

LAKE COUNTY PLANNING BOARD
April 12, 2006

Meeting Minutes

MEMBERS PRESENT: Jack Meuli, Steve Hughes, Fred Mueller, Jerry Winkley, Clarence Brazil, Ken Miller, John Fleming

STAFF PRESENT: Sue Shannon, Joel Nelson, Alex Hogle

Member Absent: Lisa Perry, Bob Kormann

Jerry Winkley moved correction line 2, pg. 2 "Ferndale isn't as good as Rollins"
Fred Mueller seconded.
7 - 0 to approve minutes.

REUM MINOR SUBDIVISION

JOHN: The first item on our agenda is Reum Minor Subdivision. We will make a recommendation to the County Commissioners who are scheduled to hear this proposal on May 2nd at 10: 00 a.m. and we will be making a recommendation to the County Commissioners here. The way we go through this is we have a staff report and then the Boards will ask them questions. If anyone, then we will ask the Developer, I think Mark is representing Mr. Reum on this one, so if he wants to make any comments we will allow that and then we can ask him questions and we will open to any public comments after that and we will close it and make our decision.

SUE: Excuse me, John you might just want to announce that Johnson Minor Subdivision has been withdrawn for this month

JOHN: Oh, ok. I didn't have that on here

SUE: Oh, you don't. Ok. The Johnson Minor Subdivision was withdrawn and will be reviewed next month.

JOHN: Ok, that sounds good. Ok we are ready. (inaudible)

ALEX: (Alex reads the Staff Report)

JOHN: Ok. Thanks Alex. Are there any questions of the staff? Jerry?

JERRY: Did we have a thirty-foot building heights limit in the covenants anywhere? I didn't find it

ALEX: No we didn't recommend them

JOHN: I could find that somewhere

JERRY: I guess, maybe I missed it

JOHN: I don't think so

MAN: It was there as a recommendation for an amendment to the covenants

JOHN: Yeah it is on page six

ALEX: It is in the findings of fact section on Page 6, Section J

JERRY: Ok

ALEX: And in the actual recommendations we refer to changes as specified in this

document here

JERRY: I missed the thirty thousand

JOHN: Any other questions or?

STEVE: I don't have a question but a comment, first question is do you have a copy of the Conservation Development options outlined in Section 7 of the Lake County Density Regulations?

ALEX: I do

STEVE: I would love to have a copy of that

ALEX: Ok

(People talking over others)

STEVE: I think everybody should get a copy.

ALEX: Ok, I would be glad after this

STEVE: I would like to have it now.

ALEX: There you are

STEVE: Thank you and then the other question I have is regarding on Page 4, second paragraph talking about irrigation water rights. Sue did we talk about this last time, do you remember? I think we did, Planning Board what did we say?

ALEX: You said you used the words over them

STEVE: There is no such thing as irrigation water rights.

ALEX: Well I did make an effort to use the

STEVE: The only thing it does I am thinking it implies to people that they have a water right and they don't and that is (inaudible) and you try to correct it and you (inaudible) and that allows you to receive water from the irrigation project. The water rights are a different process.

ALEX: That is my mistake

JOHN: Steve how would we rewrite that sentence then?

STEVE: (inaudible)

JOHN: Just Lake County Division Regulations state that when irrigation O&M rights how do they write that? I don't know but I am willing to find a way to write it.

ALEX: I actually did use that language integrated in another section and I wasn't consistent with it, yeah

JOHN: I know what Steve is saying, that is right. I just don't know how to write it in. Ok, thanks Steve. Is there anything else?

STEVE: Yeah I have a, question again Number 5G (inaudible), configuration of this conservation development surge reserve and is that this business too?

ALEX: Yeah, that, yeah that is actually described within the, that is what you have considered the spirit of the language concerning conservation developments and where Mr. Reum has proposed for the three small lots to occur is near the road on a shallow rise that fairly sparse in vegetation I mean irrigateable acres are not occupied by those lots and also by pairing features on this property for wetlands that do exist are not on this lot and therefore that comment of _____ or agriculture I believe is in the spirit of the language in the density regulations.

STEVE: But the conservation development, the term what is the, maybe somebody can define to me the staff, what is the conservation easement or (inaudible) mean to you guys?

SUE: It is defined in the density regulations that the intent of the Conservations

development

ALEX: (inaudible)

STEVE: Another words it is questioned it is not a conservation (inaudible)

SUE: (in audible) and setting aside you know, the open space for agriculture (inaudible) and natural resource

STEVE: Does that connotation mean that they should go to Montana Land

Reliance or civil organization and have a conservation easement placed on this land?

SUE: The regulations give them the opportunity to do so but it also states that they can put a home on it.

STEVE: Well it is one or the other isn't it?

SUE: Not that the regulations say though.

STEVE: This regulation says both?

ALEX: Yeah within the twenty acre perimeter, per unit development density region that they hold according to the regulations is allowed on the set aside contrary for instance to the five acre

STEVE: Yeah so when we revisit this whole conservation development process of density when we do our review or density map in September, October, year after development right, or after adoption, so it is going to be in October. Because when we had meetings with the people from Kalispell represented what the set asides mean and what conservations mean right and I wasn't there,

CLARENCE: I don't quite understand why the conservation is in this. I mean what it is they get a bonus and then they get to this other ground

SUE: It is the (inaudible)

CLARENCE: The conservation I think it is implied (inaudible) and someone implied to me that there is a conservation easement out there. There isn't a conservation easement out there. It says they are not supposed to put or subdivide period. But there is not a conservation easement per se on it and I doubt it they are going to get one cause (inaudible) are going to buy on something like that when it is not supposed to be developed anyway. They'd only come in if they felt there was a chance of a development

JOHN: Or non development

ALEX: I believe however though that it really comes down to how you are choosing to define the word conservation.

STEVE: That is what we are getting at and the connotation is that the conservation easements (in audible) this is like a cluster development plot, plan, should be stated as such.

ALEX: Well it actually falls into a section called exceptions in the density regulations and that is what I refer to as the Conservation Development Option early on in my first entry paragraph of the Staff Report because if you look at this it really truly is an option that is available under exceptions.

STEVE: Yeah I understand that

ALEX: The language is the language that was developed I believe through your Board after

STEVE: By our staff and Mr. DeGrandpre who was in the audience or still in the audience.

