

LAKE COUNTY PLANNING BOARD
April 11, 2007
Meeting Minutes

MEMBERS PRESENT: John Fleming, Jack Meuli, Fred Mueller, Clarence Brazil, Lisa Dumontier, Ken Miller, Joyce Funda, Brad Trosper

STAFF PRESENT: Sue Shannon, Joel Nelson, Alex Hogle, Lita Fonda

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

Motion by Fred Mueller, and seconded by Joyce Funda, to approve the March 14, 2007 meeting minutes. Motion carried, all in favor.

John announced a slight change in the agenda, with Orchard Preserve subdivision going first, and overviewed meeting format.

ORCHARD PRESERVE

Alex Hogle presented the staff report.

Joyce Funda asked for clarification on the map regarding neighboring infrastructure, which Alex provided. Ken Miller verified with Alex that the Board of Adjustment grants the conditional use permit for structures over 30'. Ken asked how the 10,000-gallon water supply would be provided. Alex explained that has not yet been determined. The fire department also requested a pump with specifications. The fire department requests have been a little bit less stringent, in terms of what would be available. A number of options have been discussed.

Bob Sandman spoke on behalf of the applicants. He outlined history on the family orchard. They want to establish conditions so they can maintain the orchard regardless of the cherry crop conditions. To do a minor subdivision and sell one lot should allow them to keep this as a working orchard in perpetuity. He thought the biggest issue was the road variance. The purpose of the variance is to keep the orchard, since a road bisecting the orchard would require removal of about 150 trees. Regarding the fire department, the primary is having at least 10,000 gallons of water available at 500 gallons per minutes, preferably in the subdivision. There are a few options available to achieve that objective. They have been having challenges in naming the road, since the family members have different opinions.

John asked about the lakeshore irrigation infrastructure mentioned on pg. 4 of the report. Bob S explained that they still have a backup system from a pump system out of the lake. One option considered for water supply required by the fire department is to use the old pump house and pump, and have a standpipe at the cul-de-sac.

Ken was concerned about the pieces of land cut off by the road switchbacks, and asked if it's been considered to take this off of lot 5 and put it in as a common area with a users agreement for maintaining it. Bob S said the applicants hadn't considered that, but they'd certainly entertain it. Ken asked if there would still be some fruit trees to the south of that road. Bob said

no, since with the spray protocols and irrigation, it wouldn't be worth it for the number of trees in the location.

Public comment opened:

None.

Public comment closed.

Motion by Joyce Funda, and seconded by Jack Meuli, to recommend approval with staff recommendations. Joyce clarified that this is for both the variance and subdivision, since both are part of the staff report. John commented that he thought the staff did a tremendous job on this. **Motion carried, all in favor.**

COVENANT AMENDMENT, ST MARY'S HOMESITES

Additional letters received were distributed. Joel Nelson presented the staff report, and a recent letter received from Floyd Yoder to clarify some points of the application and correct a mistake. A letter from Ruth Mahle was also received after the date of the staff report.

Jack Meuli asked why this is at the Planning Board, given the procedures for amendment in the covenants. Joel explained that it requires the Commissioners to approve the amendments, and Commissioners felt it needed to go to the Planning Board for a public hearing.

John asked about the significance of the signatures not being attached to the document being signed, and how much the people might have known about what they were signing. Joel said that the Commissioners also raised this question. John voiced his concern with this. Joel referred to pgs. 6 and 7, where they'd have to create documents similar to this, and each one would have to initial. Ken asked if the applicant has submitted information on projected number of additional vehicle trips, or any sort of dust or noise abatement that he plans to put in place. Joel replied that he hasn't addressed those things. Clarence Brazil asked what type of lumber would be produced. Joel thought that he'd mentioned light-scale molding, but it's not restricted.

