

LAKE COUNTY PLANNING BOARD
December 14, 2005

Meeting Minutes

MEMBERS PRESENT: Fred Mueller, Lisa Perry, Steve Hughes, Jack Meuli, John Fleming, Bob Kormann, Jerry Winkley, Ken Miller

STAFF PRESENT: Sue Shannon, Margaret Parodi, Pam Reznak

Bob Kormann called the meeting to order at 7:00pm

Ken Miller moved to approve the November Meeting Minutes.
Jerry Winkley seconded. *Vote unanimous to approve minutes.*

SNYDER / CANYON MILL

John Fleming announced Snyder/Canyon Mill as the first order of business and explained that it was a second or subsequent division and this is a public hearing, the timeline within which the County has to decide on this subdivision and explained the procedure for hearing a subdivision.

Sue Shannon began her presentation by announcing the applicant and his agents, the size and current development on the property. She noted that Spring Creek and a private irrigation ditch run through the subject property, but explained that this parcel is not irrigated under the Flathead Irrigation Project. Surrounding parcels are large and the area is designated 20-acre density.

The Canyon Mill subdivision was created in 1999 dividing 120 acres into five tracts. The approval statement allows tracts 1 and 3 to be further subdivided. Tract 3 was give preliminary approval for further subdivision in 2005 creating two 10-acre lots.

The reasoning for this subdivision was that the current proposal met the 20-acre density for agricultural areas because the overall density would be 25-acres per lot. If this division were approved the average density of Canyon Mill would be 17.14 acres. The density regulations don't speak to the interpretation of the density proposal when there is a subsequent division of a tract, however policy has been to review the overall subdivision density upon subsequent subdivision.

The current division will create two lots for residential use. The Spring Creek drainage provides wet areas on both proposed lots. The tracts would share a common approach to the county road and access was approved by the County Road Supervisor. A Variance requests reduction of the roadway width from 20' to 16'. A shared users agreement would ensure road maintenance.

Both tracts are proposed with individual water and sewage disposal systems. Easements are adequate and there is an 8' easement along the southern boundary of the property for the irrigation ditch. The weed plan was submitted. The fire department has requested \$100.00 per lot and that the access allows a 30-ton fire truck adequate access.

Covenants have been proposed which address land use, right to farm, utilities, signage, pets, garbage disposal. Staff recommends amending the covenants to include a Building Notification Permit requirement, further fencing requirements, outdoor lighting downward

pointing and side shielded, weed control program compliance, rural addressing, waive right to protest RID, and no construction within 100' from Spring Creek.

Finding of Facts are pretty standard, but the important ones are #4 that the property is located in predominately agricultural area and that the division would effect land in production. The proposal attempts to mitigate or reduce the potential impacts on agriculture through the proposed covenants, but the division would have a negative impact on agricultural resources. Roman numeral 4, same section, a 100' buffer area and management plan should be established. Under 5-C local regulations say this is 20-acres per unit, the proposal would be 24 acres per lot but the overall subdivision would drop to 17.14 per lot which is not in compliance with the density map and regulation. She recommended obtaining development rights from another 20-acre parcel for compliance. Item #7, physical access variance, with conditions, would not significantly impact access traffic or the public road.

Staff recommended conditional approval and emphasized condition #4, transfer of development rights, #5 that no further subdivision be noted on the final plat, #9 road standard variance request, #13 establishing a 100' buffer/management plan for Spring Creek.

Jack Meuli asked if the original subdivision allowed Tract 1 to be subdivided one time.

Sue Shannon responded it did.

Jack Meuli thought the guy bought the property thinking he could divide it and now we (the County) changed the density – the rules of the game - on him.

Sue Shannon said Mr. Snyder did the original division and did think he could further subdivide.

Ken Miller thought they approved Tract 3 for subdivision recently and it's become a first-come, first-served basis for subdivision and telling the second guy he has to buy more development rights. It doesn't seem fair. Jack Meuli agreed.

Sue Shannon expressed concern at setting precedent for interpretation of the density regulations and the overall density of the subdivision.

Jack Meuli is worried that they are changing the way it was originally subdivided.

Sue Shannon said Snyder has the option of going to the Board of Adjustment for a hardship variance. She thought he should go through the procedure so this Board wasn't establishing precedent.

Jack Meuli didn't think they were setting precedent.

Ken Miller expressed a difference of opinion in how to interpret density and doesn't feel it's just to look at the overall subdivision, just the one parcel.

John Fleming asked for help understanding the original approval for the tracts.

Steve Hughes stated that he has asked for larger maps before because when they are so small he can't read them.

Sue Shannon showed a larger map of the original Canyon Mill subdivision, Margaret held it for the Board Members to view.

Jerry Winkley said they approved the split on (#) 3.

Sue Shannon explained the Mick Cheff subdivision October 2005.

The Board expressed confusion about how the land had been divided previously and how they were to interpret density, as this single lot or considering the whole subdivision.

Sue Shannon explained the original Canyon Mill Subdivision. She explained it was a one hundred and twenty acre tract that was divided into five lots and during that review the Board discussed the density but the minutes didn't make sense.

Steve Hughes asked when the Board did the first subdivision.

Sue Shannon responded 1999. She read the minutes from 1999, the motion, the amended motion and the vote.

Jack Meuli said the large parcel is a legal subdivision if we chop it in two.

Sue Shannon agreed.

John Fleming asked the verbiage in the minutes be read again. Sue Shannon complied. John Fleming asked who was running that meeting, Jack Meuli said he was and wondered why they took out the 50-acre tract.

Sue Shannon again clarified what was approved: Tract one was not addressed in the approval.

Jack Meuli said the fifty-acre tract was still subdividable. Steve Hughes agreed that they didn't need to put a restriction on it.

Jack Meuli said it could be divided.

Steve Hughes explained that they made a 10-acre deal and that was the issue. To get the ten-acre tract they had to give up something.

Jack Meuli said they still could do it. He doesn't feel that because they got the two ten-acre parcels for Tract 3 that Snyder can't subdivide his fifty acres without development rights. He felt doing that would not be right.

Sue Shannon stated that when it was originally reviewed and approved, the Board discussed the overall 20-acre density.

Ken Miller argued that the property in question was its own parcel prior to the density map adoption and, even though originally part of a subdivision, should stand on its own for density.

Jack Meuli stated that if the Board denied this subdivision they would be penalizing someone who was told that he could divide and it has nothing to do with the current ownership.