ALEX: There is a good sense of

STEVE: Just a minute

JOHN: Steve I think you are getting kind of combative here. Let him finish

STEVE: I am not getting combative, I want to get a clear answer on what conservation means

ALEX: That is what I am trying to do. There is one particular sentence in here that,

that speaks to this. Ok, I will just read the paragraph

STEVE: I can read

ALEX: Well these folks might want to hear it

JOHN: See that is a question, let him answer it

ALEX: The purpose of a Conservation Development is to allow a developer to reduce expenditures related to infrastructure development while preserving important natural resources if the governing body or its designated agents finds a developers project will protect any or a combination of the resources described in the sections. A developer may qualify for a bonus, now here is where it becomes down to it. It speaks about, ok, a developer shall demonstrate in the governing body or designated agents must determine the land to be set aside contains irrigated farm land good or prime if irrigated soils or other soils of special significance. Important wildlife habitat, stream corridors, wetlands, specific uses, significant usage and other important features. Developed recreational areas such as golf courses and equestrian facilities and other areas will be judged on a case by case basis. However that prior sentence really hits the criteria and if this lot adjoins a very significant wilderness buffer zone that has been designated by the Tribes, we discussed that in the staff report as well, probably the foremost Grizzly bear conservation zone in our entire country short of Alaska, directly abuts the location of this site. There are some channels running through the low elevation portion of the property that serve as potential migration corridors for game including deer, elk, black and Grizzly bears, etc., for seasonal migration from grass land ecosystems to higher Alpine regions. Really this is a sensitive lot and I believe that the location of the three small lots that Mr. Reum is proposed is allowing for that sensitive strip where the wetland vegetation is to act as a corridor.

JOHN: Ok, thanks. Steve go ahead you still have the floor. I just wanted to let him finish. Are you ok?

STEVE: From my six sense you can explain you know how a person if they equester is a bonus. But the conservation that they are concerned about, that we are concerned about as a planning board or as a society about corridors for wildlife then obviously we should do a conservation easement given the bonus. Because that is what they have done and then do a conservation easement so that no development would ever take place again and not destroy that. We are not doing that because what you are saying in the staff report some place about the fact that there should be (inaudible) more than three, although the acreage can be factored in density calculations for either subsequent subdivision along that port. This tape no way implies about what can be further divided. But if they come in here ten years from now or twenty years from now, because the density map has changed, we are going to allow a different, a planning board will allow for the subdivision, right? Potentially, it could

SUE: I am afraid of that

STEVE: Well they could

SUE: (in audible)

JOHN: But you can't say that. It could, density could up or down, either way

STEVE: Right, but potentially the Lot 4 would be subdivided again

JOHN: Sure

STEVE: Right or wrong?

SUE: Sure, depends

STEVE: So it is not a conservation easement that is what I am getting to

JOHN: Well

STEVE: We were concerned about the corridors for the Grizzly bears and the elk and everybody else, maybe we shouldn't do this. That is my point

JOHN: Thanks Steve. Are there any other questions for staff? Thank you. Marc would like to make any comments?

MARC: I would like to take a brief moment, it is up to you everybody we've got some new staff joining my firm, this is Lynn Speckert (sp) she is going to be heading up our planning portion of our little business, so you will be seeing more of her and less of me as time goes on.

STEVE: That is an improvement (laughing from attendees)

MARC: Addressing to the subdivision itself, one of the conditions that kind of spoke to me and it was Number 9 I believe in here in the conditions. It stated that the power must be installed underground prior to final plot approval. I believe that the power already exists along McDonald Lake Road and typically what that is passed, pardon me?

LYNN: Not 9

MARC: Not 9?

LYNN: 10

MARC: 10, see she is already (inaudible) around. Thank you. Number 10, typically when the power is abutting the project and it is overhead we typically merely state that prior to construction, not prior to final plat that the power will be brought in underground other than upfront. As far as the set backs along the wetlands, we have no problem with that in basic. This property has been in this family for quite some time and you know they have been living with everything quite well. What I had discussed with my client was doing the buffered zone as outlined by the condition that merely stating it as a no build area, no disturbance area. This keeps siltation and construction from encroaching into this area. Steve your comments on conservation easement are founded but we don't have the mechanism right now and we want to preserve it. I don't know if we can actually get someone to do a conservation easement on something this small

STEVE: Absolutely you can.

MARC: We would like to go ahead and preserve it to the subdivision review process as we have proposed it, that is what we would like to do. The irrigation I believe just a portion of Lot 3 roughly $\frac{3}{4}$ of an acre maybe, that falls into the irrigateable area rather than putting in pumps and main lines and stuff to address that small acreage where we are applying to move that O&M to another area, I am all for that doesn't have it currently. The Grizzly bear habitat issues you will find in our covenants is pretty lengthy discourse of items that we actually were able to obtain from Dale Becker who is a Biologist for the Tribes. We had variation come up a few years ago and when we worked with him to get this covenant bolstered in order to mitigate the wildlife concerns. Other than that I would certainly be happy to try to answer any questions I can. Thank you.

JOHN: Thanks Marc. Any questions for Marc? Questions? Ok we are going to open it for public comment. Is there anyone who would like to comment on the project?

Anyone want to comment? Ok, we will close it to public comment and the meeting is now closed. The Board of Discussion and Action. Would anyone like to comment here from the Board?

CLARENCE: I would like to comment and I am with Steve on this thing before. These set asides being set aside primitively somehow. I don't think that they should be set aside now and then revisited five years now when the density improves. That is like me selling you my house for \$100,000 today and five years from now it is worth \$200,000 and I go back and say well I think you ought to give me \$200,000 for it. I was satisfied to get a \$100,000 now and I should. Once I make up my mind to do that I should do it. It shouldn't be come back twenty years from now and make it one acre lots or something. I think when something is set aside is should be set aside and stay set aside. If they are willing to do it to gain another house or two then they should live with it.

JERRY: Ok. I would like to comment a little on those same lines. I gave Sue a write up I think awhile back. We've had a situation where in some of the cases the Commissioners gave approval that allowed for further splits if the density map changed and my feeling on that was that if you use the clustering bonus that you should give up the right to further splits. If you don't use the bonus then it could be worded the way they have been wording it, but unless the Commissioners agree to that, we don't have much of a leg to stand on, but that would be my recommendation on future provisions

JOHN: To the density map?

JERRY: Yeah that if you use the clustering bonus then you give up the right to further splits. Whether it will happen

JOHN: Well I think that is something that we need to work on. I agree with that. I agree with that. Cause you are getting a benefit now and you live with that benefit. That is kind of what you are saying too. On this project do we have any other comments? I live very close to it so I can make a couple of comments it is definitely Grizzly bear habitat. This is an open area. So there is not a lot of you know there is not vegetation. The wet areas the wetland areas that are there are in the larger parcel, you know, you know how I feel about the lots up around there. I am not that excited about them but I think this meets, I know Mr. Lee made these as small, he actually went back to Marc and said make them smaller at one time and so I think it is as good as we can do with the density map and I really have a feeling that if we have all the stuff in there about Grizzly bears you know that is as good as we are going to be able to do right now and I think when we go back to the density map we should take a look at the overlay on the Grizzly area and we may have to do something a little different. I think at this point in time, this isn't a bad project. I am not opposed to it.

STEVE: I am overly opposed

FRED: Second

CLARENCE: What is top recommendation?

JOHN: Moved and seconded it

STEVE: Did you entertain a motion for (inaudible)

JOHN: No

STEVE: I don't know if this is legal or not, but my only thing would be that we request that they prior to going to the County Commissioners they investigate with

Montana Land Alliance or similar organization and do a conservation easement on this piece of property and that

JOHN: Thirty-six

FRED: May I call it

JOHN: Go ahead Steve finish. Let Steve answer that question cause he is making the motion.