John asked if there was mention of measuring decibels. Joel and Floyd Yoder had discussed it. Joel thought it was tough, without a County noise ordinance. Who would enforce it? Sue noted that it would be the other homeowners that would need to buy the decibel reader. Clarence said that he's done a lot of business at Hunt's Timbers. When in the office, he couldn't even hear the sawmill. Brad Trosper asked how a 'noticeable difference' in traffic is measured. Joel referred to the most recent letter from Floyd Yoder, where he corrects that to say the first logging truck will be a noticeable difference. John asked about the 20 acre per unit density. Joel affirmed that there is a house on it. John pointed out they need to determine if this is a family business, which is hard to do without knowing the exact size.

Charles Caber spoke on behalf of the applicants. He explained where the components of the business would go. He referred to the same experience at Hunt's Timber that Clarence mentioned. The planing mill would be in the shop, and there would be a saw in the hay barn. With the screening issue, Floyd Yoder felt it was too variable for screening all of the inventory. With regards to the traffic on Watson Road, it already has 20-30 cars per hour. To change that, they'd have to do a lot. They've oiled in front of the house in the past because dust can be an

issue. Charles affirmed for Ken that the shop had large 14' overhead doors on both ends, and that the hay barn is not fully enclosed.

Public comment opened:

Ruth Mahle: She read her letter.

Dorothy Irvine: She had submitted a report and photos, which were included in the staff report. She described information on noise levels in Alberta sawmills she found on the Internet, which referred to very high decibels. She spoke to neighbors of Foothills Lumber and Post on Foothills Road. People that live ½ mile away told her that there is very loud noise. She objects to the noise and also the inconsistencies. She pointed out inconsistencies between Mr. Yoder's January, March and April letters. She expressed concerns on increased traffic, and that the owners in the subdivision don't even know what buildings Mr. Yoder plans to use, two of which are open. She felt even if the buildings were built for sawmill operation and soundproofed, that the doors should be closed and that there should be 6 to 8" of insulation in the building. She thought that one family in one of the closer homes, who is only here for 5 days per year, would be withdrawing their signature. She asked the Board to consider objecting to the proposal, given the noise and the inconsistencies.

Heidi Riddle: Her property abuts the property. She also works in her yard and doesn't want noise. The bookkeeper from Hunt's told her that when the planing is running, you can hear it in there. It's a high-pitched, loud sound. She noted that Mr. Yoder hasn't said specifics, and how he's going to muffle the sound. Why is another sawmill needed? There's one about 2.5 miles east, and Hunt's. This property has sold about every two years. What will the next owner do?

Doris Newton: They are the closest subdivision property owners to the property in question. She showed the papers as drafted by the staff that all but one owner have signed for the covenants to be changed. Dorothy's letter stated that the closest landowners only occupy the property for 5-14 days a year. However, the Newtons are the closest. Her husband is retired, and he works outside nearly 100% of the time. She has signed the agreement. She felt a number of neighbors did not want to take sides, and felt that by not being at the meeting, they were speaking as a silent majority. She and her husband signed, since jobs are a premium in Lake County. Mr. Yoder believes he and his family can have a family business and make a living in MT. She didn't think the traffic was an issue of this sawmill. The traffic on Watson Road is extreme. Neighbors on Allison Rd are impacted, and are supporting this even though nobody wanted to sign the petition. She felt Mr. Yoder changed his language to meet the conditions. She believed he would make an excellent neighbor. The other closest neighbor, directly across the road, is also in favor. She talked about the lines of sight from the shop and from the hayshed, and which houses can be seen from there. Those properties are to the west of the Caber property. The prevailing winds are from west to east, so she doubted the noise impact would be that great. She describes the sounds she could hear when outside on Friday and Saturday, including tractors, construction, kids, heavy equipment on the road, airplanes and traffic noise. She doubted the noise impact would be that great. She thought the issue was not the plans for the future, but for the amendment of the covenants as they stand.

