

LAKE COUNTY PLANNING BOARD
July 9, 2008
Meeting Minutes

MEMBERS PRESENT: John Fleming, Fred Mueller, Brad Trosper, Clarence Brazil, Lisa Dumontier, Ken Miller, Joyce Funda (7:23)

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

John Fleming called the meeting to order at 7:02 pm.

Motion by Fred Mueller, and seconded by Lisa Dumontier to approve the June 11, 2008 meeting minutes. Motion carried, 4 in favor (Lisa Dumontier, Fred Mueller, Brad Trosper, Clarence Brazil) and 2 abstained (John Fleming and Ken Miller).

The agenda order was adjusted.

POST CREEK MAJOR SUBDIVISION

LaDana Hintz presented the staff report.

John Fleming out on pg. 6 that the existing driving surface is less than 20' in width, and asked that the 'if' be taken out. Sue said that section would be amended for the Commissioners.

John asked if the septic problem on lot 6 mentioned on pg. 6 and by a neighbor would be dealt with. Sue explained that they would deal with this in the sanitation review at DEQ. If it doesn't have a permit, they'll have to replace it.

Ken asked about dispersing the \$100 funds between two fire departments. Is it currently taxed to one or the other district on the tax rolls? He thought that might be a good way to address how the funds are distributed. Sue said the developer would address that.

John touched on the viewshed, height and setbacks on pg. 15. He recommended a 26' height limit for the 4 lots. He suggested a 450' setback on the 5-acre lots, so the houses would be back far enough not to affect the viewshed of the existing residences. He asked if there were room to do that. LaDana said it was 690' so this would be 3/4 of the way back. John thought 450' might be pushing it, then. LaDana added that there might also be reductions from Environmental Health. John asked if the 300' would be possible, [inaudible] and somehow encourage them to keep back as far as possible.

John thought the road route to get to the highway would be down Kerns and then on West Post Creek. The highway will be reconfigured soon. If you go to Leon Road, you're in the middle of Post Creek Hill. It's probably the most dangerous place to get on the highway in Lake County. Fred noted the hill would be changed. John agreed, but in the meantime, this subdivision is proposed now. Sue and John thought that they hadn't agreed on the plan for this section yet. Brad said the EEA was out for public comment. Sue thought there were 5 options. John was concerned since this seemed like it would be 5 years out.

Marc Carstens spoke on behalf of the applicant. Regarding the viewshed, he thought it received more weight in community growth areas than the other density areas. He spoke to the developer about the setbacks and building height. The developer wanted to leave it as shown.

He had no problem with condition #6 but in the staff report, pg. 12 in the first paragraph, he asked where to apply for the necessary permit. Sue thought he'd go through the Tribe through their ALCO program, or through some program that manages wetlands. Marc said that the buffer wasn't necessarily wetlands itself. It was in the buffer. Sue suggested, since they weren't sure exactly where the wetland edge is, that they should have someone from the permitting authority say that no permit is required, to be sure that no permit is required.

Marc moved to the next paragraph on pg. 12, where 'may' is replacing 'shall'. Ken thought that 'shall' required that the buildings be replaced. Sue explained that a building notification permit would be needed, and the project would be reviewed through that process.

Marc asked for the removal of condition #8. They had shown a portrayal as accurately as they could on the irrigation map. They show headgates that don't exist. Flathead Irrigation Project would allow a headgate sometime in the future if it were necessary. To take it off the Federal record could conceivably impact off-site properties as well as this one. Sue explained the concern that with showing these easements and headgates, it isn't clear on the plan that they don't exist. Marc said they would make it clear on the plan these don't exist. He felt uncomfortable putting together a plat for record if he ignores easements that are truly still there. Sue thought FIP would not allow him to sign them out if they didn't want to give up the easements. The wording for #8 might be a problem if they wouldn't allow him to sign them out. At one point there was discussion that these non-existent turnouts could supply water to lot 6 and with no ditches in place, staff was concerned. It's misleading. Marc said they'd be happy to work with staff to make it clear on the plans and on the plat that these easements and infrastructure will not exist, and have the right to exist in the future if FIP or the landowner choose to make them so. John asked if this comes up due to changes in irrigation. Marc said partially, and also it becomes more convenient to use naturally existing draws. As time passes, uses migrate. Sue reported the landowner thought when the property across the road went to sprinkle-irrigation, they closed down the ditch but it was never signed out of the project. She said they would work on that language.