Sue Shannon stated that RJ Snyder is the same guy who did the original Canyon Mill subdivision and he is proposing the current subdivision tonight.

Jack Meuli stated that he kept the land with the understanding that he could divide it again.

Bob Kormann said that the inference is that the Board thought that Tract 1 could be subdivided but that the minutes are silent in that regard.

Jack Meuli replied that the staff report says it can be divided.

Jerry Winkley says that the approval statement says that tracts 1 & 3 can be subdivided once and asked if that was accurate.

Sue Shannon said no, actually it isn't. It doesn't say anything about Tract 1, only that Tract 3 can be divided once upon approval. Tracts 2,4,5 can't be further subdivided, and Tract 3 can be subdivided one time. The approval statement doesn't say anything about Tract 1.

Steve Hughes asked when the Board said that Tract 3 could be subdivided again, 1999?

Sue Shannon said yes.

Ken Miller said it wasn't specifically excluded from further subdivision so should still have the ability to be subdivided.

Jack Meuli agreed.

Steve Hughes asked about the private irrigation ditch and found it was located in the flagpole portion right along the road.

Steve Hughes was incredulous about it being private. He inquired about the 8' easement and felt that that wasn't enough for a backhoe to clean it out and recommended a 20' easement for proper maintenance.

RJ Snyder discussed the history of the Canyon Mill Subdivision. He had a buyer for lot 3 who wanted to build two homes on it and the Commissioners allowed further subdivision on lot 3. He understood that this was a special provision for this lot and that it would not negatively impact his ability to further subdivide Tract 1 as there were no restrictions put on Tract 1. He felt that if the Commissioners would have restricted further subdivision on Tract 1, he would have dropped requesting further subdivision on tract 3. He described the large lots surrounding his property.

He pointed out there were also 5- and 10-acre tracts near him. He felt that dividing a fifty-acre property into two tracts would keep him in conjunction with surrounding tracts. He also noted that right across the County Road is a 5-acre density area. Along with the other reasons stated, I was just asking the Board to give preliminary approval to divide lot one without myself having to obtain development rights. Snyder indicated the ditch width to be about 8"-12" and thinks it comes from Trosper's property. He explained it's not an irrigation ditch and not under the Project.

Jerry Winkley stated that when one density is up against another density area that the Board would take that into consideration and he feels that the staff report recommendations is taking a pretty hard line.

Steve Hughes asked where the access road will be off Canyon Mill Road. Sue Shannon explained. RJ Snyder wants to save money and only two residences will use it.

Steve Hughes argued that fire trucks and ambulances need access and that's why the 20' requirement is in the regulations. He stated that if you want to save money don't subdivide.

Ken Miller asked if there was a formal variance request. Sue Shannon said no, the request was in an introductory letter.

Jerry Winkley asked about the length of the flag portion of the property. Sue Shannon said 1300 feet.

Jerry Winkley stated that a turnout partway back to allow passage should work because visibility wouldn't be limited with that terrain.

John Fleming asked if the longer road was wider than the shorter road.

Sue Shannon said the shorter road is just the easement. The road width proposed would be 16' the whole way. The easement is for utilities also and is 70' going up the pole, then 30' to Tract A.

Bob Kormann advised caution with the Board's decision because the density regulations are in effect and there will be other subdivisions like this.

Ken Miller advised taking a closer look in secondary subdivisions at the potential development in each of the other tracts to avoid this type of situation in the future.

John Fleming wanted Ken Miller to clarify how he feels this subdivision should be looked at – as a single parcel or part of a larger previous subdivision.

Ken Miller can see both sides of the point. He likes looking at just this 50-acre parcel, but when it comes to Forman he has a different mindset. He's not sure what the Board should do.

Jack Meuli sees it as a 50-acre piece and moved to approve the subdivision and remove condition #4 (transfer of development rights).

Lisa Perry seconded.

Jerry Winkley asked about the road width in condition #9.

Sue Shannon recommended discussing the variance and proposing approval or denial of the variance request separately.

Fred Mueller moved to deny the variance. Ken Miller seconded.

Board discussed voting and on what and tried to understand why they were voting on a variance if it's in the conditions of approval. They also discussed whether variance requests needed to be moved upon separately from the subdivision or not. Sue Shannon advised that either way would work.

Jack withdrew his motion until the variance was out of the way and stated that the variance should not be in the conditions of approval.

*Fred Mueller moved to not grant the variance. Ken Miller seconded. **Vote 7-1 to deny the variance (Jack Meuli voted against).***

Jack Meuli moved to approve the subdivision removing recommendation #4 completely. Ken Miller seconded.

Bob Kormann suggested eliminating the statement on the front page of the staff report, item 1-C, second paragraph, second sentence. Sue Shannon concurred because the original subdivision approval statement didn't address Tract 1.

Vote Unanimous to approve the subdivision.

John Fleming: "Pam, I don't know how to say this exactly, but I'm also a little – I'd like it in the minutes – that I'm a little uncomfortable about the first time we get a subdivision after we get the density map out that it might appear that we're not going to stick with the density map. And it also – when we do look at projects that haven't changed hands from the original owner, we intend to stick to the density map. We may not have done this, but it seemed very unreasonable to not grant this to me just because of the specifics of this project and the expectations of RJ. I think he probably was as confused and misled as we are, so, I'm just saying that the next guy that comes around I intend always to stick to the density map first. That's my intention and I hope it's the Board's."

Jerry Winkley expressed his doubt as to the history of looking at the whole original division and felt that the lot stood on its own. John Fleming agreed. Winkley further stated that if it stands on its own, it passes.

John Fleming questioned the tract of record and where/when the tract of record starts. He didn't think they ever resolved the "tract of record". Jack Meuli agreed and gave examples of "fubars."

The Board discussed tracts of record and came to no conclusion.

Steve Hughes said he recalls discussing flag lots and is concerned about who's going to put a road in. Snyder will put the road in.

SAVIK MINOR SUBDIVISION

John Fleming stated that this is a public hearing and stated the Commissioner's timeline.

Margaret Parodi presented the staff report and discussed the location and current use of the property. Adjacent properties are under private conservation easements and the National Bison Range owns properties nearby. This would fall within the 20-acre density and recommends a boundary line adjustment before final plat.

Marc Carstens stated that a boundary line adjustment had been filed, that the Saviks still own the property and that it is no longer co-mingled with the balance of the property.

