

**LAKE COUNTY PLANNING BOARD**  
**May 9, 2007**  
**Meeting Minutes**

**MEMBERS PRESENT:** John Fleming, Jack Meuli, Clarence Brazil, Lisa Dumontier, Ken Miller, Joyce Funda, Bob Kormann, Steve Hughes

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

John Fleming called the meeting to order at 7:04 pm.

**Motion by Jack Meuli, and seconded by Lisa Dumontier, to approve the April 11, 2007 meeting minutes. Motion carried, all in favor.**

**RIVER VALLEY TRAILS MAJOR SUBDIVISION**

Commissioner meeting is scheduled for May 24, 1:30 pm.

Joel Nelson presented the staff report and additional handouts and letters. On pg. 2 of the staff report, Joel corrected the net size of lot 10-E to 15.7 acres. On pg. 4 for #1, he added 'and Horte Lane' to follow after 'Gillette Lane'. The road width recommendation in the paragraph following #4 was corrected to 24-foot from 22-foot, and the reference to Horte Lane at the end of that paragraph was corrected to Round Butte Road. He updated condition #20, as corrected on a handout, and eliminated #24 since #26 covers that.

Ken Miller asked about ownership and deed restriction for the recreational lot B, to be sure it did not become a developed lot. Joel said that it hasn't been addressed. If the Commissioners approve it as a separate lot, he thought they'd require that it couldn't be developed and for the Homeowners Association to maintain it. Ken and Joel agreed this could be a condition to add. Joel affirmed for John that some of the roads serve the boundary adjustment lots as well as those in this proposal.

Marc Carstens spoke on behalf of the applicants. He pointed out that subdivision regulations changed in 1993. Prior to 1993, negative input from neighbors could halt a subdivision. In 1993 the 7 major criteria were established.

Steve Hughes asked if the recommended sprinkler system would be provided. Marc said they proposed that where ever there was a turnout for a lot, that would be how the service water would get to the lot. They'd mandate that the lots would be sprinkler irrigated, when whoever bought the lot developed it in the fashion that they wanted to. The developer would be responsible for getting the water to the lot. If there needs to be common infrastructure, as with 3 or 4 of the lots which lack existing turnouts and will require shared irrigation infrastructure, it would be in place prior to final plat. They were accepting the condition of sprinkler irrigating, but with the location of the head gates, there was a turnout location on many of the lots. They haven't gotten full response from Flathead Irrigation yet, so the irrigation plan is somewhat abbreviated. Steve and Marc discussed that the developer would not install the pump and pipe prior to the final plat, except for those that need common shared infrastructure. The developer

did plan to have a condition in the deed that the lot be sprinkle irrigated. When the lot is purchased, the purchaser will have to install the sprinkler system when they want to irrigate. The developer felt that if a lot has a turnout, the condition to supply Flathead Irrigation Project (FIP) irrigation water to that lot in the subdivision has been met. The purchaser can buy and occupy the lot, but cannot irrigate the lot until they install their sprinkler. If they never install a system, they can't irrigate. Sue affirmed for John that the recommendation is to require that it all be sprinkle irrigated.

John asked what the developer would say if he knew the County wanted the lots irrigated. Marc thought a large part of the desirability of these lots is that the ground is irrigable. Steve inquired how many irrigated acres per lot there are, and wondered how a plan could be developed without this information. Marc didn't know the number at this point, and would have that when the information comes back from FIP. They do have a plan for getting irrigation water to the lots. Steve verified that the developer would install the turnouts and provide electricity to the turnouts.

