

**LAKE COUNTY PLANNING BOARD**  
**November 14, 2007**  
**Meeting Minutes**

**MEMBERS PRESENT:** Fred Mueller, Bob Kormann, Jack Meuli, Joyce Funda, Brad Trospen, Ken Miller, Steve Hughes

**STAFF PRESENT:** Sue Shannon, Joel Nelson, LaDana Hintz, Lita Fonda

Bob Kormann called the meeting to order at 7:04 pm.

**Motion by Ken Miller and seconded by Steve Hughes to approve the Oct 10, 2007 meeting minutes. Motion carried, all in favor.**

Bob explained that the first item of business is not listed on the agenda.

**Proposed North Lake County Planning and Zoning District Presentation**

Leslie Budewitz, accompanied by Paul Rana, were in attendance representing the North Lake County Planning and Zoning District Committee. Leslie gave a presentation on the proposed North Lake County zoning district, which would encompass Ferndale and Woods Bay. She handed out an information sheet with a map on the reverse. She discussed the map and the proposed boundaries. She described the background and efforts so far to develop a new zoning district. She outlined the work being done currently. They hope to have a proposal for the Board in about a year regarding forming a North Lake County Planning and Zoning district that would cover Ferndale and Woods Bay, and include Swan Sites and possibly Lower Bug Creek.

It would be similar to the other zoning districts, with the exception of including an advisory council. The advisory council would probably be a 7-member board, and would probably be elected, although an appointed board is also possible. When there is a proposal for a zoning change or subdivision, this council would be the first level of review, after the planning staff. A staff report would go to the advisory council members, and a public hearing would be held in the community, possibly at the Ferndale Community Center. Then the advisory council would make a recommendation to the Planning Board or to the Board of Adjustment. It's a chance for these proposals to go through a community level of review. Leslie explained that some residents in the Ferndale/Woods Bay area feel somewhat isolated from the rest of Lake County. She's lived elsewhere in the county, and doesn't share the feeling that the level of County service is different there, but there is that perception. This would provide a chance for people to be heard there, without traveling to Polson. The council would be able to work with developers, who would know the first level of review would be with owners in the community. The developers can change their proposal if something unanticipated comes up at the advisory council level, and some of those community concerns can be worked out in the community. She thought this would result in better proposals. She reiterated that this would only be an advisory recommendation. A proposal would also go through the regular review.

Leslie mentioned the role of the Greater Woods Bay Sewer Authority. The Woods Bay community has established a sewer authority and is working towards establishing a sewer district

and facility in Woods Bay. Along with that, they have realized it's important to have a planning and zoning district in place.

Currently, the committee is meeting regularly and working with Sue Shannon. They want to make a community presentation with a map of land use classifications and proposed zoning regulations next summer. A large percentage of property owners, over 20%, do not live there full time, so the committee feels it's important to do this in the summer. If all goes well, they'll be back to the Planning Board with more concrete proposal and draft regulations and a map next summer. She mentioned that the Kootenai Lodge district is in the middle of the area under consideration. They don't know what to do with it. One option is to 'donut' around it, which for the present is appealing given the contention about it in the past, and the other option is to incorporate it.

Fred asked if the advisory board would stretch the 60 days for review out, or they would have it before the Planning Board got it. Leslie replied they would have to squeeze in before the Planning Board. Sue said this would be mostly likely be defined in the resolution to create the zoning district, and the advisory council's role would be established there. The way Sue perceived it, Planning staff would see it in the pre-application stage and tell the applicant to do certain things, and one of those things would be to obtain comment from the advisory council at some point before the application is submitted. Leslie said that in Flathead County, the advisory council happens within the 60 days, after the clock starts. Sue said that research needs to be done, and this hasn't been hammered out yet.

### **BOBS WOODS BAY MARKET MAJOR SUBDIVISION**

Joel presented the staff report. The Commissioners are scheduled to review this proposal on December 5. He pointed out that with condition #15, it assumes approval of the 1<sup>st</sup> requested variance. Condition #25 assumes denial of the 3<sup>rd</sup> variance request. Condition #26 relates to variance request #4, and assumes approval. Condition #27 again relates to an assumed denial of variance request #3.