Charles Caber: With the traffic and dust, when US 93 was routed down Watson Rd, no one controlled the dust then. There's no dust control. The majority of landowners on Watson Rd own the road and take care of it. He didn't see how the Planning Board could really say anything there. He works in the mining industry also. Did anyone test during US Hwy 93 for silica rating? He said that dust is part of living in agricultural Montana. He didn't like that people move here and think everything should become city-like. A sawmill is agricultural. A planing mill is different than a large-scale mill. 95 decibels is a lot to achieve. This is going to be a small-scale mill, with only 2 employees besides the family. Charles works with equipment that reaches 109 decibels, and there are measures to muffle it. He hasn't been in a sawmill that has the same amount of sound. There are engineering controls for noise. Mr. Yoder has said that he would do what he can to do it. It will be small-scale. Looking from the shop, you can't see much of Dorothy's house, and she's built big mounds, so the noise is muffled there. Mrs. Riddle would be the closest. The part-time resident who hasn't signed said that he would, but his fax machine wasn't working. Charles can't see Ruth's house at all.

Dorothy: She asked if the words that they've signed off on were a draft for the Planning Board to decide about. The people in the subdivision have been asked to sign off on those.

John: To make an amendment they need 80% of all of the people.

Joel: They were preliminary. He told Danielle that it's too early.

Public comment closed.

Lisa Dumontier noted lot ownership of the neighbors. Jack asked if the covenants did not exist, would the Planning Board see this. Joel said if it didn't constitute a second unit, he could put it up in that case. Jack noted that this issue is with the restrictions in the covenants. Ken thought that the specific prohibition of sawmills in the covenants spoke volumes. At the time of this original subdivision, they did not want sawmill and planing operations in this subdivision. Lisa pointed out that typically covenants are a blanket or boilerplate covenants. Ken agreed, but didn't recall seeing sawmills in the boilerplates. Lisa had seen them.

Joyce Funda commented that when this was subdivided 12 years ago, the covenants were very specific. She noted the sawmill was not mentioned in terms of property use, but under the topic of nuisance. Purchasers have purchased subject to these restrictions. Someone is coming to the Board so they can sell this property to somebody else, not for a waiver so they can put up their own business. She didn't see anything compelling to change what's been carefully thought out and put into place since 1995, on the basis on what a potential buyer might use it for, not the present owners. She is against this.

Lisa thought they'd lost sight of the fact that covenants are on that particular property in that particular subdivision. If the majority of the people in that subdivision don't have a problem with it, why does the Board? That's what covenants are about. They are governed by that group of people. The neighbors down the road have nothing to say about that particular subdivision.

Joyce said the Commissioners still have to approve it and make a finding. It isn't up just to the homeowners. It's part of the larger County. The Commissioners have a responsibility to vote on it.

Ken was also against this change. One thing the Board looks at in subdivision review is that conditions of approval, including covenants, are often put in place to mitigate against negative effects on natural environment, public health and safety and so forth. The Board has looked at many subdivisions where they've said there are covenants in place that will protect against negative impacts, and so have passed on a recommendation to the County Commissioners based on those covenants that are protecting the primary criteria. When those are changed later on, it takes away from doing that. He's against this largely because of the noise pollution, the potential dust pollution, and the additional traffic on the road. He thought there would be negative impacts on public health and safety from the increased logging truck and large vehicle traffic on the roads. The hay barn is not enclosed and there are no noise control measures in place there. The shop, with large overhead doors, the doors will be open when it's hot. Even having the doors closed for noise control will not keep it contained.

Jack commented that the only reason this is here is the covenants. The people who are in the subdivision and governed by the covenants want to change it, so as far as he's concerned, the Board can change it. Fred and Lisa agreed.

Motion by Jack Meuli, and seconded by Fred Mueller, to recommend approval with staff recommendations.

John commented that on pg. 9, #6, the staff has mentioned that the Planning Board must consider the potential impacts the amendments could have on the surrounding owners in the surrounding area, which means outside the subdivision. He agreed with Ken that it's a public health and safety issue. Noise is an impact that is not limited to a subdivision. It hasn't been shown to him that the noise either is going to be an impact or not. He's going to go in a conservative and safety mode. It hasn't been shown to him that this would not impact public health and safety. He does believe that it's more than one use of the property. It's not a family business along with a residence. This is a commercial operation, even by the possibility of 2 people plus family. This is more than one use. He's going to oppose it on those bases.