Marc posted a map regarding the road with two pictures of the road. He showed on it where the irrigation blowout occurred and where the road was reconstructed. Marc said the road measured 19' wide where it was fixed, from the blowout to the intersection. He showed the section they'd like to be responsible to rebuild.

Marc pointed out they sent certified letters twice to both fire departments, without receiving a response. He suggested they could send half of the fire fees to each department.

Sue asked if he could designate on the map where the north end of the County reconstruction on the road was. Marc confirmed there is a ditch there.

Joyce asked Marc about the letter from St. Ignatius Planning Board. Marc thought the letter was in the next subdivision, although if she wanted to pull it in on this one, that was fine. Joyce thought it was a general condition, which would apply to development in and around the St. Ignatius area. Marc repeated that he received no reply to the request for fire department comment on the subdivision. Joyce made the point that the City didn't think there was enough water. Marc made the point that the fire department seemed quite interested in the next subdivision, which was 2 miles away from them, and they had very little consideration for this one, which was 12 miles away. She asked how he explained this in terms of the Post Creek Major Subdivision—is there water for one but not the other? He said he couldn't remedy the 2 situations. She asked if this was true, if he agreed it would be a significant problem for development. He answered that responding to one and not the other suggested that they were more interested in one than the other.

Ken checked that this subdivision was well outside the limits of the fire hydrant system of the City of St. Ignatius. Mark said that both the subdivision here tonight are outside the hydrant range. Ken explained to Joyce that they still had to get water from somewhere, but it wouldn't be from the fire hydrants. Joyce asked about interpretation of the letter from the St. Ignatius Planning Board. Ken's interpretation was the subdivision in the community growth area could foreseeably be annexed into the town in the near future, at which point it would be their responsibility to maintain the fire codes. Marc said it was adjacent to the community growth area. Fred thought the tanker trucks have a self-pump and could pump out of Post Creek. John thought the subdivision was 5 or 6 miles from town. Joyce thought the developer should cover costs rather than the municipality.

Public comment opened:

Dave Colvin: He owns the property across the road. He believed this was the worst place for this subdivision. He would like to see at least a 300' setback. He didn't see a problem with a 20' height restriction on the houses. He had concerns on what kind of older trailer houses might go on the property. This could happen fast. He thought this would be a blemish, since it's the highest point possible on the property. The steep hill on the road is hard to get up if there's snow on it.

Rod Hyvonen: He lives farther west than Dave Colvin. He agreed with Dave on the road. Even if the road is gravelly, a big truck might not be able to get up there if it's full of water. If it were wet at all, it would be spinning out. His main concern was their deep well, and people irrigating 5 acres out of the well. The aquifer flows from east to west. It's a matter of time for the wells to lower in the shafts, and then possibly redrilling. He would like to know how this is handled if it happens. Would everyone west of them just suffer the repercussions, or does the Board consider this? A tastefully built home is one thing, but further north on this road, there's a little local subdivision that's trailer houses and mobile homes. He's not in favor of this subdivision. He hadn't heard of the averaging with the property sizes before. He's against it.

Frank Rollins: He owns property south of the subdivision. He was curious about the agriculture zoning. He thought lots had to be at least 20 acres. There are 4 that are 5 acres or so. The water

of the irrigation concerns him. Sprinklers won't be used in the fields but they have another idea for irrigating the lawns. This concerns him.

Public comment closed.

Clarence was under the impression from DNRC that you can't use well water to irrigate 5 acres. It could only be used for lawn and garden. Sue clarified that water rights are usually pretty specific for the use. If you have a residential use water right on a well, the DNRC might tell you that. She believes they are limited to a certain area under their DEQ approval. Marc said it was under 35 gallon per minute withdrawal. Sue thought it was something like only being able to water an acre of property around the home. Marc said this was pushing it with a 35 gallon per minute withdrawal. They put together an irrigation [inaudible]. Sue said these properties would have access to the main line and the Flathead Irrigation water.