Ken M asked if Ken Lambeth of MDT gave specifications, drawings or sizes of the traffic islands he would like. Joel replied that Ken L gave no specifications or locations. A recommended condition of approval would require MDT to provide a letter approving the improvements prior to final plat. Ken M also asked if comments had been received from emergency service providers about the idea of speed bumps along Market Road. Joel explained that this was a last-minute idea. Ken M asked if this was a privately maintained road, such that the County plow would not encounter the speed bumps. Joel affirmed.

Joyce had questions on variance #1. The summary for the variance on pg. 18 mentions that the application does not address which specific mobile home pads don't meet the required setbacks or what the proposed reduced setback would be. She asked if that meant there wasn't sufficient information to approve the variance. Joel replied that existing homes could continue, but modifications would require compliance.

Joyce asked about trailer #6 on Market Road, and the issue with the fire hydrant being located directly across from it. Joel explained that the recommended conditions require it to be relocated to allow the widening of Market Road to 26'.

Joyce expressed concern about the unknown factors of the pads and tie-downs, on the existing installed and skirted mobile homes, as mentioned particularly on pg. 4 of the staff report. She asked if it was correct to assume that future changes would be subject to the regulations at the time of the change. A discussion ensued on the existing pads and tie-downs, and how this affects the recommendation overall for that parcel. Joyce had questions on relevance and significance pertaining to the pads and tie-downs and the approval for the parcel. Joel explained that because it is an existing situation, they did not get into the sizes and dimensions and structural integrity of the existing mobile home pads. He was working with the assumption that because the mobile homes are sitting there, the pads beneath them are okay to serve what is ongoing. A condition could be added that says prior to the replacement of a mobile home. Joel affirmed for Joyce that these were in place prior to the subdivision regulations now pertinent to them, and that these had never been reviewed. #4 and #6 on pg. 4 figured prominently in the discussion. Sue talked about the pads, and setback requirements and those types of criteria. She suggested that the tie-down provision might be for areas of floodplain or something like that where there's a concern that the unit will not be stable in certain situations. She pointed out there isn't a criteria established for what the pad has to be. What would the criteria for review be, if that were put in as a condition? People would need to be aware of what that criteria would be. Joyce explained that she was not comfortable leaving something stated in a document that has the County responsibility on the line as being 'unknown'. She's more comfortable saying it's unknown now, but in the future any project would be subject to the regulations at the time. Sue asked if Joyce had suggestions for language changes in #4 and #6 where it's assumed that it's appropriate because the existing mobile homes [inaudible]. Joyce said she was much more comfortable with that. Her concern was long-term liability with the language. In #4 and #6, she wanted it to specify that it's unknown at this time. She didn't want the language to come back and haunt the County in the future.

Joyce checked regarding #10 on pg. 5 that Market Road would be a 2-way street with the new road requirements.

Bob said that the Board would address #4 and #6, and that Joyce could add that language. Joyce liked Sue's language.

Johna Morrison of APEC spoke on behalf of the applicant. She introduced Jeff Anderson of APEC and Bob Hand, the applicant. She spoke about the conditions regarding the roads and road width, the speed bumps and the parkland dedication.

Joyce recalled from the introductory meeting that Bob Hand indicated he had no problem making the road to the county standard. The problem was the lack of room to do that. Jeff summarized that there would be a lot of utilities to move. Johna needed to check with the fire dept about moving the fire hydrant—what if they don't want it moved? She hadn't had a chance to check with them yet. Fred noted that whenever the Board allowed a 16' road instead of a 26' one, it comes back and bites them later. Jeff said that the intent is not to build a mobile home park here.

It's awkward to have to move stuff around, and that they can't just break off the store and the other building, and to deal with the existing mobile home park in some way. Johna noted that 11 families are living there. Jeff pointed out these people have financial and time limitations. Johna was uncomfortable with the road requirement where the road needed to flair out to 36' in width for the last 20'. She didn't think it made sense or that MDT would want that. Joel explained that this is in the subdivision regulations. Joyce asked about the other easements and utilities. Jeff and Johna mentioned utility poles and a gas line under the road. She asked if the cost of moving those would be passed on to the 11 families. Johna thought that it would. It was reiterated that Bob Hand is waiting for the impending sewer prior to making new proposals for the property. Bob Hand thought if he had to pay for the changes, given the monies he collects for rent, he'd be better off giving the people notice and leaving the property empty until water and sewer come. Right now he just wanted to put a line through the parking lot so he can change the deed to a commercial building.