John Fleming asked if it was part of this subdivision. Margaret Parodi and Marc Carstens answered no. Sue Shannon inserted that it could be a situation where the deeds weren't recorded. Marc Carstens agreed that it probably was but was adamant that it was a boundary line adjustment. He offered a deed of conveyance to straighten out the recorder's book, but the boundary line adjustment is a matter of record.

Margaret Parodi said she couldn't find it. She continued presenting the staff report. She discussed access.

Marc Carstens got up from his chair and went to the map on the cork board and tapped it loudly several times drawing everyone's attention. He turned, pointed to the map and stated that "that is the survey number for the boundary line adjustment."

Margaret Parodi said okay. She discussed wells, septic, and irrigation. She recommended irrigation easements and plan prior to final plat. Easements should be shown on final plat. Weeds don't appear to be an issue, the fire department requested \$100.00 per lot. Covenants are adequate, but the lighting covenants are contradictory and need to be consistent and all night lighting would impact the safety of birds. She proposed to allow no further subdivision to minimize the effects on wildlife in the conservation easements and National Bison Range. Neighbors are concerned with fencing and gates and waterfowl production, and dogs being contained and unable to harass wildlife. Bill West at the National Bison Range submitted comments from his employer suggested all powerlines be installed underground as they are detrimental to the local swan population. He also suggested kennels for outdoor dogs. She recommends conditional approval with 24 conditions and highlighted underground utilities, irrigation easements & plans, property perimeter fenced and gated language should be added, a

restriction for no further subdivision of any lot, and building notification permit requirements. She also suggested joint access roads.

Margaret Parodi suggested that the irrigation plan and agreement, number 14 here, shall be submitted to the Lake County Planning Department for the approval of the Lake County Commissioners and shall include the following elements: Specific area of the tract under the Flathead Irrigation Project, how drainfields and homesites will be avoided, and the location of irrigation water gates and all irrigation infrastructure. She suggested that the plan/plat shall be filed with the Lake County Clerk & Recorder prior or concurrent with the filing of the final plat. She wants no further subdivision shown on the final plat, and building notification permits required. She also suggested joint accesses for the properties to ease traffic danger.

Steve Hughes asked if there's 88.5 assessed irrigation acres. Margaret Parodi & Marc Carstens agreed. Steve Hughes noted that you don't transfer water rights, you transfer assessments.

John Fleming questioned whether it was necessary to mention that the delivery point is on a different parcel.

Ken Miller: It is in [condition] 14 and 15. 15 especially.

Steve Hughes asked if the buried mainline was pump, flow, or what?

Marc Carstens stated that they are going to have to put in an easement and also some distribution across the twenty but he still retains ownership.

Steve Hughes clarified where you did the boundary adjustment. Carstens agreed.

Marc Carstens: What he's been doing, he's been pumping out of wastewater. He hasn't been using his delivery point for the main portion of his irrigation. He's pumping out of the wastewater.

John Fleming: Out of a pond?

Marc Carstens: With diesel. Actually, one of the drainage ditches.

John Fleming: Marc, is that necessary, then, should we have something in there?

Sue Shannon: It should be included.

Marc Carstens: I think to be correct we should have an easement and infrastructure to deliver water offsite to this site, yes.

John Fleming: Can we put that in, is that 15 then? Okay. Extension. Okay, so there should be another bullet and easement from – for delivery of water.

Sue Shannon: Yeah.

John Fleming: Something like that.

Steve Hughes: The location of irrigation water gates and all other irrigation infrastructure – that includes your turnout, any pump houses, mainlines, ditches, whatever, all easements, right Marc?

Jack Meuli: Yeah.

Marc Carstens: Yes.

Steve Hughes: So, actually [condition] 16...

John Fleming: I see what you're saying, yeah.

Steve Hughes: 16 and fourteen ought to be together really.

John Fleming: And you think it takes care of it?

Margaret Parodi: 16 or 15 & 14?

Steve Hughes: 14 and sixteen should be together, well actually all of them.

Jack Meuli: Fifteen's in there, all three of them.

[Many members voiced agreement at once.]

Steve Hughes: You don't need three separate, I mean.

Sue Shannon: Okay.

Ken Miller: That's a lot to cover in one point.

Margaret Parodi: Yeah it is. That's probably why it was divided up.

Jack Meuli: But it covers everything, so.

John Fleming: Steve, do you think that's covered, then, this tract of record? Parcel of record, whatever you call it? It's off of there and that's where the water comes to delivery. If we got it covered, that's all I care. If it's not covered I think we need to put words in there.

Sue Shannon: I think it needs to be covered personally.

John Fleming: I do, too.

Sue Shannon: I think in fifteen you just say any necessary infrastructure and easements to implement the irrigation plan shall be installed and recorded prior to final plat approval including the extension of the mainline gates to get it to lot 2-A.

Margaret Parodi noted that the covenant language should be amended to eliminate further subdivision.

Marc Carstens stated, "You can ask me questions any time you want which brings up my first comment. My first comment is to staff. I am always available to answer any questions on any proposals we put forth. You're a junior at this [Margaret Parodi] and I take that into account, but still, I take this as a bit of a slam against my personal integrity that you think I am trying to slip a six-lot division. You, please, if you have questions, either ask senior staff or you are welcome to call me any time.

Sue Shannon stated that Margaret was saying that the boundary line adjustment needs to be completed.

Marc Carstens said it was filed and the file number is on the drawing. Sue Shannon noted it wasn't on the small one.

Marc Carstens expressed his hope to be able to work better together in the future. He suggested that since the road supervisor okayed individual approaches and that individual approaches would alleviate the necessity of having to cross an intermittent waterway.

John Fleming asked Carstens for clarification. Carstens feels three accesses would work, two individual accesses and one joint access.

Jerry Winkley stated condition #12 required that shared accesses should be promoted if feasible.

Marc Carstens discussed the origination of the covenant language for all night lighting. Jerry Winkley suggested reflective house numbers and Marc Carstens agreed that was fine. John Fleming said that reflective numbers would be a good balance between ambulance guys and wildlife.

Marc Carstens addressed condition #13 as unnecessary if the resident is not going to cross the creek. He offered to put a statement on the face of the plat that if the stream was crossed the property owner would be responsible to obtain the appropriate permits.

Jack Meuli said he thought #13 should stay in there in case someone does decide to cross the creek. Marc Carstens agreed.

Marc Carstens addressed condition #8, that the property owner is confident with leaving the potential future division for the property in the hands of zoning. The current density is used up now and the density would have to change to further subdivide. He wouldn't like to put restrictions on further subdivision other than what the density map allows. He offered to place a statement on the front of the plat that zoning would have to change prior to further subdivision.