Jack said that if he goes to a 20-acre truck garden, it's more than his kids are going to do, and that's agricultural. As far as the noise, it's in the eye (ear?) of the beholder.

Ken agreed with John that it's more than unit on this piece of property. To him, a single-family residence, plus this business that will employ up to 2 people outside the family, is a separate dwelling unit and violates the density map.

Fred pointed out that it's a dwelling unit if someone lives there. They're not going to live in the sawmill. John checked that there is an existing house there. Ken said that the commercial use has never been dealt with well in the dwelling unit portion of the density regulations. Although someone won't be living in the sawmill, to him it has the same impact as a dwelling unit in terms of impact.

Motion failed, 4 in favor (Lisa Dumontier, Fred Mueller, Jack Meuli, Clarence Brazil) and 4 opposed (John Fleming, Brad Trosper, Joyce Funda, Ken Miller).

Motion by Joyce Funda, and seconded by Ken Miller, to recommend denial of the proposed amendment on the basis of the findings of fact, that it has an impact on the public safety and welfare of the area, as well as the other concerns raised within the staff report. Motion failed, 4 in favor (John Fleming, Brad Trosper, Joyce Funda, Ken Miller) and 4 opposed (Lisa Dumontier, Fred Mueller, Jack Meuli, Clarence Brazil).

Heidi Riddle asked if wasn't it time to have some sort of zoning out there. John explained that there is the density map, but not land use zoning. The density is zoning, but for density rather than use.

RIVER VALLEY TRAILS

This is an informational meeting. Public comments will be accepted, even though it's an informational hearing, to get as much information as possible.

Joel Nelson presented topics of discussion from the staff report. The Board brought up questions and discussion.

On lot configuration, John asked about lot 10E. Could the loop be taken off that unit, and not have it a part of 10E? Then it wouldn't be in violation of the 4 to 1. Marc Carstens represented the developer's concern that the creation of a parcel would affect the parcel count for the density. The subdivision has been crafted to meet the 20-acre density. Parkland was not an issue since the parcels are over 5 acres in size. If a lot is created for a recreational area, does that deduct from the overall lot count for the density calculations? Joel responded that the parcel wouldn't be for a residential unit. You'd have to deal with not flood irrigating the lot because it would be under 20 acres in total size and it would have to go through DEQ review.

Sue Shannon suggested that those in the room could introduce themselves, given the discussion format. Bernard Hakes and Jim Johnson were present.

Marc summarized for parcel 10E that they could create a parcel for recreational purposes with sanitary exemptions placed on it, and it would not reduce the parcel count in the 20-acre density calculation. It will change the irrigation plan and sanitation report on 10E. Ken suggested that it could be parkland, which is not required but also not prohibited. Sue said it would have to be restricted for a development unit. It would be like transferring a development right. There might need to be access for emergencies, and some sort of designated use associated with it. Marc thought adequate easements would be provided along the canal banks. The vision the developers had for the subdivision is equestrian. There are easements for bridal paths around the subdivision and along the irrigation ditches. There are interesting irrigation features, topography and wetlands.

The next item for discussion deals with roads. Joel gave details from the staff report, beginning on pg. 2. John brought up the boundary line adjustment lots. Joel clarified that those are the odd

shaped parcels. Jack asked how they got those kinds of lots. Joel explained they started with ten 40-acre parcels, and ended up with nine 20-acre parcels and a 220-acre parcel. Sue said he started with 10 lots and ended with 10 lots, so none were created. Bernard said that there are actually 20 units, not 10. The number of lots and their evolution was discussed further.

