

**Regular Meeting of the  
LAKE COUNTY PLANNING BOARD  
March 8, 2006**

**Meeting Minutes**

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

**STAFF PRESENT:** Sue Shannon, Alex Hogle, Joel Nelson, Pam Reznak

John Fleming called the meeting to order at 7:00pm

*Jerry Winkley moved to approve the February Meeting Minutes.*

*Ken Miller seconded. Vote unanimous to approve minutes.*

**GOULD MINOR SUBDIVISION**

Joel Nelson presented the staff report and described this subdivision as a secondary or subsequent subdivision of this Swan Sites III lot 5 property and he recommended conditional approval.

Ken Miller asked if there were building height restrictions in Swan Sites zoning. Joel Nelson said there was a 25' height restriction, but if a landowner got their neighbor's consent they could build up to 30'. Nelson stated the height restriction is also noted on the face of the plat.

John Fleming asked for clarification on what's happening with the roads. Ken Miller stated that the roads curve and Fleming understood.

Brian Byes is the developer's representative and offered to answer Board questions.

Ken Sharr is the chairperson of the Ferndale Fire District Board and he began discussing the conditions of Kootenai Lodge. He was corrected that the Board was now considering Gould and Kootenai Lodge would be heard later.

*Jerry Winkley moved to approve the subdivision as recommended. Jack Meuli seconded. Vote unanimous to approve.*

**JORDAN MINOR SUBDIVISION**

Alex Hogle presented the Staff Report for this Swan Sites III lot 26, which is also a second or subsequent subdivision. He discussed driveway access for each proposed lot and recommended conditional approval.

Jerry Winkley asked if page 2 of the Staff Report was requiring new utilities to be placed underground. Alex Hogle answered yes. Jerry Winkley asked about the 4" lettering for house

numbers required for rural addressing. Alex Hogle said that was requested by the Ferndale Fire Chief. Ken Miller said their eyesight isn't as good as Ferndale Fire Department's eyesight.

Brian Byes, as agent for the developer, offered to answer questions from the Board.

Peter Leander asked the difference between first and secondary subdivision. Alex Hogle explained that Swan Sites was originally created by subdivision and owners of the original lots are able to subdivide those lots once.

Peter Leander asked about the condition of approval that the landowner waive the right to protest roadway improvements. Sue Shannon responded it was standard in subdivision review because there would be additional impact to the roads by creating an additional lot.

Tara Harbin stated that there is already an SID on Kelley Drive and asked if the new lot owner would be joining that also. Sue Shannon asked if Ms. Harbin knew where in the process the SID was and Harbin responded that it's been in effect for a couple of years and that the landowners along Kelley Drive are currently being taxed. Sue Shannon said that determination would ultimately be the Commissioner's decision. Tara Harbin asked if the Commissioners would be aware of the SID and Sue Shannon said they should know.

*Jack Meuli moved to approve the subdivision with the staff recommendations.  
Fred Mueller seconded. Vote unanimous to approve.*

#### **KOOTENAI LODGE AMENDMENT**

Sue Shannon presented the Staff Report and provided an overview of the amendments as proposed. Shannon stated that the three items for the Planning Board's consideration were 1) a road variance, 2) a reduction in density, and 3) an alternate sewage disposal site. She summarized the public comments received after the Planning Board packets were mailed focusing on the pertinent arguments and the letter from Flathead Geomatics to Peter Leander concerning the proposed wastewater treatment Application for Significance Determination.

Jerry Winkley asked about the roadway pavement as discussed in the Staff Report on page 5. Dave DeGrandpre, agent for the developer, explained that the road surface would be 18' total, 17' of which would be drivable. Nick Fucci, another agent, added that the roadway is built with a roll curb – a drive-over curb.

Bob Kormann asked Sue Shannon about buildings 32 & 33 at the south end of the project showing septic and drainfield systems. Sue Shannon said those septic and drainfields already exist. Kormann asked if the septic and drainfields shown on the preliminary plat would be eliminated when the new public system was implemented. Sue Shannon said yes. Shannon also stated that prior to utilizing any of the structures on the Lodge property the DEQ would require that existing system usage is adequate and would not cause additional impacts.