Joyce recalled that at the introductory meeting, the Board was fairly unanimous in its position not to allow the 16' road due to a concern about precedent. Johna said the idea of a variance was to review on a case-by-case basis. If other applicants don't have a good argument of why, if it doesn't make sense, then they shouldn't get a variance, regardless of whether Bob Hand gets a variance or not. Jeff added that the reality is there's a single-wide road out there at present. It would take a lot to take it to 26'. Joyce was concerned about what would happen if plans change. Johna said that whatever the applicant does, he's subject to the regulations again. If the situation is different, then the case-by-case basis changes.

Ken thought that the 26' road might be overkill in this particular instance, but 16' was woefully inadequate for a safe road, for two-way traffic and especially for emergency vehicles. He'd be happy with a 20' or 22'-wide surface as a compromise. It'd be easier to work around possibly, and maybe not need to move all of the utilities. The building still may need to be demolished. You don't need to make a superhighway out there, especially if speed limit is to be limited to 5 mph in this residential area. He's seen traffic speed up on beautiful, wide, flat boulevards.

Steve wanted to stick with 26'. They'd have to move a building and a few poles. This has to do with safety. Fred thought it should be 26' also. It's come back to bite the Board when it hasn't been 26'. Some project gets extended beyond it, and uses that road. It may be overkill now, but not down the road. Joyce thought that for the analysis the County has done to come up with policy, that lots of people feel the rules shouldn't apply to them. She felt the regulations were put in place for a reason, and that people are subdividing subject to those current regulations. She felt that the Board was bound in the absence of egregious circumstances, and she didn't see those here. She asked about cost to change the 16' road to 26'. Jeff A said it was substantial. Bob Hand added that the chip seal cost is around \$25/foot, which works out to \$20,000. Joyce asked if as the owner of land coming forward to make a change, isn't that one of the costs of doing business. Jeff noted that they weren't trying to develop the mobile home park. Joyce said he was moving to subdivide it according to County regulations, and there are the applicable rules. Bob H has plans down the road, but 'what if?'

Johna discussed the parkland. She said according to the staff report, there were concerns with the bus stop going through that piece. She disagreed and showed where the bus actually stops.

She didn't see a problem with the proposed parkland dedication. Kids can't play there but it provides a nice buffer between the trailers and the highway. Steve asked about cash in lieu, and noted that it would be a credit in the future, per staff report.

*Public comment opened:*

Ed Fitzgerald: He's a long-term residence in the trailer park, since 1996. He thought almost everyone in the mobile home park was relatively low income and completely satisfied with the roads there. Widening the road involves more than moving a few utilities and hydrants. Some very large, nice trees would need to be removed. He thought most of the residents would be happy with gravel. Paving would increase the traffic speeds. They'd be happy with speed bumps. The mobile home park has been in existence 'as is' for a large number of years. No one to his knowledge has complained about parking spaces, setbacks, distances between trailers, position of sheds or width of the road. He hadn't talked to everyone so couldn't speak for everyone. Bob H is asking to let what's there be the way it is. He likes living in the park because it's inexpensive, and it's managed in a way to allow them to live independent with their privacy. It's an inexpensive, accepted and funky mobile home park, and they like it that way. It's not new. He's like to see it stay the same. It will pinch him if Bob raises the rent. Some people there live on social security or disability.

*Public comment closed.*

Bob K noted each variance would need to be voted on.

Joyce asked about the 26' road standard. Joel explained that is the standard required for major subdivisions. The road width depends on the number of lots.

Bob K reviewed that there are 3 lots there, with market, laundromat/restaurant, and mobile home park, which Bob H was trying to divide so he'd have the option to sell individually, and that he had future plans for the mobile home lot. Jack asked why this was treated as a major subdivision. Joel explained that the mobile home park had not been through review previously. Bob K thought that was Ed F was saying was relevant, in that the people there needed affordable housing. Doing the improvements to a road the residents feel is fine will change the complexion of the property. Sue affirmed for Bob K that when Bob H decides to do something else with this property, he'd have to come before the Board again if it involves subdivision. Jack said that if he does come before the Board for a subdivision, these roads may be of no value to him. Joyce checked with Bob H that his long-term plans are at least in 2013. She asked if it was the Planning Board responsibility to assure the welfare of the affordable income people who are there as opposed to the property owners. Fred thought it was better to consider as a minor 3-lot subdivision. Sue explained that legal council was consulted about that at the pre-application stage. Because it's never been through review and they're changing the lot configuration, it has to go through the review as a subdivision for rent or lease. That is required. It's part of the subdivision process. If he wants to create lots, he has to meet certain criteria. Ken pointed out that the Growth Policy is a document that guides the Board, and it mentions affordable housing. He agreed the entire impetus shouldn't be on the governing body to provide affordable housing, but he thought they should have consideration for it based on the Growth Policy.