On roads, Ken thought the planning staff recommendation for improving Horte was a much better use of the funds than Gillette, based on the number of residences accessing and how much actual use it will get. Bernard disagreed, and clarified. About 12 of the 20 units access onto Gillette, or very close. Horte has 2 hills and two 90 degree turns. Gillette is a straight shot to Round Butte Road. People will use Gillette, and the road isn't up to it. He clarified at the map. John asked if there were internal roads such that people would go to Horte Lane instead. Joel said it seems like the path of least resistance. Each lot in the development has the potential to use Horte Lane. He asked if Bernard's idea was to improve the northern 1 mile of Gillette. Bernard thought the whole thing should be improved. Jim added that of people who drive Valley View Road, no one would take Horte (?) in the wintertime, because you come down the hill, and hit Round Butte Road and go right off into the barrow pit. Joel said 5 of the 9 internal boundary adjusted lots access off of potentially Horte or the southern mile of Gillette. Bernard thought they should put more into the road. John thought that was an SID for Gillette. Bernard didn't want to have to pay for them to develop. Sue said the developer waives the right to protest.

Ken said they were talking about chip-sealing the northern mile of Gillette from the intersection of Horte north, per the road supervisor. Fred mentioned that neither one of the 2 roads have gravel on them, to speak of. Bernard said that by the time the building project last summer was finished, the roads were in much worse shape. Fred said that all of Gillette to Round Butte Road needs work. Bernard repeated that only a few of the home sites access to Horte. Marc said the developer is aware that road improvement is necessary. As to where the improvement dollars are spent, that remains to be seen. John thought it sounded like Gillette should get more attention than Horte. Marc said they didn't think they could improve all of the roads, which would be 3 miles worth of roadway structure. They would like the public comment and the guidance of the Planning Board, Planning Staff and Commissioners to do the best thing that they can do.

Bernard said there are 20 units. The County figures there are 10 trips per day average, per unit, for 200 trips per day. The road generally sees 20 trips per day at present. John agreed that everyone realizes the roads need to be dealt with. They just don't know what model to use. Ken thought potentially the mile south of the subdivision on Gillette, rather than along side the subdivision might be best. Marc thought there might be a possibility of figuring a dollar value of improving a road to county standards for mile, and actually spreading it a bit thinner and going a little further. Jim said there's no way to pass two cars on Gillette Lane from Horte Road to his house when it's wet. You can drive down the middle and sink in a depth. When you get over to the side, you're going to go down. It's been that way because he's the only one who lives there. He puts chains on the tractor and goes through it when he needs to get out. The road won't handle even 10 more cars a day. John thought the plan would need to pay more attention to Gillette. Sue said tonight's public comment and discussion can be taken to the road supervisor to try to come up with a better solution.

Joel presented the material on internal roads from pg. 16, #3 and pgs. 21-23 of the staff report. Ken asked if there were comments from the fire chief about accessibility to the 23'. Joel replied he didn't say anything about the archways or internal roads. Fred asked if something was said about the hammerheads being right inside the fence so the road didn't have to meet county specifications. Joel said there was no fire department comment on that. Fred thought this was the first one he'd seen where they'd put the hammerheads right off the county roads (instead of at the end of the road) so they didn't have to put the other roads up to specifications. Then these become private driveways. Jack pointed out that one of those roads is about a mile long. John asked for comments about the archways and the 23' variance.

Lisa asked why the archways were built ahead of time, and why were they built at 23' and then request a variance. Why wasn't it done right to start with, and why was it done ahead of time? Fred agreed. Ken thought a fire truck could get through them, but didn't like the whole idea of after-the-fact approving something. Every road is a narrower width than the archway. It's not a major problem right now, but the Board also looks at the long-term future of this county, and improving roads up to county standards. Fred noted that the electrical boxes are tight to the road in a lot of places. Marc said that with the boundary line adjustment, the developers were anticipating lot sales, and in fact have sold a couple of the lots. The archways, gateways and power boxes were not necessarily installed out of order; they were built to serve as a sales program that is already ongoing. It doesn't excuse it, but it's a fact. He shares their frustration of people anticipating approval. John asked how hard these would be to move, not having seen them. Marc said that they were substantial. Lisa said that if they did the boundary line adjustments and put the archways in to sell lots, she is unconvinced that they didn't know they were going to come and split this 220-acre lot. It's the same owner. Marc asked if it was possible to install a gate and a gravel pull-through beside it in order to alleviate 3 feet. Where there are cattle guards, the gate beside it is so you can bring your heavy traffic through the gate and not crush the cattle guard. If there's a public health and safety issue involved with this thing being 23', they could do this. Jack asked what this would do. The truck driver isn't going to open the gate if he can get through that 23' cattle guard. Lisa noted that there certainly needs to be a gate there, if this is an equestrian property. They aren't going to ride horses across the cattle guard. Marc didn't know whether there would be a cattle guard. Clarence said there are gates there now.