Joyce asked about the recommendation for lots 2-5 to permit development at roughly 5 acres. Ken explained this is density, not minimum lot size. The overall project has 20 acres per unit. Joyce thought some people thought it was a minimum. Sue said it was land management with the rationale that was in the density regulations. Smaller lot sizes for residential owners are more easily managed. For agricultural owners, you'd want to create larger tracts. It wasn't going to be a minimum lot size. It was going to be an average density for the entire tract. Joyce thought 5 acres wasn't a lot after she moved onto a 5-acre lot. She's against this. She believed a responsible board should manage growth and development, which meant sometimes saying no.

Lisa explained the density map is there to provide a way to be consistent. If something is within those guidelines, it is the Board's job to approve it, provided that they meet the recommendations by staff. With the density map, there were a number of meetings. People don't go to the meetings until one of these subdivisions is done in their neighborhood. Then they come in and don't understand the density. It's confusing to understand unless you sit and read it. They are within the density here.

Joyce acknowledged that much of the Board work is technical and perhaps not understandable by the average person. She thought the Board had an obligation, and the density regulations were one of many guidelines. If the project complies, certainly, it's something to be considered. So are the other factors, including the elusive issue of quality of life, and is this the right place for this kind of division.

Joyce asked Fred about the road. He said it wasn't adequate. He still thought it should be made for 26'. Joyce commented that she had to walk ¼ mile through woods from her car to her house because the road wasn't adequate in the winter. How would you get a truck up there? Sue explained the road is currently 15' wide, or was when the majority of the review was done. Because of the hill, they felt there was a safety concern. There should be adequate distance for 2 cars going in opposite directions to get around one another. They felt 20' was reasonable in terms of this developer's proportional share of use of that road, which is one main criteria for review of conditions of approval, and would provide for safety. Because of the length of the roadway that the developer was requested to upgrade, to widen to 26' would be more than his proportional share. This is at the halfway mark in the mile between Post Creek and Leon, and

there are other lots along the road. Joyce thought the developer should pay to widen the road to 26'. The reality was the cost would be passed to the homeowners and their profit margin would be cut. She didn't think corners should be cut.

Ken asked what it would accomplish to widen ½ mile of road to 26' for the 4 lots accessing it, then have the road go back to 15'. He didn't see the amount of traffic volume to justify the massive expansion for ½ mile. Joyce said the Board was limited to the proposal in front of them. At some point, the 26'-wide County road standard needs to apply. It's a standard, not discretionary.

John confirmed with Sue that the Board can't alter the proposal, but they can amend the recommendations. If this goes through, there were things he felt should be changed. He explained his reasons for not supporting this is that he considered it a leapfrog. This is a long ways out of other areas that have these lot sizes. These are the first 5's in the area. If the roads aren't changed, they're a public health and safety hazard. He couldn't imagine a loaded fire truck going up the hill in the loose gravel, and it's on Post Creek Hill. It's a change in character for the area. It's an agricultural area. If the proposal is accepted, he wanted to propose a change to a 26' height on the 4 lots, and 300' setbacks on lots 2-4. He wanted a requirement for permanent foundations, and asked if there could be an age requirement on the homes.

Fred referred to the mess on Forman Road, which continues to get worse. Joyce thought the road widening from 15' to 26' in width and then narrowing again folded in the leapfrogging. She felt if the road was inadequate, the developer should bring it to County standards as a condition of approval. Otherwise, future subdivisions will just point to it. Lisa asked why the County fixed the road, but not to 26'. Sue asked Joyce how she would say this is this developer's proportional share. When you look at the other lots within a mile between Leon Road and West Post Creek Road, this is the only one that could be further subdivided. This would be using the cluster bonus. Under the 20-acre density, unless they did a transfer of development right, there would only be 15 total users of that road. This would be 19, with the developer representing 4 of the 19. When you tell him he's going to have to improve the road to County standards for ½ mile, which is half of the road, how do you argue that it's his proportional share?

John noted that no project completely uses a County road. Lisa said there were always safety concerns. Every situation is different, and they're visited on a case-by-case basis. As more subdivisions come in, they are required to pay their proportional share. Sue understood that Joyce was concerned it would not reach 26' because this guy is setting a precedent by doing 20', but she didn't Joyce could say that and feel that's definitely what would happen in the future. If there's a safety issue and it needs to be 26' wide after the 12th home is built along the road, the County Commissioners will say it needs to be done, these have waived the right to protest for improvement, and the new subdivider will have to pay for their proportional share, and that may be where the scale is tilted on forcing the RID.