Steve said the applicant came in for a subdivision, so needs to meet the subdivision regulations. There was a pre-application, so what is the surprise? If he wants to change something in a few years, perhaps he should make all of the changes then. Bob H noted that the process affords them the opportunity to try to get a variance. Ken thought they presented a good point for each of the 4 variance criteria that must be met, especially the 2<sup>nd</sup> one. He thought the existing infrastructure and configuration here present a very good case for undue hardship if a strict enforcement is done. He thought expansion to a 26' road would be a mistake, leading to increased speeds and a less safe road in a residential area. He didn't agree with 16' either, and thought there should be something in the middle. Fred said a wide roadway is easier to build than a narrow one. He didn't feel the width was a hardship. Joyce asked if the reason for the road width change was to comply with the current standards of subdivision regulations. Sue and Joel affirmed. Steve mentioned the safety factor. Joyce asked how long the park has been there. Bob H acquired it in 1987. He wasn't sure how long some of the trailers had been there, possibly 1964 or 1970. Sue said this was something unique to this property, compared to an undeveloped lot. She confirmed for Joyce that what exists is staying. It's just that the lot is getting smaller. The market and restaurant would no longer be on the property. She asked if there were danger to public health, welfare and safety with the road as it is at 16'. Ken believed it was inadequate for emergency access to have anyone enter or exit the subdivision at the same time, while you have emergency vehicles on the road. He thought the bare minimum to have 2 vehicles pass safely was 20'. Jeff felt specifically that the north end of the site should be widened, specifically for fire truck access.

**Motion by Fred Mueller, and seconded by Jack Meuli, to accept the first variance, pertaining to the 10' setback. Motion carried, all in favor.**

**Motion by Ken Miller, and seconded by Jack Meuli, to accept the second variance, pertaining to the Market Road easement width. Motion carried, with 5 in favor (Jack Meuli, Joyce Funda, Brad Trosper, Ken Miller, Bob Kormann), and 2 opposed (Steve Hughes, Fred Mueller).**

**Motion by Ken Miller, and seconded by Jack Meuli, to modify the 3<sup>rd</sup> variance and then accept it to allow a minimum driving surface width of 20' for the internal private road. Motion carried with 4 in favor (Jack Meuli, Brad Trosper, Ken Miller, Bob Kormann) and 3 opposed (Fred Mueller, Joyce Funda, Steve Hughes).**

**Motion by Ken Miller, and seconded by Joyce Funda, to approve the 4<sup>th</sup> variance, pertaining to minimum curve radius. Motion carried, with 5 in favor (Jack Meuli, Joyce Funda, Brad Trosper, Ken Miller, Bob Kormann), and 2 opposed (Steve Hughes, Fred Mueller).**

Bob K asked Sue to clarify the rephrasing on pg. 4 for #4 and #6. Ken Miller commented the conditions needed to be adjusted accordingly (pg. 19). [Inaudible.]

Sue mentioned adopting the findings on pg. 16. For 5.c, they could make findings regarding the pad and the tie-down requirement. Language could be added there about the assumption that

because they are existing units on the property, they are appropriate to meet those two criteria. When the staff report is rewritten, it becomes the Planning Board report to the Board of Commissioners, so it's fine to make these changes in the staff report. Ultimately, the Commissioners adopt findings of how this proposal does or does not comply with the Lake County subdivision regulations.

For #4 and #6 (on pg. 4), the language will say that it's unknown at this time, and assumed that the pads are suitable for the mobile homes that exist, and future replacement will be limited by the setbacks that will be required to meet the current subdivision regulations. Ultimately, this will limit the size of the units that will be placed on the site in the future. The language will be along these lines. Similarly, on #6, it's unknown at this time, and assumed that the mobile home installations on the properties are adequate for the area conditions. Sue reiterated that the findings on pg. 16 could also be changed.