John Fleming asked for clarification concerning the second paragraph on Page 12 of the Staff Report, "preliminary plat shows the proposed condominium units 28, 35, 36, 37." Sue Shannon

explained that the new plan proposes to eliminate those units from the proposal. She emphasized that the Staff findings and conditions of approval only address the proposed amendments.

Dave DeGrandpre addressed the sewage disposal system. He reminded the Board that Lot 4 of the Ridge is not available for use and that condition of approval #13 of the original preliminary approval statement said that if Lot 4 of the Ridge were unavailable the developer was to return to the Planning Board with an alternative. The developer reduced the density from 57 to 42 units, reduced the impervious surface areas, reduced the number of trees that would be removed, eliminated the duplexes, and changed Kootenai Lodge to a gathering place instead of a single family residence. DeGrandpre said there were additionally a few minor changes.

Since the Lake County Subdivision Regulations do not address one-way roads the developer has submitted a variance request. The amended proposal shows a safe road network, is more sensitive to the site environment, reduces storm water runoff, and maintains trees and the historic character of the property. DeGrandpre suggested the alternative was to return to the original plan of 57 units and 26' wide roadway standards. He said the purpose of this amended proposal is to provide a better product which is more sensitive to the environment and to fit in with the neighborhood.

DeGrandpre explained that the sewage disposal system is the same but the proposed location has changed. The developer intends to build in an additional capacity of 26% for eleven additional single-family residential units to hook into. The 6" pipe can facilitate a hundred more units if the sewer district grows. DeGrandpre stated that all the previous requirements were being adhered to and he hoped the Board would agree this is a better plan.

Jay Billmayer, the Kootenai Lodge Project Engineer, was disappointed in losing Lot 4 of the Ridge as a sewage disposal site because it complied with non-deg. He outlined the alternatives that the developer had considered as sewage disposal sites. Billmayer began an extensive evaluation of the Broken Leg site late last summer and found that the site does not have the service constraints he experienced with other prospective sites. Swan River is a half a mile away from the 38-acre Broken Leg site. He explained the potential for several single-family residential lots at the eastern end of the property and described the emergency services site in the southwest corner of the property with direct access onto Highway 83. The amended preliminary plat shows the pipeline corridor along Kelley Drive and the Highway right-of-way proceeding north to the disposal site. Billmayer explained that the developer chose the Kelley Drive alignment because it is relatively close to Johnson Creek to facilitate further development of the public sewer system in that location. Additionally, the pipeline transports effluent away from the local bodies of water. The pipeline is made of high-density polyethylene and is fusion jointed in 60' segments. He named two other areas using a similar pipeline system. Billmayer tried to obtain hookup through the Bigfork Water & Sewer District but had no success. The DEQ is currently reviewing a subsequent submittal for non-significance determination at the Broken Leg site. He expressed confidence that the determination will be in concordance with preliminary approval condition #13. Billmayer explained that Broken Leg has a shallow perched water table, less than 30' deep, on the eastern part of the property which disappears toward the western part of the property. The aquifer is around a hundred feet deep and the flow of the shallow aquifer changes direction or merges with the deep aquifer. Water movement through the sight is slow in the shallow aquifer and rapid in the deep aquifer. Rapid water movement is good for the nitrate perspective of dilution. DEQ will make the sensitivity determination on the shallow aquifer and

the retardation of water movement would allow him to meet the non-significance criteria before the water leaves the site. Non-significance is determined by the type of system in use. The developer will install a level II system with trickling filters which requires monitoring, and testing, and reports, and a groundwater discharge permit. He discussed his expectations for the system and its operation. The Broken Leg site offers many amenities to for emergency services.

Bob Kormann asked Mr. Billmayer to explain the system in layman's terms. He asked if there were bacteria involved in the decomposition of the solid waste. Jay Billmayer answered that there is bacteria & nutrients involved in the decomposition process as well as heavy metals & other chemicals. As bacteria moves through the lift station and transports through the pipeline to the treatment site where anaerobic digestion occurs. He explained the venting.

Bob Kormann asked how often chlorinated swimming pool would be drained into the sewer system and what effect that draining would have on the sewer system.