Joyce wondered what objective criteria said that 20' would be okay in this case. Sue thought the dangerous part of the road was the hill and the limited width going up the hill. John added that West Post Creek Road and Leon Road are 20' from grass to grass. He felt comfortable going by a car on those roads, because there aren't that many cars. If it were constant, it would be a

problem. That's the criteria he would use to pick a number. He believed it did have to be 20' to go by another car comfortably. Fifteen feet is really bad.

Joyce asked Fred the rationale for the 26'. He didn't know. It's been the County standard for a long time.

Joyce asked Ken about fire trucks getting up a 20' road. Ken replied it was more the grade and condition of the road than the width. It sounded the condition of this road was in bad shape. He thought Sue brought up a good point in that we have to consider the proportional use of this road. The developer cannot be expected to improve the level of service. We can expect the developer to maintain the current level of service. We can't expect 4 of the 19 lots to bear the entire brunt. Sue noted the Uniform Fire Code minimum is 20' for roadway width. Joyce asked if maintaining the level of service includes lot 6. Sue said the access was off a different road. John said it was Fish Hatchery Road.

Lisa asked if #7 from the covenants about the types of homes should be moved to the staff recommendation. John clarified that they didn't want trailer homes. If they were modulars, there should be a minimum size and also on a permanent foundation. That was already in there. If 10 years was a standard, that's fine.

Lisa summarized to move #7 from the covenants to the conditions of approval, and adding no structures less than 10 years old. She asked if a minimum square footage should be included.

Motion made by Lisa Dumontier to recommend approval of the subdivision with staff recommendations plus the following changes:

- **Covenant #7 shall be moved to the conditions of approval, and adding to #7 that no structure shall be less than 10 years old.**
- **The road width shall be 20'.**
- **Easements of record, #8, shall be reworded, and this shall be worked out between staff and Marc Carstens, on whether or not to remove the easements of record.**
- **On lots 2-5, building height shall be restricted to 26', and setbacks of 300' from Kerns Road.**

John asked if this was 20' for Kerns Road all the way though. Lisa said this was however staff had it written. Sue said this was from West Post Creek Road to the north end of the subdivision area. This includes the hill. On the square footage of the homes, Clarence mentioned the minimum for Finley Point Zoning was 1200 square feet. Sue said this was for the living space. Ken was opposed to adding the minimum square footage. John had no problem with size, just the age. Lisa decided to leave out a minimum square feet. John said he thought these were good things to do for the subdivision, although he was going to oppose this. He gave his basis in that it's outside the character of the area, it's outside the County general plan, public health and safety challenge of getting up the steep hill may have been minimized and he thought it was a major leapfrog.

Motion failed, with 3 in favor (Lisa Dumontier, Brad Trosper, Ken Miller) and 4 opposed (Fred Mueller, John Fleming, Clarence Brazil and Joyce Funda).

Lisa reminded that the applicant could have used the density bonus to apply for 12 units rather than six. John said this would be the recommendation that the Planning Board would make to the Commissioners. They will take final action on July 23, 2008, at 10 am.

The agenda order was adjusted by request.

FOX HILL SUBSEQUENT MINOR SUBDIVISION

LaDana Hintz presented the staff report.

Fred asked if the irrigation easement involved a buried mainline or an open ditch. LaDana replied that it was a small, overgrown ditch. John checked that this was on the south end.

Jack Duffey spoke on behalf of the applicant. The irrigation ditch is a very small private ditch delivering to the property to the west of there, which belongs to the Snyders. They'd like to request several things. They'd like to keep the existing driveway on tract D. Fred asked if this was the driveway to Noelle's house. Jack affirmed. The existing roadway is 16' wide, as approved when the Snyder's tract was amended. It has 2 turnouts, per those conditions of approval. The developers have requested not to widen that roadway beyond the driveways to the 2 new proposed dwellings. The usage on the road beyond that point would not change. At the T, they were willing to add 30' to a 40' width and then have kind of a box around the T turnaround. Sue didn't think a fire truck could turn around on a 16' wide driving surface. Would it be a 70' long T turn with 35' on each T extension and only 15' wide? She didn't think they'd meet the turning radius on the inside of the T. This variance is being brought mid-Planning Board meeting, and they don't have the comments they need to review it. Jack said the use at this point is not changing from its current status. Sue said that people are being added to the road, and the fire department is going to have to serve those lots. The bigger concern here is that the fire dept doesn't have to back down the road to leave. Jack asked about the previous approval. Sue said it was what it was. She's saying they're adding lots that the fire dept will have to serve.