**Motion by Steve Hughes, and seconded by Jack Meuli, to accept the staff recommendations, that the language changes suggested by Sue Shannon be placed in the appropriate places in the staff report, and with the variances as voted upon. Motion carried, 6 in favor (Jack Meuli, Joyce Funda, Brad Trosper, Ken Miller, Steve Hughes, Bob Kormann) and 1 opposed (Fred Mueller).**

### **BIG HAWK PHASE II MAJOR SUBDIVISION**

Joel summarized the staff report. The Commissioners are scheduled to review this proposal on December 5. Joel explained that the staff recommendation is based on the assumption that the variances are approved, in response to Steve's query. Joel corrected condition #16. Rather than a subdivision improvements guarantee, it would be a certification of completion of public improvement agreement would be required. Sue said that essentially they sign a statement saying they have installed the improvements as required as a condition of approval. It's signed by the subdivider and a professional engineer.

Joyce asked about where the animals and the wildlife habitat were referenced in the recommendations. Joel referred to the changes to the covenants that are being recommended. Sue noted on pg. 31, under the findings, there are findings regarding the effects on wildlife and wildlife habitat. Joel noted the information on pg. 19 as well. Ken verified with Joel that the recommendation incorporates including all of the FWP (Fish, Wildlife and Park) recommendations into the covenants, including the one stating no large livestock on these lots. Joel relayed for Joyce that the smallest lot is 6.7 acres, with one residential dwelling unit per lot.

Peter Strelinger, Dave DeGrandpre and Shawn Rowland were present for the applicant. Peter said they concur with the variances and conditions except for #12, 13 and 25. Also, on pg. 38, the applicants requested that the conditional approval expire in 3 years rather than 2 years.

On condition #12 pertaining to emergency egress, the issue is with road construction standards. Staff are requesting primary road standards. The applicants feel this is excessive, since this is not intended to be a primary road. They propose to do the same kind of road as done for the emergency egress road of Big Hawk phase I. They propose to improve an existing logging road to a 20' width, with 3 inches of crushed rock on top for all weather surface, and substantial

subgrade improvements where necessary, as they have some low areas. He mentioned the fire chief didn't think the road was necessary. He noted the road was designed to handle logging trucks weighing over 80,000 pounds, which is twice the County standard for roads. The road has also handled gravel pit traffic.

Peter talked about condition #13. He referred to a Knox box handout. A Knox box contains the keys to a gate, and emergency people would have the Knox key. They didn't feel it was necessary for all of the homeowners to have gate keys. They'd have problems with their neighbor (Stoltz) if they were to hand out keys like that.

Regarding the CC&R's and some of the FWP recommendations, they welcomed FWP's thoroughness. They felt the CC&R's were important for the project. They intend to amend the Big Hawk phase I covenants to include this project. They agree with the FWP conditions, except for the large animal restriction on horses. The other animals are already restricted in the project. They'd like to allow horses on lots greater than 10 acres in size, as is in the current Big Hawk 1 covenants.

Dave DeGrandpre said that he was unable to find a biologist to speak with about allowing horses when he called. Thomas Litchfield, who reviewed the project for FWP has left and his position is currently vacant. He spoke further about the emergency roadway and the standards to which the logging truck roads were built. For high fire hazard areas, bridges need to support 20 tons (40,000 pounds) for the subdivision regulations. As logging roads, this standard is exceeded. If the concern is public health and safety, he thought the roads were sufficient. Fred and Ken both agreed that with 3 more inches the road would be good.

Bob asked if there were language about weed-free hay in the covenants. Dave didn't think this was mentioned. Peter affirmed this could be added; he thought it was a good recommendation. Steve checked with Peter that they wanted the horses only on parcels greater than 10 acres.

Joyce had questions about Big Hawk I and its current status. Peter answered that it was fully developed. They haven't released the final improvement bonds on it. It's 99.9% done, and 16 lots have been sold. They hope to have the CC&R's the same for both phase I and phase II. The average size of the phase I lots are 10 acres or greater. Several of the Big Hawk I buyers intend to have horses. He concurred with all of the FWP recommendations except the prohibition of horses. All other livestock are already prohibited. Joyce asked Brad what his recommendation was. He recommended no livestock at all because of the significant wildlife habitat. Fred was in favor of horses on lots greater than 10 acres, as was Jack. Joyce verified with Peter that, assuming there are horses, the quick removal of carcasses in the event of a death would be enforced through the CC&R's and Homeowners Association.