Jay Billmayer answered that there are positives and negatives to that process. The negatives are that the chlorine reacts with the bacteria. If the chlorine is not digested in the closed system there is a shift from aerobic to anaerobic – that is it becomes stagnant because there is no air introduced. A myox system takes common salt and breaks it into its constituents and we inject the chlorine into the line for odor control. Billmayer stated they would not rely on the pool water for odor control. The recirculating trickling filter uses a fabric media to trickle the wastewater and the anaerobes grow on that fixed filter. The wastewater filters approximately four times before it leaves to the drainfield. Bugs love organics so the stability of the fixed media contributes to continued process. These bugs are constantly being fed and the water quality continues to improve until a load of wastewater enters again the next spring and feeds the hungry bugs. Billmayer stated that the pool water would harm the process.

Bob Kormann asked how much water the pool holds. Jay Billmayer stated that they are figuring 1,500 gallons of water a day coming out of the pool into the wastewater system. Billmayer also stated that most people don't empty the whole pool at once. Billmayer thinks 1,500 gallons per day is more than adequate to serve that pool.

David Dale asked if the number of units was about density. Sue Shannon said the number of units being reduced from 57 to 42 is the specific issue this Board is reviewing. David Dale asked a self-proclaimed naïve question about 1.5 acre minimum density. Sue Shannon agreed that that density was adopted last October in this area.

John Fleming thought this proposal had gone to the Commissioners with 49 units. Sue Shannon clarified that there were 49 single family residences and 4 duplexes preliminarily approved.

Peter Leander, President of the Swan Lakers, expressed that 42 units are better than 57, but that the density remains inappropriate and inconsistent with the surrounding parcels. Moving the sewage location away from Swan Lake, Swan River and Johnson Creek is admirable, however, the developer has come before the Board with half a plan. The DEQ has denied non-deg designation in writing. Billmayer doesn't know about the aquifers, and nobody knows whether the aquifers merge or whatnot. Leander stated that no one knows that this proposal won't harm

the surrounding water bodies and travel to other bodies of water. This process is premature. The developer doesn't have viable, solid, conclusive information as it relates to the septic plan for this Board to approve or disapprove. Leander recommends reconvening after the information is available. There is also inadequate information concerning floodplain and high water elevations. Leander begged the board to read the letter from Flathead Geomatics before deciding. The Swan Lakers don't want to see the Kootenai Lodge back at 57 units, the Swan Lakers wants 27 units. Again, Leander recommended reconvening the Board when the developers have sufficient information to allow the Planning Board to make a recommendation to the County Commissioners. He suggested that recommending this type of patchwork application for subdivision is inappropriate, illegal, and there is nothing in the state statutes or in the County Regulations which allows the developer to move in this manner. The Swan Lakers also suggest that the County Commissioners should deny the previous application in its entirety.

Bradley Worth stated he continues to protest the legitimacy and the legality of the original proposal from the Milhous Group as outlined in his lawsuit. He complained that treating the proposal and amendment as already filed adds to his complaint. He referred to Mat Daniel's letter stating that there is a risk of raw sewage flowing into Swan River. If sewage from this system ever gets into that river there will be lawsuits filed by many national interests. As good stewards, the County has to take into account the cost of legal action in the federal court system. The sewer pipe runs alongside Swan Sites. He stated that according to surveyor notes those roads have been put to public use but he insists that public use is vehicular and pedestrian traffic only. He's astounded that Milhous can be believed as a public system. He stated that Milhous is in this for the money, and has not demonstrated any public benefit whatsoever. Contrarily, testimony has shown that this proposal is a detriment to the community. He expressed his belief that disregarding density and shipping sewage to a remote location is repugnant. He insisted that the proposed sewer treatment location is inhabited by people who cannot afford to fight the Milhous Group and finds it objectionable and illegal. He quoted the Environmental Protection Agency, "no group of people including racial, ethnic or socio-economic groups shall bear a disproportionate share of negative environmental consequences resulting in industrial, municipal and commercial operations or the execution of Federal, State, local, and tribal programs and policy." But Worth believes that is what will happen. He reminded the Board that he's been told that this project is necessary to protect the historical integrity of the property.