STEVE: Well that is my motion then. Prior to the County Commissioners seeing this at their hearing, a letter be from Montana Land Alliance that would or would not entertain a conservation easement on the remaining Lot 4.

JOHN: Ok you heard the motion

STEVE: My recommendation is not that they do it, please get a letter. If you are questioning whether or not anybody would do a conservation easement, right?

FRED: I am wondering that yes

STEVE: We will find out.

JOHN: Ok, is that what you thought it was going to be?

JERRY: That was what I was going to say. It doesn't necessarily require to have it in place, if you ask them to take (in audible) they don't have to have an easement in place, by this motion, it just means that they have to investigate the feasibility of it.

JOHN: Ok. You have heard the amendment, is there a second for the amendment?

FRED: I will second it

KEN: Mr. Chairman I have another friendly amendment

JOHN: Ok

KEN: On Number 10 as per Mr. Carson's request, right, utilities will go in underground prior to construction rather than prior to final plat.

JOHN: Oh ok.

KEN: That was a friendly one

STEVE: I will second that one

JOHN: Ok we have two amendments. Lets vote on the friendly amendment first. I don't think we even need to do that

JERRY: What is it, I can't hear?

JOHN: It was just to bury the underground utilities prior to construction and not prior to the final platting so they wait until they are going to build before they get the cost closer to the income. Ok, on that amendment only, we have a motion and a second, any other comments on it? Ok, all in favor on the friendly amendment. Ok and then we are going back to Steve's amendment.

STEVE: Is mine not friendly, is that what you are

JOHN: It is friendly too

STEVE: It is just a question, if you don't get the question answered it is always there, right, do you think it is unfriendly

JOHN: Ok, we have an amendment, all in favor of the second friendly amendment, thank you. Now on the motion itself, as amended, that we have a motion and a second as amended. All in favor of the motion as amended, could indicate by raising your hand, opposed, ok, thanks guys.

STEVE: Was it unanimous?

JOHN: It was unanimous.

FRED: We are done deliberating? We are, can you open the floor again

JOHN: Sure, sure

MARC: Steve has placed the (inaudible) to contact Biological Alliance

STEVE: Montana Alliance

MARC: Montana Alliance. Prior to May 2nd is that correct? There is a statutory time line when the Commissioners must approve or disapprove

JOHN: Yeah, May 2nd

MARC: What happens if we can't get our response in time? I mean we are at kind of catch 22. Our front definitely wants to carry out the wishes of this Board as best we can but we also have a statutory time line that the division must have a decision on.

JOHN: Alex can you help him?

STEVE: Where is your heartburn?

MARC: Well, what do I do if I don't have a letter on the second and the Commissioners are scheduled

STEVE: I bet you if you called the Montana Alliance or a similar organization and said I've got a deadline. I want you to come and look at this property and see if you can do a conservation easement, they would be there tomorrow morning.

MARC: Well I will certainly give it a try, but I do want to go on notice that I will maintain the statutory time line to the best of my ability

JOHN: Do you understand what Steve was asking for in the amendment?

MARC: As I understand Steve wants us to attempt to see if there are easements available to this property prior to the Commissioners hearing May 2nd

STEVE: No

MARC: Oh I am sorry, maybe I misunderstood

STEVE: You are not going to get a conservation easement accomplished by May 2nd. What you are going to find out, what my amendment was you get ahold of the Montana Land Alliance or a similar organization and they will come out and make an assessment and they will tell you right off the top, you can do a conservation easement here or we can't. That is the question.

JOHN: In a light property for example, right? I mean this one, this one or one like it is what we would like to do

STEVE: I am comfortable with this one.

JOHN: Yeah, which has lots of other applications for us is which is what we are trying to find out. It is going to be possible, in these situations

STEVE: They are going, they are going to have an answer to you in the letter that you can give to the County Commissioners or the developers can say, yes we can do a conservation if the people would have applied for one and we go through the process which takes times, we can do that. I know we can, ok

MARC: What happens if my client, I can go through the frame work, I mean I can contact them, I will do that tomorrow morning, definitely will. What happens though if my client doesn't chose to that with his property?

STEVE: My amendment has nothing to say to the developer that they have to do a conservation easement

MARC: Ok

STEVE: You asked the question to us, right

MARC: Well I am just trying to clarify it Steve

STEVE: And I am trying to clarify it for you. My amendment if I am correct that

night, is that what I asked, in the amendment?

SUE: I am going to have to check

JERRY: The feasibility

SUE: Request that prior to the Commissioners review that you pursue a conservation easement a get a letter that from the Montana Land Alliance, whether or not it is feasible on their property

STEVE: And not to request a conservation, but see if one could be utilized

SUE: I said (inaudible)

JOHN: Ok, thanks

STEVE: It is no different than going to a construction guy and say I want to build a house that is 1500 square feet and give me an estimate. Didn't say you were going to build it

HORIZON HEIGHTS MAJOR SUBDIVISION

JOHN: The next item on our agenda is Horizon Heights, major subdivision. This is a information meeting and we will have a staff report and basically go through the same process we just went through except at the end, we won't make a recommendation this is information. And what is it, we will have the public hearing on this proposal on May 10th.

(In audible- several people talking at once)

JOHN: Alright Joel are you ready?

JOEL: (Reading of the introductory Staff Report for Horizon Heights Major Subdivision)

JOHN: Thanks Joel. Are there any questions, Board for the Staff?

JERRY: Covenants include thirty foot height?

FLEMING: I think they do. I might be wrong but I think it might be a church owned cemetery directly southeast, it is not County

JERRY: So then it is to the Catholic Cemetery

FLEMING: That is not the County owned is it?

MAN 1: (inaudible) was County owned

FLEMING: Maybe the County owns it but I don't think so. I think the Catholic Church owns it

MAN: Yeah I would say so, sure.

JERRY: On the road I would like some comments on the making a through road as opposed there is a comment that site distance is appropriate looking at the drawings it looked like it might be a natural for simple access

KEN: I think at least an emergency

JERRY: I think it would be something

SUE: It is a dangerous curve there. It doesn't really show on this map but it is almost like an S curve, just (inaudible)

JOEL: Very shortly after this, very abrupt curve structure

JERRY: I guess an emergency exit could be a right turn only proposition, would that make it better or worse or

JOHN: You could put a sign there but

JERRY: Yeah

JOHN: My question is related to yours Jerry is the hammerhead as drawn is that, does that not meet the request of the Fire Chief, the hammerhead is drawn on this one. That is not

JOEL: He wants it to like I said exit out back on St. Mary's Lake Road

JOHN: Oh I see, I guess I missed that one, Ok.

JERRY: I think the turn around is probably adequate to convert

JOEL: I think it is County standards

JERRY: Yeah, we just think we would like something different

JOHN: Any other questions?