Joyce asked why the applicants asked for 3 years for the building rather than 2. Peter said they were accustomed to that from Flathead County projects. Also today's market is a little slower.

*Public comment opened:*

Cory Bagley: He agreed with the 3" pad on the road as long as drainage was kept in mind. He agreed with allowing horses, and asked for an expansion on the weed-free hay comment.

Bob: He thought that in national forests and in wilderness areas, certified weed-free hays were required.

Cory: This isn't a wilderness area.

Bob: No, but it promotes the spread of noxious weeds. He gave an example of how serious weed problems could be spread through hay.

Cory: He asked if a hardship was put on people for the availability of weed-free hay for that area.

Various Board Members: It's accessible. It's grown weed-free in the Ferndale area. It's more expensive, but you'd pay more down the road for the spraying the weeds. It's just a wise thing.

Cory: What's the weed population in that area?

Ken: Knapweed is pretty bad. Hawkweed is getting pretty bad, and oxeye daisy.

Cory: He agreed with the developer to allow horses.

*Public comment closed.*

Steve asked why you might want everyone to have keys. Joel replied so they wouldn't have to smash down the gates. Steve noted these were an emergency deal. Joel said there's an ability to knock them down in the event of an emergency or to use the Knox boxes, to get through.

**Motion by Jack Meuli, and seconded by Fred Mueller, to approve variance #1, pertaining to allowing a reduction in the required minimum roadway width to 24'. Motion carried, all in favor.**

**Motion by Steve Hughes, and seconded by Jack Meuli, to approve variance #2, pertaining to allowing one non-standard curve radius of a minimum 80'. Motion carried, all in favor.**

**Motion by Steve Hughes, and seconded by Fred Mueller, to approve variance #3, pertaining to road length for a dead-end road serving more than 15 lots. Motion carried, all in favor.**

**Motion by Steve Hughes, and seconded by Fred Mueller, to approve variance #4, pertaining to one non-conforming lot configuration. Motion carried, all in favor.**

Bob clarified a few of the changes that were requested. Expiration of conditional approval in three years rather than 2 on pg. 38 was one change. Sue said staff had no objection to that. Bob then brought up condition #25 regarding the CC&R's and horses. Sue asked which way the

Board wanted to go with the horses. Steve and Fred wanted to allow them on lots greater than 10 acres or more. Sue said that given the established covenants of Big Hawk 1, there are proposals in the staff report and a recommendation to amend them for phase 2 to include certain things. The developer has stated tonight that he has no problem with those things and intends to amend Big Hawk I to do so, but would like to allow for the provision of horses in the covenants. Peter said that it's already in the CC&R's to limit the horses to lots of 10 acres or larger, and not more than 2 on 10 acres. Joel pointed out pg. 17, adding that no more than 4 horses are allowed on lots of 20 acres or larger. Sue noted that amendments are happening to other sections of the covenants. Jack clarified that he meant that on the livestock, it would be the same as Big Hawk I, in that it would allow horses on the larger lots.

There was some discussion as to the amendments of the covenants for Big Hawk I versus for Big Hawk II. Peter clarified they still have the majority. They want to amend the Big Hawk CC&R's to include the land of Big Hawk II. They want the conditions to be the same for both. They will accept the additional CC&R recommendations from FWP. Dave added that some other modifications had been proposed to address some staff concerns. They want to essentially annex Big Hawk II into Big Hawk I, and accept the recommendations of FWP and staff and other agreements that have been made, with the exception that they'd like to be able to maintain livestock as currently stated for Big Hawk I. Joel explained that for the covenants that apply to this property, they include the modifications in the staff report. Ken thought condition #25 could be modified to say that with the exception of allowing horses on lots as proposed, and the weed-free hay. Joel said staff would write these modifications into the Commissioners Report.

Joel suggested the Board might want to address the discrepancy on the bottom of pg. 19, which he outlined. Brad explained that his concern wasn't just to not bury carcasses on site, but that if livestock do die, they are removed as quickly as possible.