Sue Lavery, a Board Member for The Swan Sites Homeowners Association, stated that reducing the number of units is great, but the density should blend with the surrounding community and should be limited to 27-34 units as established by the surrounding density and the Lake County Density Map. She expressed concern about the viability of the sewer treatment facility. Other sites have been proposed with inaccuracies, and unanswered or unresolved questions. DEQ denied the application for non-significance based on 16 critical points. The developer states the choice for placement was made to benefit older systems along Kelley Drive, but failed to mention that only 12 of 49 lots along that route have septic systems older than 10 years. 29 are vacant or are under construction or have been built in the last six years. Two other lots along that route are between 7 & 10 years old according to the GIS Bureau. Lavery is troubled by the underground springs flowing across this site and across Hwy 83 and into the Swan River. She indicated that springs flowing out of the riverbank and into the river are visible from neighboring properties. She stated that fewer units would resolve many community issues, protect water

quality, preserve the character of the property, limit wildlife habitat impacts, and protect scenic & cultural resources. She urged Board consideration for all these issues and agreed with Peter Leander that 42 units is better than 57 but the density is not reduced enough.

Sarah Hanson, from the Mountain Plains office of the National Trust for Historic Preservation based in Denver already submitted written comments, but wished to reiterate the objections of the National Trust for this project and the current density. Hanson stated that the site plan detracts from the historic district and significantly diminishes its integrity. She stated it is possible that the Kootenai Lodge will lose its national register historic district designation. She also stated that this district is being reconsidered as one of America's most endangered places to be announced in May. She stated that the Planning Board has a responsibility to the region and to the entire state of Montana to ensure this nationally significant piece of Montana's history is not destroyed. She stated that opposition is national.

Denny Kellogg: "My name is Denny Kellogg and I would just like to reiterate the fact that in the Billmeyer information there was no mention of the springs coming out less than 1300 feet from the sewage site. The bank of the river there is where the shallow aquifer terminates. He admitted himself that he didn't know what happened to it between well number three and well number four. And if any of you would like to go up there, I would take you and show you where it terminates immediately into the Swan River. Thank you."

Keith Laverty: "My name is Keith Laverty and I got some of my steam taken out tonight when Sue read the letter from Matt Daniels, but I would just like to reiterate all the things that have been mentioned with the exception of one that at this point, as far as we are concerned, there is no detailed stormwater management plan developed for this subdivision and that is just yet one more item that does not fit all the pieces in the puzzle. This needs to be a complete puzzle before it's sent on from this room."

Ken Sharr with the Ferndale Fire District suggested that he had already lost all credibility earlier. But we are a group of elected members that oversee the Ferndale Fire District. We did in fact deny or turn down the opportunity to house a station on this particular piece of property, the 1.5 acres, the emergency services lot. And for the following reasons: Due to the fact that it is in close proximity to our current station it does not meet our operational needs as well as we would like. Two, that it's going to be quite a financial burden for us to erect some sort of structure on it in any measurable time frame and so therefore with number three being that we felt that we would better use the finances that the taxpayers of our district provide to put a station in place that would better serve all of our residents and all of our taxpayers. Thank you.

Ann Morley stated she was a thirty year resident of the town of Swan Lake. She is very concerned about water quality and all these issues and she stands in support of all the speakers – Mr. Leander and all of the others – and wishes the Board would not go so quickly on this until the Board gets all the information, especially the groundwater and the springs because we are well aware of all of those conditions.

Ed Ethridge has "some property that borders the sewage disposal site. My property butts into that on the northeast corner of their property. Mine adjoins. And I've got approximately fifty

acres up in there and it lies all to the east of this drainfield property and I can tell you there's a layer of clay down there, like Mr. Billmayer was saying, about twenty feet. And there's an awful lot of surface water that travels to the west on top of that. I have a meadow over there, a spring runs pretty much all year. It runs a little ways and then it goes underground. It goes halfway down my property and then comes back up. And then in the wet part of the year it runs down my driveway and out under my gate, which is on the east end pretty close to the drainfield property. So, there is a lot of surface water there. And it doesn't go down deep until way late in the fall like September, October and it's down there. But you could take a backhoe out there in the spring and dig a hole and just about anywhere you want you're going to have a half a hole full of water. And as far as density goes, I don't know how the county figures density – is it by occupants, number of bedrooms, or what it is. I called them a while back and asked them about subdividing my property potentially in the future. They told me a minimum lot size of five acres so that would give me eight lots on forty acres. And then if we're talking forty-two units of sewage is going to go on this 38 acres, are all these units four and five bedroom units? Or are they? - So, if you're looking at forty-two units at five bedrooms, what is that? Two hundred and ten. If you converted that over to a more reasonable or a more traditional three bedroom house then that seems like to me that's a density of seventy if you think of it in that respect instead of forty-two. So that's my comments. Thank you."