KEN: Yeah maybe Staff can clear something up for me. I am mulling over in my head the density of this, it is my understanding that the idea of the community growth area is somewhat contingent upon hooking up to community services, water and sewer particularly and this proposed subdivision is doing neither and so maybe I can get an explanation from Staff if I am off base with that or if this or if there is some other reason for this community growth area around cities.

JOEL: In the regulations there is a section on and it includes a table which bases the allowable density based upon what kind of sewage disposal system is hooked up to along with what kind of water supply system serves the division and this would be a public sewage disposal system and individual water supply so it allows up to two units per acre or the highest allowed by law which ever is greatest, so up to two units per acre.

KEN: Are we making something here that ten years down the road after this place is all filled up and working the sewage system are we going to contaminate all those wells, or maybe even the city well? With the aquifer like it is?

MAN: It is possible

JOEL: There has been a lot of discussion about it. I think that memorandums

KEN: Are they proposing the type two system

JOEL: Thy haven't officially proposed it, a Level 2 system

JOHN: Maybe that is a question we could have the developer address in a few minutes. The question that I would like to have, when they are doing the cost analysis and comparing the well to apply for the, what do they call it, a variance, not a variance,

JOEL: It is a waiver

JOHN: A waiver, when the other well is a seventy-four and this is based on fifty five, I was wondering what the cost would be if each well was a hundred feet? I would suspect it would still be underneath the cost of well. I would like to know what that cost would be, cause to say you are going to get water at fifty-five feet when everybody else is going seventy-four feet, I have to question that. And I don't know how they do the cost thing there, I would ask that question later when we get a chance.

KEN: Mr. Chairman, I have several questions along that same line. Are we comparing apples to apples here with this water system, is the six inch water main, fourteen lots, that they have specked out and priced out, over kill for the size of the subdivision, how much of that two hundred eight two thousand dollars towards the fire hydrants that are proposed along it, I would like to see that we are comparing the

same numbers here.

DAVE: Can I go ahead and address some of these comments?

JOHN: Sure, is that ok, that is ok with me. Cause we are definitely into that area now. Does anybody have any further questions or Staff before we do that though Dave, excuse me, is there is anything else that directly, I guess my question was to you. Ok, yes, thank you. So Developer presentation time

DAVE: I am Dave DeGrandpre. I am a consulting land use planner. I am also part owner in the project with my mother-in-law, who is here, Teresa _____, my wife and her husband, Jill Todd from Roland Environmental Consulting is also here to talk about the sewage disposal system if I get in trouble with any questions that you guys have. So, to start in the beginning, in August we found this property located in a community growth area in St. Ignatius, my mother-in-law who is a real estate agent who works there, I live close by in Charlo. We thought it had some good potential, weren't sure what to do with it exactly. The property was pretty much all knapweed at the time. I think that the report states we have done a couple of things, we sprayed it, we mowed a portion of it, cause there was stuff out there but in any event we are trying to take some steps to address that issue. The Staff Report address a few things and your questions address a few things that I would like to talk about. One in particular is the road. Now, we solicited comments from the St. Ignatius Volunteer Fire Department. Ray Fry the Chief who also is the Public Works Director, commented on it and said that the wanted to have a loop road essentially. When I first look at the property I also wanted to have a loop road. I thought, I think that in terms of traffic flow and dispersion it makes, it is generally better than a dead end road, or I think the other side of the coin is when people go through the subdivision who aren't, who don't live there, they might not be so concerned about speeds and kids and that sort of thing, but in any event, I think generally speaking it is the better of two options. The problem is this is where you see there is a curb here, there is also a curb here that kind of bends down and then comes back the other way. And I feel like the only place with safe and people coming down and you have to know that on St. Mary's Lake Road coming from the east you are going down a hill, it is a paved road, people are traveling at a generally pretty high speed, John I am sure you know the (inaudible) pretty well. And given that fact and given the fact that the road kind of narrows there are trees right along it, it is kind of an S curve right here, I feel strongly that there is no other, that no where along here is there a safe place to move the road back. I really feel strongly about that. You know we looked at lots of different options. This access right here has the best visibility going to the east and to the west and I just feel like it is the safest option and that is why we went with it. If you feel strong, and I would ask if you are going to recommend that there be another access, I really would like or ask that you take a look at the site, that you take a look at the road. Because it is a condition that (inaudible) and

JOHN: Can I ask you this, as Rainy commented on having that come back out to the road with the idea that it may not be a safe access, I know he is

DAVE: You know I don't think he has really addressed it. He seems pretty stuck on you know two accesses and you know another issue I think to me it is about fire safety and I think you guys would agree. The topography of the property is flat. There is really not much vegetation to speak of. I mean there are a few trees scattered here

and there but it is largely knapweed. It is not like and so it is not a high fire hazard area. There are fire hydrants, there are two hydrants within a thousand feet of the property you know it is a not a high fire hazard area in my mind so. You know I have been working with Ray Fry and this will also get to your questions about the water system, comparing apples and apples and that sort of thing. It has been very difficult to work with the Town of St. Ignatius. We have spent months doing so and maybe I will just jump into the water system right now. The question of what type of water system to what extent they wanted and that sort of thing. The system that Morris and Merely designed for me is exactly what (in audible) required. What the Public Works Director said he wanted. He said he wanted a fire hydrant every three hundred feet. I think that is over kill, it sounds like you think it is over-kill, I think they think it is over-kill, but that is what he said he wanted. He said he wanted the six inch pipe, he said he wanted the (inaudible), you know there is really nothing that I can do about that. I mean there may be the possibility to go back if I receive preliminary approval, there is the possibility to go back to the town and to try to hook onto their system with the reduced set of specs but what has happened is there has kind of been an unlevel playing field. They have been demanding or he has been specifically demanding things of me and I have had to say ok, we will do whatever you want. We will design the system how ever you want, if I get preliminary approval, I can go back and say alright I am going to go ahead and develop this with two more wells unless we can figure out a way to compromise, so that is the position that I have been under and to address well depths, there are two wells on the property right now. One has a depth of fifty-three feet. Total depth of fifty-three feet that and another has a depth of forty four feet below the ground surface. They were tested not too long ago by Bjork and Jill was on site, Greg Bjork was the, he is the pumper who tested it and to my knowledge he didn't try to max it out, but tried to sustain a good sustainable steady volume, produced twenty-two gallons per minute in one, and sixteen gallons per minute in the other. So what I am saying to you is I believe that based on the wells that are located on the property, one is located right here an existing well and the other is located right here

JERRY: Which one was which?