Sue said that for #25, she has "Covenant language shall be recorded with the final subdivision plat as proposed within the revised covenants, and as modified within the staff report", and the staff report will be changed to allow horses as allowed in the Big Hawk I covenants, that the requirement for only weed-free hay to be utilized, and that any dead horses are removed from the property immediately.

**Motion by Steve Hughes, and seconded by Jack Meuli, to recommend approval of the project with the variances as approved and the recommendations as amended.**

Joel asked about condition #12 for the emergency access route.

**Motion to amend by Fred Mueller, and seconded by Jack Meuli, to amend that the road meet the standards proposed by the developer, with the 20' road and the existing subgrade plus 3" of crushed. Motion carried all in favor.**

Sue asked for a clarification on Steve's motion. Staff will include the emergency access road development standards, removal of the provision of keys in #13, and the change in #5 [25?] as well as in the 3-year requirement. Joyce said the future owners would not get keys. Ken noted there'd be a breakaway gate plus a Knox box.

**Motion carried, all in favor.**

**TALL PINES MAJOR SUBDIVISION**

Joel Nelson presented the staff report. He noted there were no major changes to the proposal, and there were corrections to make. The Commissioners are tentatively scheduled to review this proposal on December 5. The current review deadline is Nov 29. At the time of completion of the staff report, staff anticipated an extension of the review period. The written extension request had not yet been received. (Gehrand Bechard indicated a paper at this point.)

At the bottom of pg. 20, condition #11, the subdivision improvements guarantee should be called a certificate of completion of public improvements agreement. In condition #24, [inaudible] where the improvements to Leanin' Tree Lane are specific to the portion providing access. It should go to the east side of the flare to Leanin' Tree Lane. #41 should also be specific to the segment of Leanin' Tree Lane. In condition #14, the reference to the segment of road is correct. A 3-year period to complete the conditions of preliminary approval, unless the Commissioners grant a 1-year extension, should be added to the final paragraph at the end of the conditions.

Ken asked if the recommendation was to improve Leanin' Tree lane to gravel. Joel replied that phase I was proposed as gravel and phase II as asphalt.

Bob asked about the variance. [Inaudible.]

Joel said that regarding the road cross-sections, an asphalt 26' width was proposed, with 1 1/2' gutters per side. The applicants felt this is a 29' width. Joel had diagrams of the proposed cross section. He thought there should be a 26' driving surface. Shoulders add 2' to each side. He felt the curbs were for stormwater management. The applicants felt they should be able to do 23' of asphalt and then concrete gutters on each side, which technically could be driven on. Sue clarified that the applicant's request is new information, within the last couple of days. A proposed cross-section has not been seen. The one proposed with the subdivision application that has been reviewed to date is not the one under discussion here.

Jeff Anderson spoke on behalf of the applicants. He gave out a frontage road handout, and described it. The second page is a typical cross-section of MDT. The travel lane was a little open for interpretation. He felt the minimum road width was loose in the regulations. He felt 29' was overly wide. He went with the State of MT standard from face-of-curb to face-of-curb even though in their application it clearly states 26' driving surface plus curb. To channel the water, the best thing to do is to take it off the parking lot into the street, and every roughly 100', channel it under the sidewalk and into the drainage swales that run the length of the sidewalks and into the open area. The soil is sandy so he doesn't expect problems. Even in a 10-year event, his calculations show the drainage swales will handle it. According to MDT, the gutter is a driving surface, so he'd like to build 26' from face-of curb to face-of-curb. Fred asked if he was going to use a flat curb. He said he would use a standard roll curb, with 18" before the radius even starts, and then the last 6" is just the back of the curb. Technically it's a drive-over curb. Fred commented the road lasts longer with a curb.

Jeff said they currently propose to have asphalt, curb and sidewalk. Sue asked about the separation between the asphalt driving surface and the sidewalk. Jeff replied that from the asphalt driving surface to the edge of the sidewalk would be 2'. Ken said that on the original cross-section proposed, it shows 2' from the edge of asphalt and the edge of sidewalk. Fred noted that's it's a drive-over curb. Joel summarized Sue's concern that typically there's be a buffer between the sidewalk and the 26' driving surface. Sue said she was concerned about street traffic and pedestrian traffic conflict. She thought there would be less driving surface area. People are going to stay on the black portion and not the concrete portion unless they need to get around something. They will be closer to that sidewalk than what was proposed in the cross-section originally.