Steve Hughes objected to Carstens statement. He felt that the Board was allowing the subdivision according to the 20-acre density and that's as far as we go. He expressed concern that in ten years someone will buy this property and think they can further subdivide.

Marc Carstens said they would be okay with putting a statement on the face of the plat that would allow subdivision if the zoning changes to allow further subdivision.

Steve Hughes felt that if the density changes the property would be able to be subdivided even with a no further subdivision statement on the plat.

Marc Carstens questioned that if there's a statement on the plat that states no further subdivision that those properties would not be able to be further subdivided ever.

John Fleming asked Sue Shannon about a previous discussion and putting 'no further subdivision' statements on the plat. He thought that the Board should not write that on the plat because it would stop that property from being subdivided under a less stringent regulation at a later time.

Sue Shannon recommended adding verbiage that the approval is for single family residences under the 20-acre density and that further subdivision is subject to the current zoning.

The Board Members discussed possible further subdivision and verbiage that might thwart or be overly permissive of that possibility and allows the 90-acre parcel be subdivided as a new property.

Jack Meuli said the plat should say no subdivision unless the zoning changes.

Steve Hughes asked for an opinion from Bob Long [county attorney].

Sue Shannon reported to having a meeting about what is being on the face of the plat and the group decided that the verbiage on the plat should be restricted to what is required by the State Law. All this additional information should be filed with the plat.

Steve Hughes said that when we change the density it's not forever.

Marc Carstens said that 'no further subdivision' indicates to him forever because there's no allowance for change. There's no qualifiers and no basis for modification.

Jerry Winkley thought the owner could come back in if the density changed and ask for relief.

Ken Miller thought they would get a tough sell asking for relief if it's in a condition of approval for no further subdivision.

Lisa Perry thought this issue will repeat until it's resolved.

Sue Shannon suggested that the Saviks would keep the transfer of development rights on the smaller lots and put a restriction on further subdivision so he would be able to divide the larger parcel later.

Bob Kormann stated that this property is unique in its effect on wildlife.

Steve Hughes stated that in 50 years someone will come in and see those 2 ½ acre lots and say you did it for them, now do it for me.

Ken Miller likes Sue Shannon's verbiage on how to handle this. He feels that no subdivision is too restrictive, but her verbiage in the conditions of approval would allow a property to be considered for subdivision in the future.

Steve Hughes suggested that rather than argue the Board should get a legal opinion on the subject.

Marc Carstens offered to remove the division language from the covenants to allow for a legal opinion and the County Commissioners' opinion. He conceded that the language might have been put into the covenants in reaction to the recent adoption of the density map & regulations. On another subject, the owner is not planning on installing power at this time to the 20-acre parcel. The easement to the 20-acre parcel was placed on the plat prior to the request for subdivision.

Steve Hughes moved to approve the subdivision with the irrigation verbiage and take off the subdivision article one in the covenants. He hoped for a legal opinion prior to the County Commissioners' hearing.

Jerry Winkley asked about condition # 18. Bob Kormann asked to change #18 that all outdoor lighting would be motion censored, downward pointed and side-shielded.

Ken Miller made a friendly amendment to strike #18 on page 12. That is not okay with Steve Hughes.

Steve Hughes said his motion involves irrigation and the amendment of the covenants on future subdivision.

Lisa Perry expressed confusion about what they would be voting on.

Steve Hughes withdrew his motion.

Ken Miller asked Steve Hughes if he wanted to strike the language from the covenants and leave it in conditional approval # 18. Hughes agreed.

John Fleming asked about condition #23. He asked the Board Members if that was okay. Discussion allowed no revision of that condition. Fleming restated a wish for combining conditions #14, #15, and #16 of the irrigation plan.

Sue Shannon thought he just wanted to add the easement language.

Steve Hughes said he wanted it to cover what they always cover on irrigation: easements, structures, buried main lines, ditches, delivery points, the whole nine yards.

Sue Shannon thought adding “any necessary infrastructure and easements to implement the irrigation plan shall be installed and platted prior to final plat approval” or something along those lines to condition #15 would work. No one argued.

John Fleming addressed condition #10 and asked if anyone wanted to add gates to the condition. Jack Meuli thought it should be gated. John Fleming said add ‘gated’ in to condition #10.

Jerry Winkley wondered why they were leaving condition #18 in there if they were looking for a county attorney opinion.

Lisa Perry said she would not vote if #18 is left in because we are not in conjunction with our thought process by taking one aspect out and leaving another one in.

Ken Miller agreed. #18 needs to be stricken pending attorney opinion.

Jack Meuli considered adding verbiage to condition #1 along the lines of following the density map at the time.

Lisa Perry liked that.

Ken Miller suggested leaving covenant #1 striking condition #18.

John Fleming suggested that when staff sees it – how about substituting covenant #1 as condition #18?

Lisa Perry wholeheartedly agreed.

John Fleming suggested further that then they would know what their intention was: to follow the density map.

Jack Meuli wants it to say it can change if the density changes.

Jack Meuli suggested adding wording that if the density map changes, this will change otherwise it won't.

Marc Carstens suggested adding that this subdivision was approved under 20-acre density so that in five years the Staff can determine what has been done.

John Fleming asked for a motion encompassing irrigation, to put covenant 1 in as condition #18, and #10.

Sue Shannon suggested the verbiage, “any further subdivision must conform to prevailing land use regulations and policies in effect at the time.” Then, if it’s not called the density map twenty years from now it would still be covered by regulations. She further suggested, ‘at the time the subdivision was approved it met a 20-acre overall density.’

Ken Miller: I love it.

Jerry Winkley asked about #17. [The number was skipped]

Jack Meuli moved to approve the subdivision with the changes that have just been mentioned which I’m sure Pam has down word for word.

Ken Miller seconded.

Vote unanimous to approve the subdivision with the changes mentioned.

John Fleming announced to the audience that they should use the elevator and exit through the Sheriff’s Department when they leave.

FORMAN ROAD ESTATES III

John Fleming stated the timeline involved with this subdivision.