Irrigation, on pg. 6 and 16 of the staff report was the next topic. Lisa asked for an explanation of flood irrigation on 4 lots. Clarence asked how you flood irrigate something that's got a valley in the middle of it. Bernard said the place has been historically flood irrigated. They've put in a few sprinkler lines in the last few years. They have ditches coming out at a one inch per 30' of fall, coming out of the gullies. Jim said the ditches are gone, and the way this is laid out, you will have to go through 3 subdivision chunks to get to Bernard's. He wanted to know whose wastewater that is. Lisa said that's going to be an issue. John said there are 3 pages of problems there. Sue asked Marc if he could give some clarifications on the irrigation plan for a better understanding. It's been said that they're going to flood irrigate anything over the 20, but it appears the lots in the NW have been sprinkled historically.

Marc thought part of the problem with the irrigation plan involved resolving some issues with Flathead Irrigation Project (FIP). They have been in communication with FIP but do not have all

of the resolution, and are attempting to clarify things. Some of the lots will be pressure irrigated. You can flood irrigate 20-acre tracts according to regulations. The developer would like to utilize this where possible. He pointed out existing irrigation turnouts on the map. Except for 3 lots, every lot has an irrigation turnout. They could, if the Board wanted, say it's going to be sprinkle irrigated, but they still want to put in any infrastructure on those that have irrigation turnouts.

The regulations say that you have to be able to get irrigation water to the lot. Joel said he couldn't find a turnout where turnout 27 is serving proposed lot 10F. Bernard said there are a couple of turnouts that aren't listed on the map. Joel wasn't sure there was a turnout to serve lots 10H and 10I, nor was there one shown on the map. Marc said they're working with FIP on the turnouts. Fred asked about the 2 drops in the recreation area. Is that FIP land there? Marc said they have an easement for those drops, but do not own the land. The easement is fully contained within the recreational area. As long as the recreational area does not infringe on that easement use, that works. Fred asked how kids would be kept out of the drops. Bernard added there are some dangerous drops.

Sue requested that Marc let staff know prior to the next meeting, in time for the report, which properties will be flood irrigated and which will be sprinkled, and clarify the delivery for each tract. John asked if it were possible to know which areas of the tracts are going to be flooded, so the Board knows where the water is going to go. Is it possible to put on a map where the water will go and how far? Bernard thought that would be possible, since it's a matter of following the ditch lines. He's not totally against the development, and supports the applicant's property rights, but he doesn't like the impact it's putting on him.

Marc said they do not have a complete irrigation plan, because they've had difficulty getting responses out of FIP. They want to go forward, and would accept a condition that once a plan is formalized, it is approvable by Lake County. They've done this in the past. Lisa pointed out that the Board needs to see that a plan seems workable. They are trying to work on this with FIP to smooth the process out. They want to get away from haphazard plans that then have problems. Marc said they are trying. Sue checked that there were no qualified individuals to look at lot design and say whether or not it's reasonable to flood irrigate the property or put in a turnout where proposed. Joel noted that Chuck Courville said they don't approve irrigation plans, among other things. Marc asked who they should take—doesn't it become subjective? Sue said you need to have someone qualified, if you can't do it. She has concerns about lot 10E and irrigating such a skinny tract and keeping the water from flowing onto 10F's drain field. How are they going to deal with this? Marc replied that with 10E, they agreed to reduce the size, which will make it necessary to sprinkle irrigate.

