed site plan. Therefore, a new site plan showing the same number of structures to be developed on the property in the as-built and proposed relocated unit locations must be created and submitted for governing body review. All units depicted as a part of a duplex or triplex will be required to address the service needs (access, water and sewer) for the number of potential units. For example, a building site shown as a duplex unit will be required to have access, water and sewer services for two single-family residential units.

4. The proposed unit locations, and infrastructure to support the units including roadways, driveways, parking, water systems, and wastewater systems, that are different from what is of record at the Lake County Clerk and Recorder's Office, must be submitted by the unit owners to the Lake County Planning Department for review. Any proposed changes to the declaration of unit ownership that will address the proposed changes or maintenance of the common elements should also be submitted to the County at this time.
5. The Lake County Planning Department will then review the proposed unit location, roadways, driveways and declaration changes for adequate compliance with state and local subdivision regulations regarding public health and safety, legal and physical access, etc., and for compliance with the Finley Point Zoning District Regulations. The Planning Department will make a recommendation to the Board of Lake County Commissioners for a final determination on the request to amend the site plan.
6. The wastewater plan must be finalized and submitted to the Montana Department of Environmental Quality for revision of the 1977 Certificate of Subdivision Approval. The water system plan also requires revision; this revision may be completed as a future step toward compliance. At this time, at least a clear understanding of how each unit will be provided with water should be determined with an eye toward the future water plan.
7. The infrastructure (roadways, driveways, fire safety, water, and wastewater) must be upgraded or installed per the above approvals.
8. The condominium subdivision unit owners must file with the Lake County Clerk and Recorder the new site plan and all associated documents consistent with all of the above decisions.

It has been, and remains, Lake County's intention to work cooperatively with the Borchers of Finley Point homeowners to resolve the above issues. However, Lake County has been requested by homeowners to address the consequences should they decide not to move forward with the necessary subdivision corrections. Following is a listing of those potential actions:

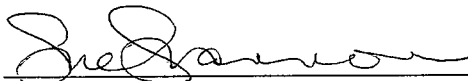
1. Notices of Violations and Orders for Correction Action may be issued for identified violations of state and local regulations.
2. Lake County may file a notice with each subdivision unit that states the conditions of non-compliance of the subdivision.
3. Zoning conformance permits will not be issued.
4. Wastewater treatment system permits will not be issued.

The issues related to this development are substantial, but they are resolvable. Lake County commends the homeowners' association for the work they have completed thus far in working on solutions for the subdivision. Please contact us if you have questions on the information included with this mailing or if we can further assist you in this process.

Sincerely,



Susan K. Brueggeman, R.S., Director
Lake County Environmental Health Department



Sue Shannon, Director
Lake County Planning Department