Ken asked for the location of the existing driveway to the tract, and Lisa asked where the T was. Jack pointed these out on the map. Jack said he wasn't sure if an additional turnaround at a point he showed was an option. Sue explained they have the option of improving the existing T or putting in a new T at the end of the tract they're creating tonight (tract A) at the end of the road. Jack repeated that they were asking not to widen that because the existing volume of usage wouldn't be changing beyond that point. Sue wasn't comfortable with a variance being brought to the Planning Board without fire department comment and the information they need to feel sure that they can serve.

LaDana asked Jack if they put the no access easement along tract B, the northern boundary. Jack confirmed, and there's a no access easement along the south boundary of B. Sue thought they'd also need a no access, if the variance were to be granted to allow the 16' width beyond the driveway, showing where the driveways would be.

Gale Decker said if the driveway was approved to RJ's house, which is at the very end of the tracts, if it was okay for fire at that time, he didn't understand the improvements for fire because

they're adding new tracts. Sue didn't think the fire department comment was solicited for that variance. It was at the very end, right before final plat, that the Commissioners varied that for RJ.

Joyce asked why the variance wasn't brought up until tonight. Jack said the idea came up after the application was submitted. John thought it was the turnaround that was the problem. Sue added that it was the road too. There should be legal and physical access to every tract in the subdivision. RJ's lot used to touch Canyon Mill Road. She described the lots of the prior subdivision: tract B, tract and tract 1-A. Tract B & A were one lot with legal and physical access from Canyon Mill Rd. That's where the road had to be built to tract 1-A. The recommendation from staff was to build to County standards, which was 20' with an appropriate T turnaround. Prior to final plat, RJ negotiated with the Commissioners to allow him to put in the bump-outs to allow cars to pass along the 16' road that was developed to tract 1-A. She wasn't sure of the condition of the T turn right now.

Public comment opened: None offered. Public comment closed.

Joyce said with respect to the variance, the record was insufficient, without data or reports. Sue thought the Board should review the application as submitted and reviewed by the Planning staff. She didn't think the variance should be considered. If the developer wanted to submit a variance between now and the Commissioners' hearing, the Commissioners would have to make a determination at that hearing whether or not the information was considered material content to send back to the Planning Board or not, and they'd have to make findings on that at the time of their review. John said the Commissioners could act upon the variance, then, at their review. Sue said if additional information was submitted and they make those findings. The staff report is based on what was submitted. It might be easy for this one, but in the future, letting that happen makes the process harder to defend in the future, if ever it was challenged.

Ken asked if he were interpreting pg. 9 regarding the Canyon Mills covenants correctly, that prevent this subdivision. Sue affirmed. Ken and Joyce were troubled by that. Sue explained the person who did the other subdivision is a party to this subdivision. Jack said the covenant was imposed by the Commissioners before the density map. They have the signatures to amend it to allow these tracts to comply with the density map, but needed notaries for some of the out-of-staters. Joyce wanted clarification on the covenants. Jack said the amendment to the existing covenants would occur before this one was filed, and there would be new ones for Fox Hill. Ken said as long as there aren't any direct conflicts between the covenants. Sue noted staff have made a recommendation that the new covenants address that they have to comply with the old covenants. They are still party to those other covenants. The other [older] covenants include lands that are outside this new subdivision.

Motion made by Fred Mueller to recommend approval of the subdivision with staff recommendations. Joyce Funda asked to amend the motion to include that there is no consideration of the variance that was discussed at the public hearing. Fred accepted. Lisa Dumontier asked to amend the motion to allow the existing approach on tract D to remain as it is. Fred accepted the amendment. Joyce asked for the record to reflect that the variance

proposed by Jack this evening procedurally could not be considered this evening. **Motion seconded by Lisa Dumontier. Motion carried, all in favor.**

MEGA VIEW MAJOR SUBDIVISION

Fred had to leave. He had no problem with the subdivision as proposed in the staff report.