Sue Shannon presented the staff report providing the Board with the location and size of the property. The land is not irrigated and has poorly maintained fence, is suitable for residences and surrounded with agricultural land. The division does not meet the requirements of the density map & regulations in 5-acre density. The overall proposal is 4.75 acres per unit [there was a mistake in the report]. She calculated this by taking the whole subdivision, as with Savik, and dividing by the total number of units to arrive at an average per unit density. She recommended a water user’s agreement be recorded with final plat. The developer is proposing cash-in-lieu equivalent to 4.4 acres of land. Ingram Lane and electricity will be extended into Phase III. Stormwater containment is addressed. The weed district did not respond until after the staff report was issued. There is knapweed on the property and the owners have bonded for the weed treatment for Phase II. Staff suggests evidence of treatment for entire property prior to June 1, 2006. Proposed covenants duplicate Phase II and staff recommends changes including Building Notification Permit requirement, lighting, emergency exit, lot owners must maintain fence to legal state standards, building setbacks from agricultural land, pet containment, Commissioner’s consent to change covenants. Staff also suggests right to farm language. Fire department requests 18’ wide drivable roads. She required that the covenants for the entire subdivision be amended prior to final plat. She requested the Board substitute the word timber with agriculture or farming in the staff report.

Fred Mueller asked if this subdivision was about one lot over on the density. She Shannon said that the subdivision – whether using all three phases or just Phase III – does not meet the density.

She reported the proposed density is 4.75 acres per unit and they would need to remove one lot to meet the density requirements.

Jack Meuli asked if Ingram had been advised to remove one lot so that they could meet density.

Steve Hughes recalled that Phase II approval required a school bus stop within the subdivision and not on Forman Road. Sue Shannon said Phase II is not complete yet and that the developer had bonded for many of the improvements, but feels that Phase II requirements need to be reinforced in Phase III.

Steve Hughes said there's no question, the bus stop and mailboxes have to be inside the subdivision. He further stated that Forman Road is not safe for school kids or the mail delivery person. There was a semi Sunday morning that came down that road and if there had been anyone else on that road they would have been wiped out.

Audience member suggested that stopping when exiting the subdivision is nigh impossible too.

Bob Kormann wanted clarification on cash-in-lieu calculations. Sue Shannon explained. Bob Kormann asked why the \$250.00 per unit to the fire department? The Board discussed fire-fighting for fees.

Steve Hughes asked the meaning of 'bonded for weed treatment'. Sue Shannon explained that the developer paid into an account with the County, under agreement, and if the developer does not accomplish the task the County will. Steve Hughes wanted to know how much the bond was and Sue Shannon said it was \$30.00 per acre for Phase II. Jack Meuli thought that was pretty cheap, Fred Mueller agreed. Steve Hughes asked for a memo or the actual bond document at the next meeting. Sue Shannon agreed to provide the document.

Jack Meuli asked that if he had 20 acres and bonded for weed treatment, he would put \$600 in the pot. Would that mean that he was done with the weeds?

Sue Shannon said yes, if Jack would forfeit his bond. Jack Meuli asked if they could put it on his taxes or anything else and Sue Shannon didn't think so. Jack thought that was pretty cheap.

Sue Shannon said they are supposed to bond an extra 25% for inflation, but for some reason Ingram did not have to meet that requirement.

Steve Hughes said Sue didn't understand what it costs to spray weeds.

Sue Shannon expressed that she didn't say "OK" to \$30.00 an acre, it was Paddy Trusler so if Steve feels that that is wrong, call Paddy.

Steve Hughes wants to see what the bond is because if people bond and walk away then nothing gets done. Who does the spraying then?

Sue Shannon said the county has to do it if the developer walks.

Steve Hughes reported having been told in the past that the weed people don't go out and check to see if it's been done.

Jack Meuli thought that if they do inspect and find weeds they can't put it on your taxes because you have a bond. I'm done. Legally they can put it on your taxes if they spray again. It's new language to him.

Sue Shannon related that more and more people are bonding.

Steve Hughes is not objecting to a fund for the parks, but feels that if the developer doesn't build the park and instead donates \$4,000.00 to the Boy Scouts, that it's not enough. It would cost him \$25,000.00 to build a park. Figure the math, it's easy to do. I could bond and walk away from spraying.

Sue Shannon offered to explain the bonding process.

Steve Hughes said he understood bonding.

Sue Shannon said the landowner brought in bids and agreed with the County Commissioners to \$30.00 an acre bond for the weed requirement. The County Commissioners could have increased the bond at that time or refuse it, but this is the way the Commissioners choose to do it at that time.

Steve Hughes said, and yeah, we're appointed by the Commissioners and I am telling you that the Commissioners ought to look at the bond and what it costs to spray.

Lisa Perry asked if they were only going to spray once and that's all.

Sue Shannon told her that there was a weed management plan in place for after the initial spray.

Jack Duffey said that once the weed plan is finished the responsibility falls on the lot owner. Spraying and assessing on taxes is do-able at that point.

Steve Hughes expressed doubt that that would happen. The developer walks away after bonding and leaves the responsibility to the lot owner. He again requested to see the language.

Bob Kormann asked about the map on page 7 [of the staff report]. He didn't understand what was being shown as far as phases and Jerry Winkley agreed he was having a hard time also.

Sue Shannon directed their attention to page 8 [of the staff report], the lots are Phase II of Phase II and haven't been platted yet. Phase I of Phase II has been platted, tracts 1-4 and 11 & 12.

Jerry Winkley asked if that big square was the entire project and inquired where this Phase III fit in.

Many people are talking over one another.

Steve Hughes asked if this is the last phase. Sue Shannon thought so, and Jack Duffey said yes, that's all he's got up there. Sue Shannon said he didn't have any large tracts of land that are attached to the subject property for further subdivision.

A member of the audience asked if she was sure.

Jack Duffey is not sure how to address the density after Mr. Snyder's division was allowed without using the overall density of the whole subdivision. He discussed his reasoning about overall density and suggested the density regulations talk about a plus or minus 10% on the acreage so he felt that a 4.77-acre density was within the bounds of the density regulations. Bob Kormann commented that this is like scoring in bowling. John Fleming asked if he didn't know how to do that.

Jack Duffey continued that the number of lots was originally proposed at 19 lots and came down to 12, so adding the 6 still puts them at 5-acre density for the 90 acres. There's also a completion of the loop road. He'd be glad to answer any questions.

Steve Hughes asked where the bus stop was located.

Jack Duffey said it hadn't been delineated yet.

Steve Hughes asked where it was going to be.

Jack Duffey said the original proposal put it on lot 10. The school bus said they don't come in there and the mail delivery won't come in either. Can we make them come in? He doesn't want to put a cluster box in there and the postal carrier refuse to deliver mail inside the subdivision.

Steve Hughes responded that he didn't think they would refuse delivery after a cluster box is installed. He offered to write the post master if necessary.