Tara Harbin: "First I want to say I agree with Peter that you don't have enough information on this septic system they're proposing and I don't think we should even be considering it until we get all the information on that. I question the motives of this group as far as going down Kelley Drive. Dave said there's nine lots backing up against Johnson Creek. There're currently four homes there. The other lots down Kelley Drive are between two and seventeen acres so they will never have a need for this sewer line that they're putting in. They're saying they're trying to be neighborly. If they want to be neighborly they should go down Sunburst where there's many, many more homes. Most of those lots are already developed. I question their motive on being neighborly."

Lowell Conniger said he lives on Swan Lake. He heard a comment that the criteria for the size of the dwelling lot was changed in October and asked if that were true. John Fleming confirmed that the density plan was adopted in October. Conniger stated that this proposal has experienced many changes. He questioned at what point does the original proposal, which received preliminary approval, become unrecognizable so that approval no longer applies to this project? He's concerned that the developer is returning for approval without meeting the criteria that's on the books today.

Sue Shannon explained that the request for an amendment to a preliminary plat approval the Staff looks at and considers the impacts. In this case, with the sewage proposal it was recognized that Lot 4 of the Ridge might not be feasible and as a condition of the preliminary plat approval, we gave them the ability to return at a later date with a revised sewage treatment plan. The other proposed amendments to the subdivision design meet all the criteria of the preliminary plat approval in terms of setbacks, impervious surface coverage and reviewing the potential impacts of the subdivision.

Lowell Conniger asked if the density has nothing to do with this project. Sue Shannon replied affirmatively. Lowell Conniger asked why it had nothing to do with today's proceedings. Sue Shannon stated they had approval for 57 units. Conniger restated that he thought density was one of the subjects that were being discussed. Shannon said the developer is reducing the density from 57 units to 42 units and that is not an additional impact. If they were asking for more units the Staff and the Board would review it differently.

Ed Lacklier, regarding the historic significance, asked how many Board members had visited the lodge and the site. All the Board members present said they had visited the site. Lacklier toured and learned a lot. Lacklier feels it would be a disservice to discredit the historical viability of the Kootenai Lodge.

Peter Leander said Mr. Ethridge had a good point: 57 units worth of sewage on that 38-acre parcel. He questioned the reaction of the Board and the Staff if someone were to propose subdividing into 57 units on that 38-acre parcel along with the 57 units worth of sewage. He asked for an answer. Sue Shannon read the unit definition from the density regulations and explained that the subdivision would undergo review, but that she couldn't answer that question without reviewing the proposal.

Tara Harbin asked if individual sewer systems could tap into a forced main or would tapping in force sewage into their homes? Jay Billmeyer answered yes, others can tap in. Pressure sewers are done all the time.

Fred Mueller asked if there were any way to delay their decision until the DEQ review was done. Sue Shannon explained the review process; that preliminary plat approval usually happens prior to DEQ review. Jack Meuli stated that if this Board approves the placement of the sewage system and DEQ says no then the DEQ's decision overrides the Board's decision. We're just saying where they can put the sewage system, not whether they can put it there.

Sue Shannon further explained that the Staff collects the public comment and those comments get submitted with the application to DEQ. The DEQ has the scientists, the hydrologists, the specialists that look at the specifics of the application.

Ken Miller stated that he appreciates the reduction in the units, roads & tree removal. He's still not happy with setbacks on Johnson Creek after everyone who lives in this neighborhood saw how Johnson Creek flooded out last June. He thinks there are going to be units underwater in a hundred year flood. He expressed his concern about the incomplete application submitted last year with the absence of a viable wastewater treatment site. The developer knew that Lot 4 of the Ridge was not going to work, it was not viable, but they were granted preliminary plat approval anyway. Miller expressed that this review was piecemeal and he would prefer that this were seen as a whole new application. He questioned what would happen if the Broken Leg site is not approved by DEQ. Will this Board have to review this all over again? Miller has questions concerning the applicability of the density map to the wastewater treatment site and 42 units worth of wastewater going into a 5-acre density area and that is not clearly spelled out in the density regulations. He also expressed concerns about why the fire department rejected that site as a secondary fire station and reading the language from the original approval, that was one

of the ways the developer was mitigating impacts to public health & safety. Miller said that because the fire department doesn't want that site for their own reasons that those impacts are not very well mitigated against.