Lisa said that flood irrigating on this or any subdivision like this is not going to work. The wording about being able to flood irrigate something 20 acres or larger doesn't necessarily pertain to this. She didn't think it was designed for this. Marc said if they have a delivery point on a lot, they will say at that point that it needs to be sprinkle irrigated and go on. If there is a delivery point to a lot, the lot has access to that delivery point and they can install their own pump house. Contemplating the possibility of saying that all lots have to be sprinkle irrigated within the subdivision, but the infrastructure will not need to be installed if the water is available

through a FIP delivery point. Lisa asked about the ones that don't have that. Marc said they'd have to share some pipe. They were just trying to get this ironed out with FIP. Sue said pipe would have to be installed to lots 10H and 10i, which don't have delivery. Marc asked if they could say that if they have a delivery point, they will sprinkle irrigate but the lot owner is responsible for his pump and pipe. Sue said the regulations require that they install all the pipe to provide irrigation water to the lots. Marc asked cases where water is deliverable to the lot without pipe. Joel clarified that Marc referred to where if you have an existing turnout, future owner can install the pump and system. Jack said then you're just turning the water out into a ditch.

Marc said the regulations say, in so many words, that you will get water to the lot. If you've got an FIP delivery point accessible to or on the lot, that gets water to the lot. Whether or not the lot purchaser cares to put in a drop box and install an irrigation system is up to the owner of that lot. Systems are put in the ground in instances where there are a series of lots where there is not water available from a FIP designated drop point. They understand that they will need to put in pipe for the lots that don't have drop points. He wondered if they could agree in principle that if you have a FIP designated drop point on your lot, you have water delivered to that lot, and this would be the irrigation plan.

Jim thought that set up a real problem for years ahead. Those who have run a pump know that you have to have a little water running bypass on the pump. Where's that water going? What happens when the pump kicks off and you have water roaring out across the field into someone's basement? It sounds good, but the practical stance is that it doesn't work that way. Marc said that at this juncture he's willing to take this back to the drawing board. This is the information he needed. Jim said that the water bypass is important to him. It's an economic problem that he needs to see somebody dealing with. You can ruin a whole field. There needs to be a plan that works now, and 10 years from now too.

Discussion moved to comments from the fire chief. Marc noted that this would be available for the Board prior to the next meeting.

Bernard and Jim both requested information to be sent.

Discussion on the pond was requested. Marc said the pond won't work. They will have documentation to satisfy that requirement prior to the next meeting.

Joel proceeded to pg. 17, #6, regarding the waterfall, bridge, indemnification statement and proposed signs. Marc said that they are aware of what Planning staff has put in the body of the report and they have agreed to this. They thought what might be appropriate would hold the County harmless. They've agreed to post signs on the lots that abut the irrigation ditches warning that there are irrigation ditches there. They contemplated some other steps. They thought about the miles of irrigation canal traveling through the towns, and how many incidences have been associated with them. In Ronan, playground equipment was placed on the banks of Spring Creek, and he didn't know of unfortunate incidences. Fred noted the culvert there is gated. Marc thought they could culvert, and gate culverts if they needed. They hadn't

considered that. Marc thought they could charge the Homeowners Association to see that these were cleaned on an annual basis; it's part of the public health and safety.

Joyce asked if other properties in the County had similar situations. Marc said there were canals and streams, but not waterfalls. Bernard thought people drowned once in a while out at Kicking Horse at the drops there, with a 20' elevation drop into a stilling pool. Sue mentioned people may need to be made aware that they are required to watch their children if they go to the common area, or other common sense things. If it's a common area, there needs to be some way to get a car in there. Bernard verified that common areas are for those living in the subdivision, not the general public. Marc said they had no issues with posting signs or making whatever common sense approach they can. John felt they needed to do something about it, but it wasn't something that was going to stop the subdivision, because it's apparent. It's not a hidden danger. You do need signage and indemnity stuff. Sue thought it removes a lot of liability issues to make it a common area instead of an individual ownership. Marc agreed. Ken asked about the wording of the signs. Marc pointed it out in the staff report. Possible modifications were discussed, including using signs with images. Marc intended to use the suggested wording on the face of the plat, the covenants and the Homeowners Association, but thought the sign might be worded more simply.