Joyce Funda asked how the developer proposes to comply with the Growth Policy in terms of the first bulleted objective on pg. 18. Marc said that the Density mapping takes into account the Growth Policy, and the subdivision meets the Density. Joyce confirmed with Marc that the surrounding property is essentially agricultural. She checked that the development was for equestrian flavor. Marc felt that this was agrarian in nature; Joyce felt it was not. She asked about the developer's response to the suggestion for denial of the road variance. Marc explained that the variance was actually for the gateposts, and the developer wants to see what the final outcome is. Without the variance, the gateposts would have to be moved. Joyce wanted to know the developer response to the fact that the developer came to the Board after the fact, in terms of the attitude towards regulations. Marc thought the developer's attitude was that he was trying to do a quality thing that apparently doesn't fit regulations. Joyce returned to pg. 18, to the concern of the division potentially increasing land neglect and weed propagation. Marc noted that the irrigation plan is insufficient at this time, because they have not received all of their information from FIP. The paragraph she referred to is predicated on the lack of irrigation, on the incompleteness of the plan, and it must be complete and approved before the subdivision can become a matter of record. He said that after the rest of the FIP input was received, it should allow for an orderly irrigation plan. Joyce noted that it's also involves the removal of the historic land use and dissection of the irrigation infrastructure.

Joyce asked if the swampy description in a letter from a neighboring landowner is accurate. Marc said that the project mapping does show wetlands. Buffers were accommodated when preparing the map for wetlands and wetland buffers.

Bob Kormann felt there appears to be a disproportionate safety risk with the way this canal runs in this safety feature. Marc felt comfortable with it.

Clarence Brazil wondered what would be done if a purchaser did not irrigate. Would they demand this? Marc said this could be done through a deed restriction. Clarence was concerned about weed proliferation, if the irrigation did not happen.

*Public comment opened:*

Jim Johnson: He wrote a letter as his personal opinion. Many had the same feelings also, he discovered. Today irrigation has been discussed. He's very concerned about this. He borders the property on two sides and will have to deal with this. If you require everyone to irrigate, who will enforce? Who will see that the pipes are changed? Where does the wastewater go? This is not a practical thing. It sounds good but the practicality doesn't work. What happens when the electricity goes off? Who's going to change that on weekends? What happens when the pump breaks down? He's the one who will have to deal with it, because the water ends up ultimately on him, runs down the draw, washes it out, and then the Tribe is after him for the draw washout. The number of irrigated acres is on record in the Courthouse, and you don't need to get it from FIP. He addressed his concerns in his letter. It boils down to an act of responsibility to our community. No one has addressed, for instance, the increased traffic from Round Butte Highway. It's increased tremendously in the last few years. Add another 180-200 cars a day, and you're asking for problems. What about police, ambulance drivers and firefighters? One house burned up recently because the Ronan Fire Dept, who is very good, couldn't get there because of the distance traveled. Who's going to tell the parents of a drowned baby that there was a sign? Is it an act of responsibility to approve this? He says it's not. The act of responsibility is to get a handle on some of these things. Not only does it meet the requirements: ultimately is it a responsible act to the land itself?

Earl Johnson: He agreed with Jim's letter and statements. He added that on the roads, he worked with the State for 31 years in maintenance. Chip seal won't work on these roads, since they have a lot of clay under them. He described the process that would work on clay, which included removing some of the clay, backfill with pit run gravel, maybe some black cloth, some half-inch minus and then pave, rather than a penetration shot, because it won't last with the moisture in the clay. Dust control would also be needed. He felt this subdivision really needed to be looked at.

Bernard Hakes: He had a number of concerns. With ditch safety, there's two drops of about 20' and are very dangerous. They've lost cows there. For the roads, they're figuring on a Rural Improvement District (RID) to cover from the junction of Horte Lane and Gillette to Round Butte. Why do his taxes have to go up so this fellow can develop this? Are these developers living here, or are they like carpetbaggers?

Paul Collin: He 's the master of the Round Butte Grange. At the grange meeting, they read the letter. They're mainly concerned with the safety of the canals. He spoke about the big drop below Cecil Jackson's. The water's pretty wicked there.