Joel Nelson checked in with the Board and meeting attendees on the staff report. He recommended approval subject to a variance consideration for road width, and 50 conditions of preliminary plat approval.

On pg. 6, John asked if the guardrail was part of the conditions. Joel said it was part of the bridge condition #23.

Joyce confirmed with Marc that this parcel has 1 house on undeveloped land. John said this is 1 mile straight east of town. Joyce confirmed with them that this is an area with development. Lisa mentioned it's 5 acre density. Joyce asked about the public comment from Eleanor Hobbes, who was concerned about the number of subdivisions. Joel said she was directly north of proposed lot 7. He referred to a map. He added she might be referring to the Green Estates subdivision, which is at the NE corner of the intersection of Airport and Watson Roads.

Marc thought it was evident from the letters of comment that they're looking at the map, and not the Homeowners Association covenants or the buffer plan. They're looking at a piece of paper with a bunch of lots on it. Without the other documentation, you can't really evaluate it. John thought they might feel stunned because of the Udall Addition just north of and adjacent to the town. It's been there since the '70's, and it's a mess.

Marc referred to a recent subdivision in Pablo where 'stubs' were kept, which will be public streets some day. This one is outside of community growth, and he doubted these would ever be public streets.

Lisa asked if St. Ignatius wanted roads to 26'. Sue said the developers want a variance for road width, and the Town wants 26'. Joyce referred to the St. Ignatius Planning Board's concern about the availability of water for fire. Joyce thought the point was the subdivision should be storing water for fire protection. Marc's position on that was they had proposed cash in lieu [inaudible] and that is still their proposal. If this Board's decision is to grant the water storage capacity, then so be it. Another issue that he has is with condition #36, which puts the responsibility of maintaining and repairing the water supply infrastructure on the future owners of the lots. He thought this was an unreasonable liability to put on the homeowners. He thought the fire department should maintain it, since firefighting was exacting and precise, and the water better be there, rather than having the individuals play fireman and try to keep the tank full. Joyce asked if there was a way to compromise, with the infrastructure the responsibility of the developer, and the maintenance be the responsibility of the fire department. Marc said they would prefer to pay \$100 per lot. Sue said that this would not cover the cost of the cistern, so it would not be in lieu. Marc said they were extremely hesitant to accept a condition that could put liability of that nature on the lot owners, who might work elsewhere or be gone.

Lisa felt this was unnecessary and unfounded that they suddenly decide this is needed on a subdivision this close to town. Regarding the recent Pablo subdivision, the City's request for hydrants was complied with, but then the City was going to take over maintaining those. Why can't that be the case here? If the City is going to require it, they should maintain it. Marc reiterated his concern with the liability. Sue agreed the people in the subdivision wouldn't know how to maintain it. Ken said the water comes from the fire department water tanker dumping in two loads of water into it. Lisa noted they could also use the water somewhere else. Marc agreed if the facility is put in, it should be used broad-based for the community.

Lisa asked what the approximate cost might be. Marc guessed that it might be around \$10/gallon installed. Brad said this would come to \$55,000. He and Ken thought that sounded high. Ken thought it might be around \$20,000. Lisa thought that was a lot for a subdivision this close to town. Sue noted they don't have the water in town. For them to upgrade the water system to be able to provide the service here would be a big deal.

Clarence suggested that, given the \$100 per lot from all the subdivisions, the money could be used collectively to put in the subdivision. Sue explained that the fire departments report that the \$100 per lot barely covers the costs to review the subdivision. The \$100 isn't going to go towards infrastructure. John thought asking the city to put it in was asking the city to spend money so someone could have a subdivision. Lisa said that Sue's point was good that the concern is a shortage of water, and it's a new problem that they're addressing. This is a large subdivision with more impact. This could absorb the cost more than a small subdivision. The next large one in the area of need might have this recommendation again. Sue said they wouldn't want every one to have this, since they would have to maintain every one. They probably need them in key locations that are central to larger areas. John agreed this was an opportunity, but the maintenance has to be with the city.

John moved to the variance request. On pg. 5, the Fire Chief said that a 24' wide finished is fine with him, which is what the staff say on pg. 22. He was in favor of the staff recommendation for the variance being 24'.