John Fleming asked about the feasibility of having a pull-out on the main road.

Steve Hughes asked him to drive down Forman Road at the end of the meeting. It's a narrow County Road, people come down that road faster than the speed limit allows and if you put a school bus stop there or the mailperson in a car serving sixteen boxes, she's going to have a new car about every other year.

Jack Meuli asked if the school said they wouldn't come in there. Jack Duffey said currently they wouldn't go in there. Jack Meuli responded no, of course not, it isn't developed.

Jack Duffey denied Steve Hughes' accusation of trying to avoid putting in a bus stop. Steve Hughes told Jack Duffey that the next time he brings the plat in, to have a bus stop & turnout on lot 10. Jack Duffey responded, "highlighted in orange." Duffey said he thinks this is the best use of that property and wondered about debating whether one lot was going to be the issue on

density. He suggested that the smaller lots tend to be better kept and are easier to maintain. Five acres is tough to keep up.

Charlie Blankenhorn reported that Ingram has never touched the weeds, the only reason that Ingram had to bond was because he (Charlie) complained so much. There's never been a fence put up. You can't force a school bus or mail carrier onto a private road. The school bus driver has reportedly expressed doubt as to the safety of exiting the subdivision. The egress is narrow and he can't turn the bus and go east on Forman Road. The road is at a 25% angle where the stop sign sits and is very dangerous. The hammerhead and egress had gravel trucks grinding the gravel to dust on the road. The County fixed that but Ingram wouldn't. No barrier, no hammerhead, no egress lane delineated – you just drive through the pasture to where there's no fence. Density is out of whack: One more house isn't going to matter to him one way or another. He checked on previous Ingram subdivisions and was told that he never finished some of the stuff there. He hasn't followed through with things he should have. He [Ingram] doesn't follow through, just complains about the Japs in WWII.

Wanda Blankenhorn's concern is his covenants about dogs & owner's having no fence. One dog was shot out there last week and they're not following through to make sure everyone who has dogs has a fence. She owns horses and is concerned about dogs chasing livestock.

Lisa Perry asked if all the lots in Phase I & II had homes on them. Someone answered no. Wanda Blankenhorn asked why is there a phase III if they haven't even filled those.

Steve Hughes asked Jack Duffey if the roads were considered private and how that affected school bus access. Jack Duffey said the comment from the school district was that they wouldn't come down the road because it's not a county road.

Lisa Perry suggested that maybe the school bus wouldn't come down the road because it wasn't maintained.

Steve Hughes said you'd have to be a fool to think it's not a safety issue to have a school bus stop and mail service on that main road.

Jack Meuli asked if there was some way to make a wider road so they could get off the road to pick up those kids?

Sue Shannon suggested Jack Duffey research the right of way on the road.

Steve Hughes said the terrain makes that area a safety issue. He thinks parents will give the kids a ride to the bus stop and there will be ten or fifteen cars there causing another hazard if a pullout is used on the main roadway. He figures someone will be killed there. He objected to the density at the first approval of this subdivision. The argument then was that there would be a bus stop within the subdivision with the first phase of Forman Road Estates and it still hasn't been done. He wants to know when it will be done. He doesn't want a yellow mark, it's got to be on the plat.

Duffey said you can't force the bus to enter the subdivision. Hughes suggested a meeting with the superintendent to go to the property and look at it for safety issues. Jack Meuli agreed.

Sue Shannon said she would try to get to the bottom of it and relay the Board's concerns to the school district, and try to work with Jack to see where the road surface is within the right-of-way and see what they can come up with.

John Fleming suggested that the developer think about three things when they come back in front of the Board: The school bus, mail delivery, and density. Precedence is vital here and it's not just about one more lot.

Sue Shannon asked for direction from the Board as to how she should look at the density.

Jerry Winkley asked if the density map in fact allows for a 10% allowance.

Sue Shannon replied yes, in general terms, for an additional parcel to be created from the existing parcel, in conformance with these regulations, the landowner must possess the acreage or development rights amounting to twice the average density plus or minus 10% shown on the Lake County density map. Then under density it says the maximum allowed density is not a right but could be approved for a subdivision review or other review processes. She thinks that plus or minus 10% was for 40-acre tracts that have two county roads on either side and there's easements that reduce the 40 to 38. It would allow that parcel to be divided under a 20-acre density. She didn't feel that the intent was for everybody to have plus or minus 10%.

John Fleming agreed that it was not okay to use the 10% for an extra lot.

Jack Duffey asked if the 10% was only how you want to use it as a county and a landowner doesn't have the plus or minus?

John Fleming stated that he thought when they did the density map they set the appropriate densities for each area.

Jack Duffey restated plus or minus 10%.

John Fleming said that wasn't his thinking at all. Then any subdivision we look at we'd have to consider 10%? He didn't think he'd do that.

Ken Miller suggested that the ten percent was for circumstances like Sue Shannon suggested, not for squeezing in an extra parcel every time.

Steve Hughes can't imagine figuring 10% every time.

Jerry Winkley suggested that if they were asking for six lots to split the water system 3 x 3, that they could go with four lots and split the systems 2 x 2.

Bob Kormann commented that they pass a subdivision on good faith that the subdivider is going to follow through with the requirements imposed for the subdivision. He's disconcerted that the road, the weeds, and the fence haven't been taken care of yet and feels he's being cheated or lied to.

Jack Duffey reported Ingram has bonded. Sue Shannon agreed to provide a copy of the bond at the next meeting.

Steve Hughes asked when are they going to accomplish these tasks, though?

Jack Duffey feels like he is in a bad position because he agrees with the Board and will convey the Board's concerns to the developer.

Steve Hughes asked Sue Shannon to ask the county attorney that since the recommendations for phase I & II haven't been completed and the final plat's been done, why haven't those things been done.

Lisa Perry asked further why would they approve another phase when the conditions of approval hadn't been met for previous subdivisions.

Steve Hughes asked why would they approve Phase III? He asked the Chairman when going to final plat, don't the conditions need to be met?

Sue Shannon said that they can bond for the improvements. The ability to bond is granted in the Lake County Subdivision Regulations. The developer submits bids for the improvements to the Commissioners and the Commissioners either approve or reject those bids. There's supposed to be 25% additional added and the total would be the bond amount. Two County Commissioners and the developer put that in the bank. For example, say the developer didn't chip-seal the road because it's winter but they want to finalize and start selling lots. They'll bond to chip-seal the roads in spring. Then the county ensures the work is done before releasing the funds. If there area other items on the bond, the funds for those would remain in that bank account until such a time as the work is done and the bond released.