Buffer strips along the waterways were discussed next, on pg. 11. Joel said the applicants haven't yet provided comment from the Wetlands Conservation program of the Tribes or the Conservation District to support 50' buffers instead of the typical 100' buffers. Joel said without the support, they'd recommend reverting to 100' buffer strips. Marc said the only place they used the 50' was along the canal. Joel said in the last conversation with Chuck Courville, he preferred 100' buffers. Sue mentioned that in talk of upgrading the irrigation portion of the subdivision regulations, one thing is to include a 100' buffer setback from irrigation canals. Marc said there was no issue with going to 100'. Jack detailed that he thinks of a buffer as with something planted in there. A setback means you can't put a building in there. Marc thought a buffer strip would have vegetation associated with wetlands, but if there isn't a wetland associated, it would be a setback. Otherwise you'd want to do something with the grass that's going to grow there. Would it be better to call it a 'no disturbance area'? Sue thought it should be called a buffer where you have to maintain the existing vegetation, which is grass, and no buildings.

Jim Johnson explained his opposition to the project. He showed where he lives. No one else lives around there; there are no lights or other houses. It's one of the few remaining places in this community left like this. He's opposed to the position of this subdivision 12 miles from town. It should be toward town, where there are other places. Money will have to be paid to maintain the roads. He's already seen roads built, traffic all day and night, beer cans and junk lying on the road that were never there before. The kids will have to be bussed to school. He wondered what's going to happen to the irrigation water, not only because of the lay of the land, it's a hard piece of land to irrigate. He talked to someone when they drilled a well he indicated on the map. He asked what the man would do with it if he bought the property. The man said he'd put a few cows on it. The man had no idea about the irrigation that would be necessary or how to do it. Every so often there's a real grasshopper problem out there, and the dry ground makes it worse. They have to call airplanes in and blanket spray. How will people living out

here like that? Who will spray the weeds in the 15' right of way they'll put in? How will the grass mentioned earlier be harvested out of the right of ways? Those are issues that may sound silly but are real. He lives out here because he likes it. This place needs to be agriculture and should be kept that way. What will happen to the variety of wildlife they see? He was asked to sell a 15' right of way through to the river. When you get access to the river, it opens up the whole corridor, and you get empty beer cans and parties. It's a unique area. What we'd end up with is a bunch of junk and a bunch of garbage, and fire hazards and all kinds of stuff that shouldn't be here. He's for growth and subdivision, but in the right context and the right place. This is the wrong context and place. He doesn't appreciate what's happened already with this piece of ground. He hears them say they're going to use the canal right of way, but when it's raining, you won't get to the end of the road without falling into the canal. Unless you do major roadwork, you won't get a truck or car up and down that road. This subdivision just doesn't belong there. He will say more another time, as it's late.

Ken felt the project has a lot of proving to do. The boundary line adjustment leaves a bad taste, even though it's perfectly legal. It just doesn't look good for the integrity of this developer. Fred agreed. The roads aren't to county specifications and are poorly constructed and narrow. John's first reaction was to look where it was, way out there. It's not just leapfrogging, it's a giant jump. It is sprawl. He has concerns that Jim had: the gas (given the distance from town), the sprawl, the wildlife, the right to farm—all kinds of problems out there. Jim and Bernard invited the Board members to call, if they wanted to see, including some of the irrigation. Marc mentioned it sounds like they're going sprinkler. Bernard said that it was a really nice ranch setup for flood irrigation at one time.

OTHER BUSINESS

Motion by Fred Mueller, and seconded by Jack Meuli, to adjourn. Motion carried, all in favor. Meeting adjourned at 10:10 pm.