DAVE: I don't know that right off the top of my head but I have that information here and I can show you in a few minutes. If you want. So what I am telling you is that I believe that at these depths at you know and I used fifty-five gallons or fifty feet below ground surface. You know that will produce 22 gpm, which is enough to feed or supply the two homes. So I believe that the estimates that were provided are accurate and that the well depths are accurate as well. Now one of the St. Ignatius City wells is only fifty-one feet deep and I don't know what that produces but it has got be at least one hundred gallons a minute. So I think that those numbers are good. It is not trying to provide apples and oranges and stew the numbers but although I think the numbers are (inaudible)because of the demands of St. Ignatius were so high with the system. I mean theoretically you wouldn't need a hydrant every three hundred feet. You wouldn't need to even have a loop system necessarily which increases the cost dramatically, but that is what they amended and when I met with the town Council twice now to talk about the system. They said that they would like this project within the municipal boundaries and we also think it makes sense. From a

marketing perspective you know I would much rather have City water than two part wells. I just think that it is a hassle for people to deal with. You've got the pipes sticking up out of the ground, you know I think it is easier for people to just call the City if there is a problem, you know it would make sense. But right now with what has been demanded and the costs which I think are Morris and Merely is a good firm, they are a reputable firm, I don't think they are inflating things. You know and I think they did it and the City said yes this is the design we want at least for now, so. Let me talk about the sewage disposal system if you would just for a few minutes. There is no public sewage disposal system in the area. The town of St. Ignatius has public system you know on the other side of Mission Creek which is some distance away. There is a Tribal system as your Staff describes in the area. I solicited comment from the Salish Kootenai Housing Authority, their Engineer Bob Gordon said that they do not have the capacity. So, we had to develop our own system. There are different ways that it can be done. We chose a community drain field which would be an elevated sand mapped and I like and mother-in-law who works in St. Ignatius and has a real estate office in St. Ignatius we are also concerned about contaminating any wells in the area, let alone the municipal well service. I am not sure how many people, thousand people or something like that. So, we are looking at a Level 2 treatment system. The numbers, there are a number of calculations that you need to do in order to demonstrate to the State and local health officials that your sewage disposal system won't contaminate ground water and the numbers are far, far below that which is acceptable. And Jill just did some calculations today I think on a Level 2 type system which we are definitely considering and the numbers are almost identical in terms of the nitrate reduction. It is very little and we will get you a copy of that soon. I just saw it for the first time tonight, but anyway there is not much, very little difference. We are talking about 1.13 milligrams per liter of nitrate at the end of the mixing zone versus 1.79 still we are under two milligrams per liter and the maximum contaminate was ten so, oh five, ok so we are at twenty percent of the maximum contaminate level. So, in any event we are still not ruling it out, it is definite possibility. It adds costs but that is not the end of the world. I mean we want it to be a good project. We don't want to contaminate any wells. You know we have a lot as stake here so anyway, that's what we are thinking about. The last thing that I wanted to mention to you is about park land. What we want to do is dedicate cash instead of land because there are lots of facilities and programs that are out there. I know that Jill's report says that you can only dedicate fifty percent to maintenance. What I would like to do is dedicate money to not just to maintenance of fields and tennis courts and stuff like that but also to a little league baseball program that is happening in the area. A huge soccer program that is in the area that always needs funds, the youth soccer program for example I know about because I am a coach and they routinely every year they get scholarships. There is a certain amount you know a sign up fee off the top of my head but there is a sign up fee. And to low income kids or kids who can't come up with it or they might be two kids in the family who play they will let the kids come in for free and so there will be scholarships. So I would like some of the money not only go to field and tennis courts or whatever it turns out to be maintenance but actual money for existing programs that are there to serve you. So, that is where I am kind of heading to the park land and I think that is it. We have

not seen a copy of Seth's comments that make pieces comments, (inaudible). I would like to get a copy of those if I can. Other than that I don't have any other any other comments but I will address your questions and if not, I or my mother-in-law or Jill will be happy to address them

JOHN: Ok, are there any other questions? Thanks Dave. Any questions. We've got to the Staff first, but we will get back to you in a minute, ok. We are definitely going to get you involved. Jerry do you have something?

JERRY: (inaudible)

JOHN: Lets see I might have had one. You are proposing to raise the standard one hundred dollar to two hundred dollars per donation per lot. Thank you.

JERRY: Could be catching.

JOHN: Yeah we were hoping to do that some day anyway. Maybe that would carry on. I don't have anything else, but (inaudible). Does anybody have a question? Jerry go ahead

JERRY: Well I just wrote down that if you didn't hook up to the City and then became available what would the cost be or how do you factor in? That maybe pretty tough one to answer

DAVE: Well if we didn't hook up to the City, you know the only way they would become available is if someone else down the road extends the City water. And right now we have Tribal property to the west, to the east, to the south and to the north. So, I would think that if the Tribes wanted to build housing units in the area, there is developable ground out here. It is beautiful farm land right now. But lets say some day in the future they wanted to you know build homes out there something like that what I have seen them do in the past is build their own water systems. I guess there is the possibility they could extend the City system but I have a feeling that building their own system would probably be cheaper than extending the City's system. And because there is no sewer over here, you can't say never, but I have a hard time imagining a scenario where annexation would occur. There isn't the fee ground there for people to extend services. You know it is all Tribal right around it. So, I mean not to say it couldn't happen who know what could happen in the future, some circumstance. You know I would be happy to put in you know and easements along this lot for maybe future extension. Lets say that water or sewer did come in and you could out this way and back down here, out there, I would be happy to do it right here. That is not a problem at all. You know but you know the Staff Report also talks about maybe extending this road and I am not sure what direction you guys had in mind when you put that in there, but extending this Horizon Drive and maybe we should just talk about you think that might look. You know again I don't feel like it is a safe, I feel like this is probably the worse place to do it is out here, but anyway we can get to that.

JERRY: What is the over all length?

DAVE: I think it is eleven hundred, I don't know off the top of my head. Yeah it is under twelve I know that.

JOHN: Ok if there are no other questions of Dave, well would you identify yourself and

BUD: Yeah, Bud Zempel, St. Ignatius. I would like to thank who ever did send me this letter, but I am a little bit concerned because I am the only one that I can find out

in the area that got a letter and Fred Garabed to the east of me he didn't get a letter. Now I have only lived here for thirty-six plus years so I know a little bit about it. My neighbor Charlie there he is probably born

CHARLIE: Seventy one years

BUD: Yeah that is a long time ago. But anyway I have two pieces of ground not joining that because Charlie is in between me and this ground. But I have rented some of this ground to produce crop on it. Right now like it has been said, a lot of knapweed on there and it should be taken care of. I have two wells, now my ground it approximately fifteen to twenty feet lower in elevation than these. Now my wells are only twenty-five feet deep but as of now, I have lots of water. I am not concerned. I probably got I don't know no one has ever measured it but thirty five gallon between my two wells and I've got two pieces of ground, no problem. On this here, I absolutely think that if it goes through that this road should absolutely be returned to the road up here for fire purpose, school purpose. Now there may have to be some trees that should be taken down there and the speed limit is supposed to be thirty-five miles per hour it is just that the people that live out here, the young people they don't pay any attention to that. And so they come in there like a mill pails of hell. But I am really not too concerned about the water because I can drill my wells deeper I guess if they force me to. I don't think that the thing to do. I hate to see this divided up into that may houses that close. I live outside of the City lots for one reason. I don't want to live in town where there is somebody else just right next door and I like the idea that if I go out behind my barn, I can stand out there and take a leak you know and if you want to raise some livestock you can do that. Well with this here, now that is an in town situation. We are not in town, this is rural. But I am still, that is alright. We will go along with that. But one thing that is the biggest no, no of all if they are going to do something like this, and maybe even to half of that magnitude, is going overboard. The sewer system was absolutely out of the question. You know that is not only going to contaminate my well, it is going to mean a lower elevation, it is going to take the City the whole ball of wax because that ground it just goes through there like that and in a very, within a couple of years, the City water is going to be contaminated. Now if there is anybody here that would like to ask me some questions?

