

**LAKE COUNTY PLANNING BOARD**  
**December 12, 2012**  
**Lake County Courthouse, Large Conference Room (Rm 317)**  
**5:30 pm Continuation of Nov. 14, 2012 Fire Department Requests discussion**  
**Meeting Minutes**

**(Please note:** A separate set of minutes contains the Dec. 12, 7:00 pm regular meeting.)

**MEMBERS PRESENT:** Bob Kormann, Steve Rosso, Roland Godan, Jerry d'Aquin (no quorum), John Fleming (midway)

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

**Fire personnel present:** John Fairchild, Marvin Eaves, Mark Brady

Bob Kormann called the meeting to order at 5:32 pm. Minutes would be reviewed at the 7pm portion of the meeting. Fire personnel present included John Fairchild (Polson), Marvin Eaves (Ferndale) and Mark Brady (Swan). Bob introduced the continuing discussion regarding the fire department requests for subdivisions. Last month Terry Gore was here for the discussion, and the Board got some good information from him. The Board wanted to hear from more fire personnel. The Board had received different amounts for requests per lot per subdivision. They didn't necessarily have a problem with the amount. They would like it to be uniform throughout the county. The Board wanted to know the fire chiefs' concerns, what the Board could do to help them and where [inaudible].

Joel added there was more to it than just the money. Last time they talked quite a bit about the different comments that they received regarding road standards and the new subdivision regulations. He hadn't realized the fire chiefs didn't have the new subdivision regulations. Marvin asked for a copy for Ferndale. He gave his address as 100 North Ferndale, Bigfork 59911. He thought it was on the Flathead County side given the 3-digit address. Mark asked for a copy for Swan Lake. His address was 22770 Hwy 83, 59911. Jerry suggested giving Marvin 2 copies so he'd have one for Bigfork. Marvin said that one would go to Wayne Loeffler. (Editor's note: Copies were given to the chiefs prior to their departure for Ferndale, Bigfork and Swan Lake.) Joel explained that they were interested in hearing anything related to subdivision review and fire department.

John asked if his concerns had been touched upon at the last meeting. Joel replied that he tried to summarize these and thought he'd covered most of it. John said he based a lot of his assumptions on the old subdivision document, until roughly 2/3 of the way through the previous conversation. He was concerned with how they were doing roads. He needed a minimum of 20 feet. That was an NFPA standard. The roads had to be compacted properly because one of his rigs weighed 55 thousand pounds. If a bridge standard said 20 tons, he couldn't cross to service a community or subdivision. The older equipment weighed more but the newer equipment was longer. Some was custom-made in the districts. Sometimes equipment was how they could pick it up and how they could afford it. A cul-de-sac needed to have a minimum radius of 50 feet. Sixty worked best. Marvin said the standard in the fire code was 50. He mentioned the range of

60 to 90. John said most of his rigs were 33 feet long. Some hammerheads were put in at 25 feet, so it was really tough to turn around. If a cluster mailbox got put where they needed to back, that took another few feet away. Those were the types of things that John was concerned about. He noticed where someone was trying to put in a road with an 'S' at the entry end. He took a truck out to show they couldn't maneuver the tight 'S' curves, especially 12 feet. The trucks had big tires and big loads and when there were soft shoulders, they couldn't get in.

John was also concerned about driveway entrances. He didn't like canopy building up over it. He wasn't going to endanger the crew or the truck to drive in. There were some longer driveways they wouldn't go down.

The fee wasn't much for the number of visits he made to some subdivisions. He recalled a subdivision on which the Commissioners wanted him to sign off without visiting when he first became chief. He drove out there with an engine. The subdivision had been allowed to have an 18-foot entrance with two big gate pillars. He couldn't even turn off the road without wiping out the bumper. Those kinds of things had to be looked at. He needed a minimum of 25 feet. He needed to be able to turn off of a county road into a subdivision. If there was going to be a big pillar, they had to be able to get in there or he couldn't sign off and he couldn't provide service. He spent a lot of time inspecting, looking at things and driving out there physically to check things. He spent a lot more than \$200 and would like to see the fee upped. Some of these took 4 of 5 trips out there with trucks to make sure they could maneuver. He asked that the Board at least consider that. They needed one way in and one way out as a necessity, especially in the rural setting. With just one way in and out, they would be waiting on the county road to get in to help while the people got out.