Jeff referred to Ken's question about ground water. The lowest groundwater is at 29'. They are ready to go with Pablo Water and Sewer district. They are working currently with MDT on the approach. MDT gave him a verbal approval, for which he needs to stake and meet with Jim Mitchell to get approval to slide 12' from the existing approach.

Bob asked about the location of the 2 existing wells. Jeff showed these on a map. Bob asked if there was access, since there's a plan to use the wells for irrigation. Jeff said that a pump truck can get in there currently, but he would have to check to see about after the project is built out. Johna thought that there was.

*Public comment opened. None offered. Public comment closed.*

Fred and Jack thought this was fairly straightforward. Ken thought this was the intent of the community growth area, to have the high-density housing where there are existing services. Joyce asked what the nature of the objections was at the previous meeting. Steve thought one did not want to clean an adjoining lot. Sue recalled a lot of discussion about the shared use of Leanin' Tree Lane. The residents in the neighborhood that accesses off of Leanin' Tree Lane were concerned about maintenance. Fred thought some of the people on Leanin' Tree Way would be real happy to see that little piece of asphalt out there maintained.

Joyce asked about the project ownership. Johna explained that each 4-plex will sit on a lot, but it will be owned by Gehrand Bechard and Mark Nunlist. Eventually they will want to sell these off, and they will be able to sell off each 4-plex. A Homeowners Association will be created to take care of the open space and the units together. They'd be responsible for the maintenance of their units, but as far as the maintenance of lawn, of open space, of roads and all that, it's all a shared expense. Each 4-plex structure will be on a lot that could be sold.

Joyce asked about the pg. 12 Superintendent of Schools comment that this development could have a significant impact and rise in taxes, and she wondered how much an increase might be. Johna replied that this would be a shot in the dark. Fred said that most people who live there would go to Two Eagles.

Joyce asked about the responsibility of affordable housing, and what the projected rental for a unit would be. Jeff thought it would be market demand. Johna said they were targeting Salish-

Kootenai College and students. Joyce asked if there was something similar in the area. People answered no.

**Motion by Steve Hughes, and seconded by Jack Meuli, to approve the variance. Motion carried, all in favor.**

Bob reiterated the staff corrections. Conditions #11, 24 and 41 were corrected, and the 3-year approval time period was added at the end there. With the road width, he asked if the third paragraph on pg. #5 was to read differently. Ken saw no reason to change that, especially with the sidewalk right next to the driving surface. He felt the road width should not be reduced, as this would push the cars nearer the pedestrians.

Steve asked for clarification on the recommendation with the road width. Sue asked if there was another cross-section that the applicants wanted to submit for review. Jeff said he'd like to. Sue thought that this was new information that hasn't been integrated into the report. Bob asked if the applicants could submit something and present it at the Commissioners meeting. Sue explained there is a provision that the Commissioners make the determination of whether or not it would be available for public comment.

Fred (?) suggested it be left at 26' for right now. Sue said that unless the applicants want to withdraw the application, submit the new information and wait for next month for a determination, we can go with it as is proposed and recommended to the Commissioners, and allow them to work with that issue. Joel said they'd like to reduce the asphalt driving surface to 23'. Sue said that if they interpret the concrete as driving surface, they'd be changing the width from the driving surface to the sidewalk. Joel said the applicants can submit a cross-section and the Commissioners can decide if it's a substantial change. Bob checked that the applicants were okay with this, and reiterated again the corrections.

**Motion by Steve Hughes, and seconded by Fred Mueller, to recommend approval of the project with the staff recommendations and the noted changes. Motion carried, all in favor.**

Fred asked how the remaining trailer homes would be disposed of. Gehrand answered that this was a very good question. A lot of people want the steel frames.

### **OTHER BUSINESS**

Sue explained that next month there is only one subdivision. The County has received a grant to update subdivision regulations. She thought the Board could utilize the meeting to brainstorm what they would like to see amended in the subdivision regulations. For example the variance on the 302' curve radius has come up a lot.

**Motion by general acclaim to adjourn. Motion carried, all in favor. Meeting adjourned at 10:22 pm.**