Jack Meuli suggested that the covenants and regulations & conditions are only as good as the guy that is subdividing. And if the developer's not going to live up to the expectations, who's going to enforce it?

Sue Shannon said that these things are still going to get done. As part of the bond requirement he's either going to do the fence or we're going to take the money out and contract with somebody to fence it. That's what it's all about. The bond is for ten months and those bonded items have to be completed or the County will take care of it.

Steve Hughes asked about Phase I.

Sue Shannon said that Phase I did not bond as far as she knows. Phase II has bonded for some of the requirements. Phase II was approved in 2004.

Steve Hughes said ten months have gone by and asked if the bond has been turned in.

Sue Shannon said they hadn't signed an agreement for the second part of the bond yet. They bought a certificate of deposit for Phase I of Phase II that was a \$9000 bond for the improvements, the first four lots of Phase II. An agreement for the second half of Phase II will be an agreement and bank account.

John Fleming asked if conditional approval on this subdivision could hinge on the fulfillment of previous subdivision obligations.

Sue Shannon responded that if they've bonded, it's a done deal.

John Fleming asked if they weren't bonded and weren't done, could we hinge approval of a subsequent phase of one subdivision?

Sue Shannon thought the Board could withhold approval in that case.

Lisa Perry asked when the bond will be signed and why it wasn't already signed.

Jack Meuli asked about the fencing – it's supposed to be outside perimeter fence around the entire subdivision, but Ingram hasn't done any of it. Sue Shannon said they bonded for it.

Charlie Blankenhorn said that Phase I stipulated the whole subdivision was to be fenced and it still hasn't been done. Phase I had the same words in it as in the current phase.

Jerry Winkley wanted to know what had been required previously regarding fencing.

Charlie Blankenhorn said that Ingram is going to sell the lots and make the homeowners spray the weeds and put the fence up.

Jack Meuli said that that wasn't what the Board said he was supposed to do, that Ingram was supposed to fence it.

Sue Shannon is unsure of Phase I conditions of approval. She will look at the approval statements and report to the Board.

Jack Meuli suggested that the property is fenced right off the bat if the Board approves it in order to keep the cows out of the tulips.

Steve Hughes asked when bonding started as a way to get to final plat. He hadn't heard of it before. Other members of the board hadn't heard of it either.

Sue Shannon stated when she started in 2000 and there was one bond held by the county. Now it seems like people can't get their subdivisions done in the 4-year time frame and so they bond. In the last few months, Lonnie Haack, Hebron, and others are bonding and there seems to be an

increase in bonding. Now we need to track the developers who are bonding, have agreements in place, and follow through to accomplish the stipulations of the subdivision.

Lisa Perry asked if they do this bonding thing so they can get extra time?

Sue Shannon said sometimes, but they're putting up the money for the improvements.

General discussion on bonding and Ingram not following through.

Steve Hughes asked for some answers. Sue Shannon said she'd talk to the attorney & Commissioners.

OTHER BUSINESS

John Fleming asked for the final results regarding the subdivisions before the Board last month and what actions the Commissioners may have taken.

Sue Shannon reported that the Commissioners agreed with the Chief Cliff recommendation of approval. The Commissioners unanimously overturned the Board's decision to deny Naturalist Landing and added some additional conditions. She brought copies of the additional conditions for the Board Members to review. She reported that Barry Roose got the fire department to agree that they could navigate the curve radius with a widening of the roadway. The Commissioners allowed the increased grade if the fire department would approve it prior to construction. The wetland area has to be delineated. There were two Commissioners' meetings regarding Roose and much discussion on wetland protection. The Commissioners felt that the crux of the Planning Board's denial was the wetlands not being delineated and no plan how to protect them. The approval stipulated there would be a third-party conservation easement or a covenant along those lines. Roose was going to talk to the Tribe and to the Bio-Station about granting easement on the delineated wetland area for future management and protection. She developed language about the third-party conservation easement and at the mitigation meeting the Commissioners decided that that language may box him in too much so they also gave him the option of a protective covenant with Commissioner approval. They felt that would adequately protect the wetland resources on the property.

John Fleming: "Wow."

Jerry Winkley didn't agree that that was the primary reason for denying the subdivision. There were just too many problems with it.

John Fleming thought the same thing.

Steve Hughes said wasn't density a problem?

Jerry Winkley said he was disappointed.

John Fleming said safety on the highway was a problem. It wasn't just the environmental thing.

Jerry Winkley said there were all kinds of problems: The proposal was marginal throughout.

Sue Shannon suggested that when the Board denies a subdivision she needs more input to staff to substantiate the denial. She gathered it was five road variances, covenants aren't enforced by the County, homeowners may not enforce wetland protection.

Lisa Perry saw problems in fertilizing the lawns, and drilling the wells out in the wetlands.

John Fleming wholeheartedly agreed.

Steve Hughes suggested that city water was an issue with easements over tribal land.

Sue Shannon said Roose withdrew that proposal.

Ken Miller said they were going to drill in the wetlands because they couldn't get city water.

Lisa Perry Agreed.

John Fleming: "Wow."

Bob Korman: "You know what that feels like? It feels like to me you take the design criteria which we have to base our decisions off, that's the outline we're supposed to use, and if one of those fails in my mind, then the subdivision shouldn't go. Especially – next month if they don't get the school bus thing in and it's a health and safety issue and we deny it, are they going to overturn it and say, 'oh, well, well get that figured out somehow, someday.' I feel like the whole thing here is we're just let these guys develop, we're going to make sure they can get their property developed. We'll support it because we're afraid to get sued – or whatever the hell the reason is. But why are we wasting out time here when we unanimously denied that. Unanimously. And they unanimously approve it? I feel like we're just showing up here – what are we showing up here for and getting our nine bucks a time. It's upsetting to me and I'm speaking for myself."

Jerry Winkley said that the minutes do reflect that I said there were many marginal issues. It's right in the minutes. I don't know how they could construe that that meant environmental only.

Steve Hughes suggested that maybe it's time this Board had another meeting with the Commissioners.

John Fleming supported that idea.

Sue Shannon suggested that the fire department changing their comment on utilizing the eastern access road assisted the Commissioners in their decision.

Bob Kormann stated that the whole area out there is wetland. The guy reported that he had to mow the grass every week at least in August because it's sub-irrigated and water springs coming

off it. “They can’t get a drilling rig in there. And then I heard the comment that they felt we didn’t spend enough time looking at it. Is that true or not?”