JOHN: Sure would anybody Bud questions? We appreciate what you have already said Bud, that is

CHARLIE: I have the same concerns as he does. But I wanted to determine

JOHN: Charlie would you address yourself to these folks

CHARLIE: I am sorry, I am Charlie Blood, from St. Ignatius. I am Tribal member. I just had a well drilled and it is sixty feet. I see seven wells there which is just southwest of me. How did they determine that that area and any area in the neighborhood could sustain that amount of wells and still keep the existing owners around there in water? I would like to have that answered.

JOHN: Sure would you mind, Dave? Thanks Charlie

DAVE: It is I think the way we determined that was by looking at well logs in the area and often times when people drill wells their drillers turn the logs into the State and there is a big data base that you know computer data base talking about that shows different wells, the depths that have been drilled to. Usually when the wells are

drilled they are tested too, so it also lists a certain gallons per minute or amount of water that is flowing through there and so what we have talked about tonight already. This is kind of a, it is a gravelly, it is a gravel bed basically. A whole bed of, the whole bed of Mission Creek, right. So I that there is more water going through, I mean more water going through there than anybody could even

CHARLIE: But you can you guarantee that once all these houses are all developed

DAVE: I feel strongly that the answer is yes and I will tell you why. The town of St. Ignatius' well is drilled, well there are two. One is drilled to eighty feet and one is drilled to fifty feet below the ground surface. Those produce hundreds of gallons a minute. These homeowners are going to use I don't know how much an average a homeowner uses per day but it can't be more than two or three gallons per minute averaged out over the course of a day.

CHARLIE: Well the impact that you can figure there has got to be that many homes at a specific time in the morning, a specific time in the evening and you can say that it is not going to drop the water level.

DAVE: I feel very strongly about that and it is not just me saying that. There are rules that a person like myself when we submit a subdivision application has to follow. There are certain, there are water amounts that we need to demonstrate to the State and to the local environmental health officials and so if this Board here and the County Commissioners give it preliminary approval, we need to take the next step and to go through that environmental review. So there are experts in hydrology and ground water that look at it and review it and say yes they think they will do it or no they won't.

CHARLIE: This arrow you had there on ground water, is directly across into the City area just shortly off the corner of your subdivision. There is a Tribal house there, but the ones adjoining it are non-tribal. There is approximately three wells in that area behind it. These people are not on your list because I talked to one of them and she knows that there are two more that never (inaudible) but they are down stream of you. You have kind of answered my question on that water deal but I have to question this area, right here there has been a known five accidents right off this corner right into this area here. There have been two over here. Maybe three, in a course of a period of 1946 to now that I know of. One fatal accident right here. Fred Garabed and I both saw the outcome of that accident. So that corner is very bad it is very narrow there. The other alternative that he was talking about is that just past that corner on that cul-de-sac it is twenty to thirty feet down on the north side of the County road. So, that would be a concern I think if you open that up, cause you can't stop people you know for cruising that road you know I mean you would have to have a cop there 24/7 over there, but it is a known hazard right there on that corner.

JOHN: Charlie your concerns are the number of wells and the road and if the road hooks back in.

CHARLIE: Yeah if it goes back in

BUD: On part of an answer to your study so to speak, I started building in 1952 so I put up many hundreds of buildings and when it comes to water, two gallons per household that is absurd. That is only twenty-four, that is forty-eight gallons that only handles one batch of clothes.

DAVE: That was per minute

BUD: Well then you've got bathing on top of that. I think you, you know they are not going to, this isn't Arizona, they are not going to have a gravel out there for lawns, people are going to water their lawns and that. I think you got to be safe you got to figure in the neighborhood of probably twelve gallons per hour, per household unit.

JOHN: Didn't you say two gallons per minute.

DAVE: I just threw that out there. What does the State of Montana require for water availability per well?

JILL: For a shared well I think it is ten gallons per minute over the course of a couple of hours. And in determining the elevated sand amount size that gallons per day use for residences is three hundred gallons per day.

DAVE: Per bedroom or per residence

JILL: Per residence

DAVE: Ok

BUD: I don't have any other questions

JOHN: Thank you and I got your stuff down here. You don't like the number of houses out of town and the sewer is a big concern, big concern

BUD: Yep

JOHN: Got it. Thank you very much. Is there anybody else that would like to comment?

ROBERT: My name is Robert Matt. I am from St. Ignatius also. I also own the property on this side of the proposed development. So I have a few concerns of my own. You have heard several people tonight talk about how dangerous this corner is and it is a dangerous corner and as Charlie said there have been accidents, fatal accidents out there. One of my concerns is if my driveway just a few feet off us and the property line there and the roadway is narrow, as soon as this development goes in, and you have somebody building a fence between Lot 12 and 13, I am not going to be able to see when I get out of my driveway. I mean then I am putting me at risk right here where when I drive out, you know that is one of my major concerns. Another is water, I think this whole thing. I think it is way too much, way too much for (inaudible). You know what we are dealing with here is trying to squeeze it all that much in there and I am sure you know there has got to be some room for development but I think we are going overboard just like everybody else has said. You know I have been out there for thirty well since 1970, I was pretty much born and raised there. I like the idea of waking up in the morning just like Bud you know it is the reason we live out there. We don't want to have to look at town right next to us. One of the other things, I see Bud's got a letter. Did they send that to you certified?

BUD: Like I said I asked everybody in the neighborhood. My neighbor to the east, Freddy Garabed, I mean nobody got a letter but me. But I am very thankful that who ever sent this I did get a letter, thank you.

JOEL: We notified adjoining property owners. You are Robert Matt?

ROBERT: Yes

JOEL: We got one returned, P.O. Box 635

ROBERT: That is not my current address, so that might be why. I didn't know nothing about it you know.

CHARLIE: Do you have one for me too or anybody else in that area

SUE: Tribal land. Like in our tax records, yeah we don't have your

CHARLIE: She said that she got that letter on the 20th of March. Does that sound right?

SUE: Mmm

JOEL: I think we mailed it on March 22nd

CHARLIE: 22nd

JOHN: County policy is to mail theirs to all adjacent land owners right?

SUE: uh huh

JOHN: Does it make a distinction between Trust land, Tribally owned land?

SUE: We get our address off the tax assessment, so if it is Tribal we sent to the Tribe in Pablo.