John Fleming questioned the Staff why this proposal did not re-initiate the review process and what would initiate a new review process. Sue Shannon said it would take a significant change that could potentially impact the primary review criteria. Fleming speculated that this proposal was creating less impact than the original proposal.

John Fleming asked Staff if the County's Growth Policy required density that is comparable with the surrounding community? Sue Shannon said that that was reviewed in the initial application. Fleming asked if the developer received final plat approval prior to the adoption of the density map. Shannon said they received preliminary plat approval. Fleming asked if the density map should apply. Shannon said the Board approved 57 units, specifically recognizing that Lot 4 of the Ridge was not likely to be utilized for offsite sewage treatment and conditioned approval upon an alternative location. Shannon continued that that is what the developer is doing.

Bob Kormann asked that if DEQ denies this and the developer decides they want 57 units again because they have a bigger sewer system, a bigger acreage to be able to take care of 57 units elsewhere, if the Planning Board would be re-reviewing this proposal again. Sue Shannon said that with the developer's proposal to amend it to 42 units, reverting to 57 units would be increasing impacts and which would need to be evaluated.

Bob Kormann asked that if DEQ denies the sewer system, the developer would have to find another location and would this process be repeated? Sue Shannon said this could happen with any subdivision we approve. Kormann liked the idea of tabling the Board's decision until the developer acquired DEQ approval. Sue Shannon said the review needs to be completed in the 60-day review period. [Audience members groaned]

Jerry Winkley stated that traditionally subdivision approval is conditioned by DEQ approval. In most cases this Board doesn't know whether that will be done until afterwards. Sue Shannon stated that the developer has 4 years after preliminary plat approval to build roads, obtain DEQ approval, and to meet their conditions prior to final plat. Winkley restated that the Board makes it a condition of approval to get DEQ approval.

Bob Kormann asked if a stormwater management plan was a condition of approval and Sue Shannon nodded affirmatively.

Lisa Dumontier asked if the density applies to the parcel with the sewage disposal system. Sue Shannon stated that in her mind there are no units proposed on that parcel. Lisa Dumontier commented that 58 septic systems would be a larger impact, but the developer is proposing a sewage treatment plan that is appropriate to dispose of sewage for a certain number of units. Dumontier doesn't understand why density is being dragged into that discussion as it's a completely separate issue. Density and a sewage disposal site is like comparing apples and oranges, not apples and apples.

Dave DeGrandpre said Lisa Dumontier is understanding the issue well and further thinks there is some confusion about the non-significance determination and what that means. The developer didn't apply for DEQ approval, they applied for non-significance determination which is the first stage in the DEQ approval process.

Jack Meuli asked if the two things that the Board needed to consider were the variance and the septic system on Broken Leg. Sue Shannon said the variance and whether or not to adopt the recommended revisions to the preliminary plat approval. She reviewed the changes.

*Jack Meuli moved to approve the variance. Fred Mueller seconded. Vote unanimous to approve the variance.*

*Jack Meuli moved to approve the staff report with the addition of the offsite sewage in condition #12 and the deletion of #13 and reducing the number of units from 57 to 42. Jerry Winkley seconded.*

*John Fleming stated he is a poor loser. He didn't like the proposal the first time around and he doesn't want to vote for it now. He thinks this amended proposal is better, but fairness and safety are still out there and therefore he will vote against it. He hopes that this can be resolved and the number of units will be further reduced. It's a matter of principal to him. He didn't think this should happen on this place and he stated he didn't have to go by the law [on this] but the Commissioners might have to. [Audience applause]*

*Vote: 3 in favor: Jerry Winkley, Lisa Perry, Jack Meuli.*

*4 opposed: Bob Kormann, Ken Miller, Fred Mueller, John Fleming. Motion failed.*

### **OTHER BUSINESS**

Sue Shannon said she would like to have separate meetings regarding zoning revisions and asked if Wednesday nights were okay for the Board Members. Wednesdays are okay for John Fleming as long as the meeting is at 7pm. Jerry Winkley figured that there would need to be public notices. Ken Miller stated that the first Wednesday of the month was okay with him but the third Wednesday of the month is never okay for him. Sue Shannon thought they would do two zoning districts at a time.