Melissa [Rochelle]: She thought there were a lot of issues on the project. She's curious what FIP brings back to the County as to what they're going to irrigate. CFR-25 says that FIP can't deliver to properties less than 40 acres on one contiguous owner. The project does deliver to people but it's out of code regulations, in violation of Federal law. It's a revenue issue for them. She has concerns about aquifers. Her understanding is that it's an artesian aquifer. She's concerned that every house is going to have an artesian, or is it going to be one mass system off one well? She thought there were issues with the State compact with the Tribe, and the defining of holding of aquifers for Tribal uses [inaudible] and the defining of thresholds of sewers in an area, that the Tribe has to assure that future generations of Indians on these properties have a

right to [inaudible] sewer level also. The canal is an issue. It's not similar to Ronan where it's level. There's a big bench above, and large shoot drops of about 200'. It's less than a mile from Horte Reservoir. The ditches are percolated to pieces from the muskrats. The 1985 comprehensive review of Flathead Irrigation says the system is in massive disrepair. They've had a big blowout that caused a lot of damage. It's a full disclosure issue. Some of the wetlands are artificial and some are actual. The Project recharges them every year. She has concerns about the use of aquifer, and about what FIP will do within the regulations to try to maintain the income. Round Butte is growing. Traffic has increased. The road would have to be improved dramatically to accommodate another 150 houses. She has concerns.

Jim Hight (sp?): He and his wife live on the east border of the proposed subdivision. There's a place for subdivisions and a place for agriculture. This is 440 acres of prime agricultural pasture. It's basically one big floodplain. The grade runs downhill from his place to the Flathead River. He thought there would be problems down the road with floodplain issues. The property made such good pasture because the project ditches leak like sieves. He didn't think the ditches would be fixed. They wrote the letter that brought up the issue of swampland and floodplain and hydros in the area. What will happen to that water from these ditches that runs through everybody's well and sewer system, and will inevitably wind up in Flathead River? What kind of sewer systems will be put in? The water will run through the sewer systems, through the neighbor's yard, and wind up in the river with the raw sewage. Who is going to deal with it? Let's think about this now, not 5 years from now. The developer will be gone as soon as he can sell this and be done with it.

Jack Horner: He has a problem with increased traffic. It's a safety issue. The newcomers want to be to town quickly. He's concerned also with the weeds, and sees no enforcement on the weed issues. He's seen wire fences cut where there's one subdivision. He's driven cattle by there for 4 or 5 years, and there's not a fence put back up yet or a gate there. The developer sells a little bit of the environment. He doesn't think it's fair what the other people have to give up so someone can make a quick buck. He was surprised that this wasn't approved yet, given all the work going on out there. Why was the work done before approval?

*Public comment closed.*

Steve asked about the road hammerhead locations, the road width within the subdivision and which road would be improved. Joel clarified that the hammerheads would be by the gates, not at the end of the roads. That is where the County has jurisdiction, not beyond where they have physical and legal access to the lots. John commented that the point of the hammerhead is to turn around a fire truck. Steve pointed out that the truck would have to back up a long way to turn at the hammerhead. The same would be true for a school bus, ambulance or two trucks passing, which is why the cul-de-sac should be at the end. Joel said that this was created by boundary line adjustment. Once on the property, there's physical and legal access to the lots. Subdivision regulations do not allow extending beyond that.

Steve gave an example of where the boundary line adjustments are not totally where the roads are built now, with the subdivision road that comes off Horte. Sue explained there's an easement to get through this lot to get to the lots created by boundary line adjustments. They were exempt

from subdivision review, so there aren't building requirements for those lots. When creating these [proposed] lots, they only have to provide legal and physical access to those lots. They're utilizing that road as access to those lots. There has to be a hammerhead somewhere. They've put it there, based on the proposed building location. Steve asked if that's where it should be. Sue thought that was going beyond the subdivision regulations. Ken respectfully disagreed. He felt it was well within the primary review criteria of affect on public health and safety, given the purpose of the hammerhead is for public health and safety. Sue said that the subdivision road design standards are only to provide access to newly created tracts of record. They don't deal with the ends of the roads. Ken felt they could require a hammerhead at the furthest extent of the subdivision on these internal roads. Sue disagreed. The rest of the road won't be built to county standards because it's not accessing a lot. Ken thought this was the 500-pound gorilla in the room that nobody's talking about. There are these 9 other lots that are not brought to county standards because of boundary line adjustment. He thought there were issues to begin with, as there are really 20 lots there, not 11. Steve asked why in practical terms a turnaround 20' within the subdivision would expect to be utilized.