CHARLIE: I talked to the lady in land services at the Tribal Complex last weekend. She said the time frame between the time she got the letter from the developers and the time to find the land owners in that area was so short that she couldn't, I think she said she got one or two letters off and the one letter that went out that she talked about a house that listed on Inemee. There is nobody by that name that lives there. There is Feldmen's and the one that is living there in the house is not in capacity to even determine the situation. He has got one important neighbor between him and (in audible), but he's got a fairly substantial one down to the cemetery road from there. But the

JOHN: Let me (in audible) he brought up the letter issue

SUE: I can talk to you more about that

JOHN: Yeah. I would like to know how that works too. Because I am really in the fog there. But Robert you have the floor again.

ROBERT: Yeah that letter issue is only that problem I guess. But I think also too there is people who live on Tribal land like we have probably on this side here, they should be notified because if the aquifer is moving this way and I am upgrade but down here is going to be more down grade these people should be notified of this type of development whether it is Tribal or whatever. I mean it is their water. Water quality that we are talking about here. Having a water table that high if you are going to do drain fields here, then you are going to, you know having that water table so high I think you are going to contaminate that water I mean my well is on the outside. I mean I can look down. I've got an old hand dug well underneath my house. I can look down into it is probably forty, fifty feet from what I can tell. It is a constant worry where I live. Cause I don't have much of a drain field so it is always a worry. I think that is probably all I've got right now unless somebody else's got some questions for me.

JOHN: Sure, thanks Robert. I've got your concerns here.

CHARLIE: You were concerned about the Tribe why this mapping, you see the sign where the blue X is? That is where the existing fence is and the property is actually going to fall south of it. Well this point where the X is, where the existing fence is, where the surveyors located it, it actually is outside of the property of this whole area.

ROBERT: But when I pull out of my driveway we are pretty much looking down this is area to this corner here, you are looking at this door to make sure you can get out there safely with people coming around that corner with how fast they drive

BUD: Yeah that is what I said. The speed limit is thirty-five but they are doing probably forty-five, fifty at least

ROBERT: And there is a thirty-five speed limit starts right in here somewhere right at this corner. I mean

JOHN: Should be twenty-five to thirty-five

ROBERT: Should be twenty-five up past these corners and then go thirty-five I mean just for safety sake but no one is going to pay attention to it anyway. But that is my I deal.

CHARLIE: I would like to have a twenty-four hour camera on that

BUD: Thanks Robert. Now Robert mentioned a question about the water. Now in my well I have one dug well, one punched well. The dug well was on my place when I bought it in 1970 and you it is totally sealed, but I can take the cap off the top and that water comes up there within, well in both wells as far as that goes it doesn't matter, three, four feet at the top of the ground. So you talk about contamination, hey it is just going to like that. I thank you.

JOHN: Thanks Robert. Ok, any other comments? Yeah, Dave go ahead

DAVE: Just one last thing about the density of development. I didn't really talk about that earlier. You know here is the density map, you are familiar with community growth areas. You know in my mind the reason the community growth areas are set up is because number one there is a housing demand that is out there. People are coming here all the time. They are going to need places to live and Lake County is consistently for more than ten years tried to guide people toward population centers by allowing increased densities near those centers. I mean that has really been, it is about the number of lots, it is about economic incentive to try to guide growth in certain areas, so the rules have been set up now to do just that. What we have done, I understand that people who live next to it feel like this, feel like they are out of town, but in terms of the growth over the next ten, fifteen, twenty years, you know if you want your towns to grow, you want to protect your farm land, you want to protect wildlife habitat and wetlands and that sort of thing, the towns have to grow. Because the demand for housing is there. So, we are complying with due respect of what is allowed under the law with a community drain field and two party wells. The lots are twenty thousand square feet in size. We are not seeking a variance from that. We are not seeking a variance from the roadway standard or any other standard. We are trying to make it a solid project that can stand on its own and comply with all the rules. The only thing that we are asking for is a waiver from the requirement to hook onto the water system due to cost and we have that right and I feel like it is documented. I feel like it is not quite apples and apples but we are hoping to get it there and I am still, my mother-in-law, we are committed to try to work with the City to see what we can do. We want to make that happen. I don't know if it will, but we will try. In terms of the density, you know you have to fill that housing demand somewhere and if it is not next to the communities it is going to be out in the farm land and out in the habitat.

JOHN: Ok, thanks Dave. Any other comments?

TRUDY: I would just like to make a comment on that road.

JOHN: Trudy would you identify yourself

TRUDY: Yes I am sorry. I am Trudy Samuelson. I am one of the owner/developers but my concern is that where Robert lives is a curve. We all have been told that and if that road were to come out I can see the kids taking that road and whipping through

that subdivision and I am very concerned about that because I do think that we are going to attract families and I am in sympathy with Rainy Fry's desire to have a turn around for the fire truck but I would just like to go on record and say that I think the dangers that these gentlemen have expressed, these three people who have lived there and my concern for kids just for fun, whipping in there and then getting back out on St. Mary's Lake Road, I think those dangers outweigh the need of the fire department as Dave said we are not in a forested area, it is level land. I am quite certain that most of the yards will be grass and you know landscaped probably and watered and so I think that the danger really is a more significant concern.

JOHN: Thanks Trudy. Any other comments? Ok, we will close it to public comment. Board, any comments from you? You don't have to make a decision on this, but any further questions or comments?

CLARENCE: I don't have any questions but I do have a comment. I am not sure how long ago it has been, six or seven years. I attended a meeting in Arlee where they were having nothing but trouble with their wells being contaminated by septic systems and a State Hydrologist and a Tribal Hydrologist and a Hydrologist from two or three different Universities all spoke, but the thing went on for two or three hours and it went on for two days, cause I went down there two different nights cause I was just interested in this sort of thing and they were having nothing but trouble with their wells. They said it was because of the gravel aquifer and the aquifer is so close to the top. One lady got up and spoke and said she owned over one hundred acres and she contaminated her own well with the septic system and had to move her well almost a half a mile from her house to get uncontaminated water. Now that is a long ways when you have to move your well a half a mile almost from your house to get uncontaminated water from just her own septic system. So that is pretty darn sensitive. That would have to be one heck of a good septic system I would think or a drain system to prevent that.

JOHN: Anybody else? Ok. Thank you all for your comments and you know we are going to do the best we can in a month to make sure what is done is right, so. Thank you. We are going to move on to our other business. And the other business is, do we have other business? Jerry?

JERRY: Have we moved any closer to scheduling any of the zoning reviews?

SUE: No I haven't.

JERRY: Like as much notice as we can.

SUE: Ok

JOHN: I am sorry folks. Did you understand that we will have a public hearing on this you know when that is?

JERRY: I think it is the 10th

JOHN: I better say that again. It is on May 10th here this Board, seven o'clock. I am not so sure the order of the agenda but our meeting starts at seven. And then the Commissioners will make (inaudible) action on June 8th. So you might put that one down too. It says, you are right, on or before June 8th. So I am not so sure when their meeting is but don't put that one down but at the next meeting we will have the date the Commissioners will take action on it though. Alright.

JERRY: I motion to adjourn

JOHN: We have a motion to adjourn

STEVE: I have some questions regarding density.

JOHN: Sure

STEVE: When are we going to, start to review the density map?