Sue Shannon said that by October of this year the Subdivision Regulations and the Density Map need to be updated. She will recruit consultants for input regarding the Subdivision Regulations. The Board & Staff discussed density updates and changes they may like to see. Shannon suggested reviewing different sections of the Subdivision Regulations so the Board Members don't have to review the whole thing at one time. Shannon would like to initiate the revision of the Density Map by reviewing comments the Planning Department has already received. The Board members discussed closing loopholes, forever set-asides & conservation easements. John Fleming asked Sue Shannon to get together a list of dates and have the Board Members say which ones the Members could attend.

Bob Kormann brought to attention the ridgeline home being built just on the other side of the County Line in Flathead County and asked if Lake County had any ridgeline regulations. Sue Shannon said no.

Jerry Winkley asked if the Lyman project was proceeding or was abandoned. He asked Sue Shannon to see if anything was happening there. Shannon thought Lyman may have sold the property.

Dave DeGrandpre asked the Board what happened with the Kootenai Lodge vote. The Board Members told him that the variance was approved and everything else was turned down. Dave DeGrandpre said aloud, "So we could have one way roads and 57 units?" The Board Members agreed that's what was voted. Jerry Winkley said he thought the final say would be up to the Commissioners. Jack Meuli stated that the developer was approved for 57 units originally but turned down for 42 today. DeGrandpre wanted to make sure the Board Members understood that the non-significance determination was not the DEQ application but rather the preliminary step in that process. The Board Members indicated they understood and felt the confusion rested with the public and not the Board. John Fleming said tonight was a split vote and it was a philosophical vote: It wasn't a legal vote. Fleming said they could have done that differently, but the Commissioners will have the minutes and know what they did and why. Dave DeGrandpre disbelievably said the development was approved for one-way roads and they still have 57 units but the sewage disposal location was disapproved. Ken Miller told DeGrandpre he's got a road but nowhere for the wastewater, so as long as they don't generate wastewater they're okay.

Peter Leander wanted to know what happened with the units. The Board Members said they were included in the denial of the wastewater disposal site and the number of units remains at 57. Leander wondered aloud who would have ever thought that would happen? Leander is concerned that there will be no public comment at the DEQ level and considered this venue to be the only place where the public can make comment. He explained that that is the reason they want all the details of the septic plan so that the public can have a true opportunity to comment.

Sue Shannon said all their public comment would be forwarded to DEQ. The developer is required to forward the public comments with their application.

John Fleming restated that Peter Leander was concerned about not being able to comment on the whole plan. Leander agreed. Jerry Winkley said this Board almost never sees that. Sue Shannon stated that a full sewage plan is not required during the planning submission, but rather there is basic information that the public can comment on. The technical, the full application, goes to DEQ and Shannon believed that is public information. John Fleming said DEQ does a scientific determination as opposed to public opinion. Peter Leander said he sees this Board as a gate keeper: Developers must pass muster before moving on. Ken Miller argued that the Planning Board is only advisory to the County Commissioners. Jerry Winkley said that the only thing the Planning Board requires is sanitation approval for final plat, it's not the Board's responsibility to okay that plan.

John Fleming recalled the first discussion about density at the Kootenai Lodge in which Fleming lost the vote. He still believes that first vote was a mistake, but he made this vote based on that. He felt that the density was unsafe & inappropriate, but that argument was already lost [at the first public hearing]. Fleming said he was a sore loser so he voted against it at this meeting. He's not sure that makes sense, but he thinks there's still a density issue there and is not sure the County recognizes that issue. Fleming said that the Commissioner's did what they did and maybe this Board just gave them carte blanc to do whatever they want.

Peter Leander stated he thought they saw the same thing but didn't have the mechanism, the teeth and the statutes, to...and maybe they were afraid of suit by the developer – “I can't believe I said that – and that's the problem with the whole system: It creates opportunity for suit and the County is concerned about the coffers and who is filing suit.”

John Fleming suggested Peter Leander propose an alternative design. Peter Leander responded that he's got an idea he's going to bounce off Dave DeGrandpre right now. Leander thanked the Board members for their time on this whole project.

Fred Mueller moved to adjourn, Ken miller seconded. Vote Unanimous.

Meeting ended at 9:32pm.