Bob thought a more basic question was if the subdivision was appropriate at all, where it is. He referred to staff report pg. 18, #3, objective #3 of pg. 49 of the growth policy. He highlighted the negative impact on the neighboring agricultural producers, such as Jim Johnson's concerns about what will happen with the water. Bob thought the subdivision did not meet this criteria, or the safety standards. He felt it was too dangerous to have the canal run through there. Clarence mentioned that drowning in irrigation canals in the Boise area, where his daughter lives, are always happening, and in Missoula about 10 years ago there were several drownings in a canal that they eventually closed off. Jack was confused about what the agricultural sector want. It seems obvious that no one in Round Butte wants this subdivision. When the growth policy was in development, most people who came to the meetings didn't want the 20-acre density: they wanted less. They were interested in subdividing sometime down the line, and interested in property rights. That's why the growth policy was made up for 20 acre in the rural areas. He didn't like the 20's but it was something that people seemed to agree with.

Joyce noted a concern that the County went through much process for the growth policy, which was adopted not long ago in Aug of 2003. It specifically states general objectives by topic. She felt a proposal had to fit with the general policy before going on to the specifics. She was concerned with the analysis that this project is in conflict with several goals and objectives pertinent to land use and public facilities in Lake County. Because it fails to meet several of the major growth policy objectives, particularly with land use, and also the irrigation issues and that there is not an irrigation plan, she cannot vote for this. She felt it was the wrong development in the wrong place. Sue cautioned that a subdivision could not be denied solely because it does not comply with the growth policy. Joyce explained that she felt they needed to keep the growth policy in the background. John clarified that he wanted to know what the Board was feeling about the project, and then they will state in terms of the criteria, with public health and safety being where they seem to be heading.

John said the density map is the maximum allowed. It's not a right. They have to look at the project itself. He knows there's a need for 20-acre lots. The staff has developed mitigations and recommendations. It does allow a landowner to make his own decisions on his own land. On

the negative side, he knows that kids are out racing on Round Butte Road, and this puts more traffic on it and it's at risk here too. It's a small, no-shoulder highway. The archways and electric lines are in prior to approval. He thought it was a public health and safety problem. There's a cost of maintenance to the County roads. Round Butte Road would require more maintenance. The subdivision is 10 miles from Ronan. The canals are an obvious hazard. Others have covered the irrigation problems. There are costs of services. This is maybe the right thing in the wrong place. It's a major change of land use, and unreasonably compromises the neighbor's use of his land. He will vote against this.

Sue relayed comments from the two absent Board members. Fred Mueller felt the irrigation drops were a significant public health and safety concern. He shared the same concerns as Steve that the hammerheads served no purpose. He thought the road improvements for the County roads should be the 2 miles on Gillette. He felt that the property should be required to install the infrastructure to require sprinkler irrigation on the property, and that the perimeter of the subdivision should be fenced. He would vote against it. Brad Trosper commented that the property should not be flood irrigated. He had concerns about the concentration of people around the irrigation drops. He felt the roads in the area are substandard to handle the increased traffic. He agreed with the public comment that it just doesn't fit in the area. He felt that there was definitely no hardship for the variance. His vote would have been in opposition.

Lisa added that regarding the irrigation, as a real estate agent, she thought the type of people drawn to purchase these tracts are not typically agriculturally minded people, and she has sympathy for the ranchers trying to deal with that.

**Motion by Steve Hughes, and seconded by Jack Meuli, to deny the variance as recommended by staff. Motion carried, all in favor of the motion to deny the variance.**

**Motion by Steve Hughes, and seconded by Ken Miller, to deny recommendation of the subdivision application and not accept the staff recommendation for conditional approval due to the criteria established by the Planning Board and State regarding subdivisions on safety issues, on the road issues and welfare, and lack of irrigation plan.**

Ken noted that although he didn't like many aspects of this proposal, he thought that with the 36 proposed conditions to mitigate against the negative affects, he would reluctantly vote for the subdivision. John felt if such a large amount of mitigation was required, there's something wrong with the project, and the project doesn't stand on its own.