SUE: We can start that, I mean I plan on starting it this Summer.

STEVE: September

SUE: No I think we need to start before September. I am hoping to amend it in October

STEVE: What is the process going to be?

SUE: Well

STEVE: I mean I am just

SUE: I figure we would go through the comments that we have received during the review last year and the letters that we received in protest or suggestions to change the map and then also look at things that we have struggled with since its adoption.

BUD: I think it should be ongoing between now and then and anything that pops up

SUE: Right I am keeping a list, yeah and it is just a matter of timing. I mean we might have to do it outside of the Planning Board Meeting. I mean we've got five items on the agenda already and it is

JOHN: And that is the one thing that I would like to and I guess we probably better adjourn. I agree with what Jerry said you know as kind of on going things arise, we should make sure we get them on a list and I am not really sure it is right asking about them here, but I really appreciate being able to talk about those maps. You know we got the map and then we have things like this (inaudible) habitat overlay and I am not so sure if density itself takes care of all that. You know I mean I feel like we did what we were supposed to do with that subdivision out there, but wholly cow it is also, it also putting some people right smack in the middle of a lot of bears and I mean I don't know if we address that as well as we might. I don't know what was said but I think we ought to look at that.

JERRY: (inaudible)

JOHN: Killing two birds with one stone. But I agree, I agree if we could know kind of what the process is going to be and the items we should probably start talking about it

SUE: You know the density regulations do say that if the number of units that are on the map exceed (in audible), you can't come in and expect that because they are in a five acre density, they are going to get five acre or that what the density they are going to get. So, if there are you know wildlife, agricultural impacts, you know the five primary group criteria, I think we still have the right to say, this is going to impact one of those five primary review criteria and recommend not

JOHN: So maybe it is already there. Ok

STEVE: Mr. Chairman the question I was trying to get to was I was at a Board of Adjustment meeting today and I was told this Part B (inaudible) that a proposed subdivision is you look at (inaudible) asking for a variance and higher the density and I think I followed the density map

JOHN: Thanks you guys

STEVE: I was told by our chairman or director that a letter was sent after the fact that we looked at the density map and then at the last minute apparently the density map was changed out in our area and I don't (inaudible) surveyed at the last minute,

but I didn't see, normally I would see that the density map was changed after we looked at it.

SUE: Change after you looked at it

STEVE: It did or didn't?

SUE: It didn't

STEVE: It didn't

SUE: What the Planning Board recommended to the Commissioners for adoption was (inaudible)

STEVE: That piece of property was not (inaudible)

SUE: If you would have called me on Monday

STEVE: If I would have called you, this past Monday?

SUE: I could have looked into it what was filed with the Resolution but I you know what is on the map to my knowledge is what was adopted by the Board or by the Planning Board back in August

STEVE: I didn't have time because we were branding but when I left we finished up. You think that is funny.

SUE: No

STEVE: The density maps that we had in this room we were finishing up and approved the density map was sent up to the County Commissioners and unless I am blind, I just don't think that piece of property was in five acre density and I look at the map Kal Christian had that was in for the Board of Variances and it shows property across the road which I own, or that the family owns that is five acre density and I think I would have known that.

JOEL: What was your property, your property across the road?

STEVE: Twenty acre densities.

SUE: Well you know we have a record of all the changes that were made and I don't know

JOHN: Steve would you have wanted to look those up to see and (inaudible)

STEVE: I want to find my maps cause if I recall, correct me if I am wrong, the maps we had here were the last maps that were done, right

JOHN: So you

STEVE: I will find my maps and I will bring it. Obviously I am going to bring it in. Because my next door neighbor Jim Gary and he had no idea there was a five acre density and those people watch that thing closely in Valley View as well as other places.

JERRY: We had had a meeting in Pablo with the Tribe not too far ahead of this and I probably got the maps at home. I will see what I can find. There is a (inaudible) suspicion that

STEVE: Is this the final density map up here?

SUE: Uh huh

STEVE: (inaudible)

JERRY: I get a feeling there was a change between the Planning Board and the Commissioners somewhere

JOHN: At that hearing

SUE: Jerry that meeting with the Tribe was before the Planning Board made a recommendation and I don't know how many changes were made

MAN: Tribe recommendations before we made the last map. I would say we had all those Tribe recommendations.

JERRY: I will look for what I can find. If there is a later one

JOHN: Well what would be the, what would be the impact of that? I mean aren't we, we have, I mean we do want to know how the process went, we have a final map and that is, is the map official or is the description of the map?

SUE: The map is what is what was filed with the Resolution to adopt it and that is filed down in the (inaudible) and that is the official record. You know if something happened and there was an error in the map between then and now, that is what you know and

JOHN: And that could be rectified and that would take less

SUE: And there has been (inaudible) errors where like you know the person that does the map isn't as familiar with where the lines are drawn or what density designation and that kind of stuff and he has made (inaudible) errors in the past and we have fixed them

MAN: The map shows the specifics. Is there any description that says section 27 so and so

SUE: No

MAN: So there is no actual description, just what has been put on the map

JOHN: That is what I was questioning too.

SUE: The description of the changes, there was in the Staff Report that went to the Planning Board and Commissioners there was something that described each specific change that happened between December and August

STEVE: We saw all that

JOHN: Yeah, Jerry

JERRY: This development we had this afternoon, here tonight we had a thirty six and some odd acres as a remainder under twenty acre density and there is a building site on it. And yet the one that we are dealing with this afternoon was forty-eight acre remainder under five acre density, so the larger parcel and the variance was whether or not to permit a building site on that forty-eight acres

JOHN: On the remainder

JERRY: Yeah on the remainder. The way it is written right now, it specifically five acres is excluded from having a building site. It is not particularly consistent because tonight we had a building site on thirty-six acres and the logic supposedly the logic was the five acre density the remainders would be smaller. Well here in this case the remainder was about fifty percent greater. Yet we were asked and then told in some ways that the Board of Adjustment had no real authority to grant a variance whether you believe that or not, that is another question

MAN: Seems kind of like a hardship showing

JERRY: That was the other problem, there was no real hardship shown as what the hardship would be if we approved the variance.

JOHN: Well I guess that is an issue to leave

JERRY: Three to two vote to divide a variance

STEVE: You know the issue for me was at the meeting and I don't want to hold people up but you know it was clear in my mind when you approve density map that that was not a five acre density area that the only area that was a five acre density was

the form of the (inaudible) and going to the east

JERRY: I've got a nagging feeling there was a change from the time the Board saw it until the Commissioners

STEVE: Where did Kal Christian get the comment from you or somebody that that change was done at the last minute?

SUE: It wasn't the last minute. It was

STEVE: Well that is what he interpreted because he looked at me. He didn't represent me, he was representing other people, he looked at me and said they made this change at the last minute and I said the last minute of what?

JOEL: A May map of May 05 and that (inaudible) States was still in the temp. It didn't go from five to twenty acre density. There was a transition there.

STEVE: Yeah but that is part of, that is part of a density map

END OF TAPE