Steve Hughes how could we not spend too much time on it? We gave them too much latitude.

Lisa Perry stated that they weren’t even prepared – had a sloppy preparation at the first meeting.

Bob Kormann asked again if that comment the Board didn’t spend enough time looking at the proposal was made.

Sue Shannon responded that the comment was made that when the Planning Board made the decision to deny there wasn’t any more discussion. It was just done. There wasn’t discussion about what criteria wasn’t being met nor the potential for mitigation, it was just flat out denying.

Ken Miller stated that it was obvious that the proposal was thrown together very quickly to beat the density deadline.

Jerry Winkley agreed.

Ken Miller continued that there were too many items ignored in the application. The developer’s presentation was and marginal with regards to the wetlands and the roads and the fire department. He expressed disappointment that the Commissioners completely ignored the Planning Board’s decision.

Jerry Winkley said it shouldn’t have been accepted in the pre-app process at all. It wasn’t complete.

John Fleming asked if it looked more complete by the time the Commissioners received the information.

Sue Shannon reported that the only thing that changed between the Planning Board and the Commissioners was that the fire department changed their opinion on the access road on the eastern side. The fire department originally said that they couldn’t navigate a 25’ curve radius, they needed 45’, and then they changed their mind and said they could navigate the 25’ curve radius if the road were widened within a certain area.

Bob Kormann said the Board discussed where the storm water runoff was going to go: it was going to affect the wetlands, there was no two ways about it. Marc Carstens specifically said yeah, the water will end up down there. Isn’t that an effect?

Sue Shannon reported that one of the conditions was that the wetland be delineated and that DEQ ensure stormwater retention remains outside the wetland area and to also learn if there were any additional permits that may be required for activities that may affect the wetland area.

John Fleming: “I don’t know if Pam’s putting this in the minutes, but I would like something in the minutes from me, too. I would hope Bob’s are going to be in there. And I would like the

County Commissioners to know that when we do something unanimously here, I wish we could be supported and, number two, if they need more information about why we made a decision, I'm hoping that we can start doing that, because I'm really disappointed, too.

Jerry Winkley: *Before* their hearing.

John Fleming: "That was almost – right – that was almost open, shut. That was a mess. And I really feel like if they want our input, great, but if they don't I know what to do with that: I got better things to do."

Pam Reznak offered to transcribe the Board Members' concerns so the Commissioners would have it verbatim. The Board agreed.

Steve Hughes: A year ago, Bob, some of us met with the County Commissioners, and we'd talk to them about these issues and these problems. If you got a problem with us we want to know about it and vice-versa. And so, now, I think it's probably time to meet with them again. This bonding thing really concerns me. I don't think you understand what that means. They walk away from – sure, they bond – and they give up their bond, but we said, we've told people around these subdivisions that this is going to be done. And it's not being done [exasperated tone of voice getting louder]. And just because they bond doesn't mean it's done. They walk away from the bond.

John Fleming: You know what I'm concerned about?

Steve Hughes: You know why there's a rush to bond now? Because people figure it's cheaper to bond, not do the project and let somebody else worry about it. Because I sell my lots and I'm out of here. Think about it.

Bob Kormann: And the price of fencing...

Jack Meuli: And the bond won't even touch that fencing.

Steve Hughes: I know what it costs to do some of these things, and so does Jack. I'm going to meet with the County Commissioners.

John Fleming: I'm also concerned with – if we approve something for a safety issue and it's bonded [distasteful tone] instead of being taken care of, I think the County can be held responsible for that. We gave all appearances that we okayed something and they got people living there and if the school bus does try to stop and if they have something happen, I'll guarantee you there'll be a lawyer who will look at the big pockets of the County. Maybe there's nothing to be done about that, but that's a concern. I would be concerned about it if I was the Commissioners.

Sue Shannon: I agree they should be concerned about it.

John Fleming: Good. Keep going.

Steve Hughes: If there's a rush to bond that's going on, you can bet what's happening.

Sue Shannon: There's not a rush to bond. It just seems like it's more and more because there's more subdivisions.

Steve Hughes: No, there's not any more subdivisions.

Sue Shannon: I would disagree with that.

Lisa Perry: But anybody who knows developers, or who's been around them or knows them, that's a group of people that just do it the quickest, cheapest way possible and they're out of there.

Steve Hughes: If you think Hebron – you said Hebron's bonding, now – if you think Hebron, who lives in South Carolina, cares about what happens in a subdivision, you're smoking something. It's not going to happen.

Sue Shannon: What he cares about is getting a lot sold.

Steve Hughes: And getting out of there.

Lisa Perry: Yeah, exactly.

Steve Hughes: And he could, and he'll walk away from his bond – ten to one.

Lisa Perry: I hope the County is making sure they get the highest bonds they can.

Steve Hughes: That's the key.

Lisa Perry: Because then it won't be as appealing to them [the developer].

Sue Shannon: I got him to get his fence done.

Steve Hughes: Who?

Sue Shannon: Hebron's fence.

Steve Hughes: You gotta be kidding me?

Lisa Perry: He hired somebody to do it?

Steve Hughes: Who'd you get fenced?

Sue Shannon: Hebron. All the posts have been replaced.

Steve Hughes: What, are you smoking something? I drive across – I live there.

Sue Shannon: I'm telling you, it's done.

Steve Hughes: You show me where the new posts are and where the fence is.

Margaret Parodi: I walked around the Hebron property - he had new posts and wires – just about a month ago.

Steve Hughes: Okay. You come out and I'll meet you and you show me where they are.

Jack Meuli: That's something like this Ingram deal go, and then last month you made that guy fence that twenty up there and there ain't a cow within a hundred miles of it. The only one that didn't complain on it is the one that's got the cows and you can't fence him out because there's a road between them. But he's got to fence this and there's nothing but subdivision all the way around him. That didn't make sense either, but I couldn't bitch on that one because I wasn't here.

Dave DeGrandpre gave an update on the Kootenai Lodge project. The developer is reducing the number of units to 42. They're going to come in before this Board and discuss a sewage disposal system. Presently they won't be asking for any other changes. It will still be offsite sewer.

Lisa Perry asked if this would please the landowners over in the Swan and expressed doubt that it would.

Dave DeGrandpre said there is a full-page ad in the newspaper tomorrow.

John Fleming asked if the Planning Board wants a meeting with the Commissioners. Everyone said yes.

Sue Shannon will try to set something up before the next meeting.

Meeting Adjourned.