**Motion to deny recommendation of the subdivision carried, with 7 in favor (Jack Meuli, Clarence Brazil, Lisa Dumontier, Joyce Funda, Bob Kormann, Steve Hughes, John Fleming) and one opposed (Ken Miller).**

### **CONRAD ESTATES MAJOR—INTRODUCTORY**

Alex Hogle presented the staff report.

Bob asked if the road had curb and gutter. Marc said they visual a lay-down curb. They want continuous stormwater swales beside the road. Gutters flow the water off the roadway to areas

they have to infiltrate. The area has a fairly high aquifer. They don't want a lot of stormwater runoff accumulated in one area.

Ken asked if the 2 triplexes on lot 3 would all be owned by the same common owner. Alex said that the nature of the subdivision for rent or lease, and this proposal is also to allow for future condominium classification of these without further review. In that case, lot 3 could have 6 different owners. Ken asked if how the vote would occur was addressed in the covenants, and also how the maintenance of the common areas of ground would occur if it were condominiumized. Alex replied that the streets and sidewalks within the proposal are common area, managed, maintained and operated by the Homeowners Association. He thought that in terms of the vote, if all 6 units in the 2 triplexes were individually owned, they would each represent 1/6 of the vote for lot 3.

Ken asked about the size of the steep walled gravel pit. Alex estimated the rough drop was 20-30 feet. The center is deeper and contains pooling water.

John asked about the parking for lot 3. The last 3 lots on the west look questionable. Alex pointed out that the tail feature on the west end is so you can back out and drive forward. Marc suggested that they could move the sidewalk structure to the east to gain another 4 or 5 feet. They have some fine tuning to do yet. Alex noted that staff have parking concerns. Marc said they would like to evaluate some of parking concerns in light of some common standard.

Ken asked on lot 41, commercial, if there was a recommendation or verbiage as to what kind of commercial occupation could go on the lot, or how to prevent nuisance noises, odors, sawmills etcetera. Alex said there was no particular recommendation for that lot except for the items that the covenants should be amended to address. It would come down to the discretion of the property owner. Ken felt that should be addressed.

John felt there should be no question about a fence. Marc said that the developer has his fences designed, and he will get John a copy.

Joyce asked if with respect to the animals and pets section, that this applies to only owner-occupied, in section 9 of pg. 10 of the covenants or if it should apply to visitors. She also asked if the parking section was intended for those who live there or for everyone. Alex said it was primarily for residents. There are areas, particularly along Sharbono Loop designed with 8' extra per side to allow parking. However, parking cannot be for large vehicles (those over 1000 lbs.) or for boats, trailers or RV's. There's limited area in the storage area for large parking. In terms of guests, it's not been highly specified. Joyce asked if it should be. Alex thought they've gone quite a distance with parking to limit size of vehicles on the road. Marc said the Homeowners does have the ability to change the requirements as time goes by.

Marc thought the staff report covered things well, and offered to answer questions. He reiterated that they will provide copies of the fence plan.

John asked if there was public comment on the project. Hearing none, public comment was closed.

## VIEWS AT TIMERLAKE MAJOR—INTRODUCTORY

Joel Nelson presented the staff report.

Joyce asked if the current covenants needed to be amended before there be an application to subdivide a tract within the covenants. Sue explained that the staff have the stand that they are not going to interpret or enforce private covenants. They generally point out that there is a potential that [the applicants] don't meet the covenants and there could be resulting lawsuits. Joyce asked if then, with a violation to covenants, the resort is to go to court. John affirmed.

Sean Rowland spoke on behalf of the applicant. He mentioned late complications developed that he would explain, and introduced the applicants present. They want to make sure the subdivision fits with the area. Sean spoke at the map. He explained that he would refer to the projects as 'Ranch' and 'Views', since to say Timberlake would be confusing. The previous lots were created through Certificates of Survey rather than the subdivision process. The roads don't meet standards. The challenge is to get from Hwy 93 to the parcels they are working on.