Joyce asked, in terms of liability, how would homeowners be advised that they're not going to have enough water to cover their fire needs. Will the covenants or deeds include something that says the city of St. Ignatius doesn't have the water in case of a fire? Sue asked if people wouldn't pay \$2000 extra for the lot knowing there's a cistern full of water to defend from fire for their structure. Lisa agreed it was a selling point. Marc was concerned that this subdivision would pay \$20,000 and the next would pay \$100 per lot. Sue commented that they wanted \$200 per lot. Marc proposed they have the same problem with law enforcement and with domestic water, and they do a disclaimer letter following the subdivision, such as one saying law enforcement might not show up. Sue said they have to make findings that this will not impact public health and safety. If a disclaimer is put on everything, how much of a joke is that?

Ken said he'd read the report. He's one of the first people to speak up for the fire departments. They're saying they have sufficient fire flows for residential use. They don't have sufficient fire flows for large commercial buildings that are fully engulfed or for the school. They're running 480,000 gallons short of storage for what they'd need for fire codes for those. 55,000 gallons

doesn't help that. Also, [inaudible] out of a dry hydrant is extremely time-consuming. Without the pressure behind the fire hydrant helping to fill, it takes a long time to fill a fire truck out of a 2.5-inch hose connected to a dry hydrant. It would be faster to drive into town and hook up to a pressurized hydrant to fill their truck. That won't impact the storage need over the fire load capacity. He read that in 2030, the Town would not have sufficient storage to provide for domestic demand and residential fire flow.

Joyce felt there was an obligation to tell people who are buying land and building a home. There's a responsibility for some protection in the event of a disastrous fire.

Brad expressed an equity concern, where this subdivision has to come up with \$20,000 and the next one would be \$1100. Others agreed. Ken saw a problem in giving this subdivision a very large price tag for something that wouldn't help public health and safety, since that was the reason for requesting the tank. In his opinion, 5500 gallons out of a dry hydrant would not help public health and safety when you have a hydrant system 2 miles away. Lisa asked Ken for more detail. He explained it would take 20-30 minutes to refill the tender from the dry hydrant as opposed to quicker from the hydrant system.

Marc thought it was highly improbable that they wouldn't find more water for the increased needs by 2030. John suggested it might be more appropriate to increase the amount for fire protection required per lot with every subdivision. Sue asked if Marc had a proposal along those lines, about what he felt the fair share for these 11 lots might be for providing the fire department, based on other subdivisions that have occurred in the area recently. He agreed that \$100 was insufficient. Previously additional money was proposed for the fire departments and the Commissioners rolled it back. Sue thought it could be as a donation to help them deal with the water source problems. Marc said Sanders County does \$400 per lot. Sue thought the money goes right to the fire department. John noted the Mission Fire Dept runs off of a picnic and an auction. The subdivisions aren't paying their share. Clarence recalled that fire chiefs have asked for more money. One asked for \$250 per lot, and someone on the Board didn't like it. Sue thought there might not have been a clear need in that case. Marc said \$400 a lot worked out to about 25% of the cost of the water tank. He thought that might be workable.

Joyce asked if there was framework in Lake County for a subdivision having its own water storage for fire only for their use. Marc said no—an emergency is an emergency.

Motion made by Ken Miller, and seconded by Joyce Funda, to approve the variance as written. Motion carried, all in favor.

Motion made by Lisa Dumontier, and seconded by Joyce Funda, to recommend approval of the subdivision, with staff recommendations and to allow the developer to choose whether to put in a tank or pay \$400 per lot to the fire department (condition #35), and that if a tank is chosen, the infrastructure shall be maintained by the fire department (condition #36). Motion carried, all in favor.

OTHER BUSINESS

Sue touched on next week's subdivision regulation update meeting. It will start at 6 pm. Brad noted he would be late for the early start time.

Sue updated the Board on the Swan Lakers and Kootenai Lodge.

Brad asked if there was new information about the petition against the density map. Sue thought the deadline for the petition was the end of August. The Board discussed this briefly.

Sue mentioned the MAP conference. The MAP website recently was updated to include a draft agenda. She asked Board members to let her know if they are interested. The conference is local this time. The MAP website address will be emailed to the Board members who have email addresses.

Motion made by Ken Miller, and seconded by Lisa Dumontier, to adjourn. Meeting adjourned at approximately 9:45 pm.