Two big issues are at hand: the road issue and the high fire hazard area. A late problem was that he misread an easement. They are working with the Timber Rock Subdivision to gain an ingress and egress for emergency. As with the Big Hawk Subdivision, the main road would meet the County standards, and there would be an emergency ingress and egress. In Big Hawk, that was a 20' wide gravel compacted road.

An existing road called Sleepy Hollow is intended to be a 20' wide compacted gravel road. Roads indicated initially as dirt road, bladed and maintained, will most likely be 20' wide compacted gravel roads. They will be providing the main road, a 26' wide paved road. Then they will upgrade White Boulevard, Sleepy Hollow and Hayrack to a standard that he believed would be a 20' wide compacted road. They can deal with the fact that they don't have a traditional loop system where the whole system meets County standards. He reiterated that this was done with Big Hawk.

In terms of fire hazard, there's lots of timber and steep slopes. He showed a map with areas under 25% slopes indicated. Zoning regulations do not allow development on slope over 25%. They propose to place a 10,000-gallon cistern by the helipad in this area. They can meet 250 gallons flow per the Rollins Fire Dept. They worked directly with Don Armstrong from the Rollins Fire Dept on this project, although they did not get much in writing. Sean did write down a summary of what he thought Don said, and Don did email that back with comments, so that is available.

He pointed out a road that's an issue, with existing easements. The engineer missed two spots and there are now some issues to be addressed prior to the next meeting. The Lake County Road Supervisor did sign off on this, even though there are sharp turns and higher grade issues, since they are lowering the speed limit to 15 mph. The 302-foot radial turn is based on a 45 mph speed limit. They don't want people going that fast. They designed to meet the 15 mph curve radius. They will have defensible space around the homes. They want to do things right here.

The covenants have always indicated that lot 17 could be further subdivided. There are things placed in the covenants that might be limiting. They are providing a secondary east-west roadway into the subdivision, and upgrading other roads, and getting the proper easements that are missing. It's a tricky thing: do you pay for an easement now and get the subdivision denied, or do you work with the folks? They are working diligently with the folks to make sure they feel properly compensated and the applicant doesn't feel taken to the cleaners.

There are a lot of variances in this due to the roads. He'll deal with the through-lot variance request in speaking with Joel, and see if there's a way around that. He thought for lot 36, it would be necessary and they'll have to show the hardship.

Fifteen homes can't be on a road more than 1,500 feet long without having a loop-style set up. He contends that they do have a loop road. They're just asking for a variance for it. With Big Hawk subdivision, there was no variance request required at that time. He felt like they don't need this variance, so he will talk further to Joel about this and try to work it out.

640 acres here are owned by Stoltze. There are concerns that these roads are going to connect somehow in there. They know they can't do that, and have no intention to do that.

The approach to this subdivision has been to have meetings with people, and he hopes that the people understand that the applicants aren't trying to do this without their comments. People are going to have comments, and the applicants are going to listen.

Ken asked where the 2 roads go that create the through lots on lots 33 and 34. Sean said those easements don't exist. He pointed out property that Stoltze owns, and roads they are using to access for timber. Ken asked if those are existing roads that do not currently have easements. Sean added because Stoltze owns this. Those easements don't exist. How that is ironed out will hopefully be addressed before the next meeting. The building sites were chosen by a member of the team. Those are two of the prime building sites, and they would be happy to maintain those without having through lots.

Ken asked about setback requirements from 25% slopes for drainfields. Sean replied that the setback was 25 feet, and he believed they met those standards.

Joyce asked about the possibility of this becoming Timberlake Ranches phase II. Sean replied they didn't have a problem changing the name if it suits the folk at Timberlake Ranches. They want everyone to feel like a part of the same community.

Sue noted regarding the building sites at the apex of fire chimneys, the requirement says that they should be prohibited on slopes greater than 25% and prohibited at the apex of fire chimneys. It seems like there would be some sort of review of the proposed building sites to see whether or not they're at the apex of a fire chimney. Sean thought he and Sue could talk about this further.

*Public comment:*

David Fortenberry: Many of the Timberlake Ranch owners have multiple concerns. Concentrating on Hersman Hill Road, there's a legal access problem with the easements. They doesn't believe that these easements are legal, and are retaining legal counsel who are currently investigating this. Secondly, they think there is a scope abuse problem. Currently Hersman Road serves 6 homesites. There's the potential for 9 additional homesites in the current context of Timberlake Ranch. With Views at Timberlake, there would be an additional 23 homesites, for a total of 38. They do not believe Hersman Hill Road can accommodate this type of traffic volume. If the additional section 6 development occurs, the total could go to 102, which far surpasses what this steep muddy road can handle. He personally has other concerns on the depletion of groundwater in the area, and also the availability of that water to fight fires. Environmental impacts were mentioned. This is a wintering area for game.

Brett Kalina: He is a property owner to the north in Flathead County. He wanted to make a point of clarification. There is no easement through section 32 at this point for anyone's benefit in section 5. They are willing to engage with these developers to make that happen. Their neighborhood granted him emergency access last summer and the people were very kind. This development is a separate thing. He'd like to see more emergency access roads open. In general, he thought the layout of the subdivision was good, and goes well in character with the West Shore. He thought it would be a nice addition to the area, but there's a lot of legal roads ahead for the secondary and the emergency access.

Larry Shetler: He felt there was no need for a new subdivision. Traffic volume is definitely an issue on a road that can't meet County standards. With the references to Big Hawk, it sounded like something was passed that shouldn't have been. What will Stoltze do if they sell this land and can't access anymore? They're landlocked. He couldn't imagine the new landowners would allow the logging trucks to go through there. He's concerned about this subdivision being a piggy-bag for the next one. On one road, he said it was impossible to make that turn (Deep Bay Lane). He's concerned about the emergency road, as he felt it was more dangerous to take that road than to go the 100' to the highway. You can't promise a 302-radius and 8% grade when it's not possible to do. He thought the 302-foot radius was a little extreme, but thought people would drive faster than 15 mph, especially when the road is paved.

With the State land to the south, there are not rocky outcrops. He pointed out a state road, White Boulevard. The road is nice, and he showed where it comes out, where the applicants need to access the property. He heard that the State wouldn't work with them, but he didn't know if it was true. They talked about this at an informal meeting with the Homeowners Association. There are some Indian ruins on top of the mountain, as far as cultural impact. He'd like a copy of the signed approval from the Road Superintendent.

Bob Lavin: He pointed out his 6 pages of text in the packet. He wanted to stand behind 100% of the neighbors opposed here. He thought the proposal was entirely too fluid. He's opposed to the creation of a subdivision within a subdivision, particularly when there are firmly established covenants in place.

Mike Wilson: He pointed out there was a document on an easement that ended up with the subdivision packet with his and his wife's names on it. That easement does not exist for a secondary access through their property at this point.

*Public comment closed.*

Steve clarified that the Board members are not government employees.

### **OTHER BUSINESS**

Sue recapped that the Commissioners denied the St. Mary's covenant amendment. They felt the language was too vague to support the change. John asked about the owner who did not agree to the change. Sue explained that if they'd approved it, it could not have been filed legally without that 4<sup>th</sup> person. John reiterated that they needed 80% on a 4-lot subdivision, and only had 75%. Joel explained that when it went to the Planning Board originally, it was a 5-lot subdivision. The Planning Board required it to be cut to 4 lots.

Sue reported that the Orchard Preserve subdivision was approved.

Steve understood that the information read needs to get to the other people who are here, but asked if there was a way to condense the reading a bit. There was brief discussion about this. It's difficult to know what's important to the public and what's not. The learning of new words was considered a plus. Joyce asked if the public knows the reports are available. Sue noted that Views at Timberlake was on the website because there was so much interest. It would be onerous to send reports to the adjacent owners; the notice does mention that information is available, though it does not specifically mention the staff reports.

**Motion by Jack Meuli, and seconded by various, to adjourn. Motion carried, all in favor.  
Meeting adjourned at 10:50 pm.**