Marvin introduced himself as from Ferndale, President of the Fire Board, assistant chief and fire marshal. They didn't have a lot of subdivisions or subdivision issues in Ferndale as far as road width. The county told the developers to use the county road width, which worked for him. He didn't have a problem with a 12-foot driveway if it had crush 2 base on it. For what they had to do today, \$100 wouldn't buy a tank of fuel. Their water tender had a 100-gallon fuel tank, at \$4 per gallon. The cost of turnout was almost \$2000. To him \$200 or \$250 was a fair price in today's economy. He'd rather see something along the lines of mitigation fees, which was what they had where he worked previously. He was a retired chief from California. They had 100 stations and 1500 paid fire fighters. He'd spend 32 years as a paid fireman. Half of the guys at Ferndale were retired firemen. He thought Bigfork had 4 or 5 retired firemen in the department.

Marvin liked it when he could walk the property with someone from the Planning Department. He'd done this with Sue [Shannon] and found that advantageous. He wondered how they could have control over the problem that arose when someone came in and built a really large high end large home. Did the Planning Dept know what size homes were being built on a lot? Joel said it depended on the zoning district. Marvin explained that they only carried 26-foot ground ladders. They didn't carry 36-foot ladders. Bob asked how high they could fight a fire. Marvin said that at Kootenai with the roof at 24 feet, they could get on it to ventilate the roof. On the Big Hawk project, they might not know a big home was there unless they stumbled onto it. It would be nice to know. Joel thought the most consistent way to do it would be through zoning. There was a group up there that wanted to implement more substantial zoning. If it were a conditional use,

you could have a certain size of house. Marvin said he couldn't dictate square footage. If he had an opportunity, he'd suggest that they sprinkler the house if they had a good water source. He said it would be nice to know when a home was being built. Roland suggested tying that into parameters such as size, square footage, water [inaudible] and especially height. Marvin agreed with that.

Mark mentioned that they were at the end of the line. When someone put up a 5000 square foot home, they expected the fire department to be able to put out a fire. The fire might have time to run. They depended on another fire department helping at times. Marvin didn't think a sprinkler system could be generic for everyone. Roland referred back to the issue of water flow.

John gave one example where he gave the person the option of either sprinkling the upper end up on the hill where higher-end homes were desired and/or the developer needed to put in a 10,000 or 20,000 gallon cistern up there, or a cistern needed to be put on both ends. The travel time for water would otherwise be significant for a 6000 square foot home. He was thankful in a recent fire for mutual aid on Hwy 35 with all the tenders showing up quickly. He'd had fires in town where it was the assistant chief and him. He had 40 volunteers.

Roland said this was about solving problems rather than the fees. He thought the requirements for a cistern addressed water better than a trickle of dollars. Marvin said if you conditioned a project with a 2000-gallon underground tank, people jumped on that. John said he hadn't seen that in this book. LaDana asked who would maintain it. That was where the discussion had come up with cisterns. The problem was the homeowners didn't necessarily want that liability. What happened when the fire department went out there, and the tank had no water? John said you could either hike up insurance rates or help out the fire department. LaDana explained the St. Ignatius fire chief consistently wanted cisterns. The agents for the developer repeatedly said it wasn't realistic since they had to be maintained once they were put in.

Joel and LaDana mentioned 4-lot and 2-lot subdivisions. Marvin said he wouldn't do [cisterns] on such small subdivisions. He looked at the project. For Big Hawk, they had a 10,000-gallon storage system. The fire department was paid by the Homeowners Association to maintain it and to go out twice a year to service it and test it. A developer, Plum Creek, said they didn't have the resources, staff or expertise to do [maintenance] and didn't want the liability. The fireboard decided that it was to the fire department's advantage to have [the tank] full of water, so they would do [maintenance] and charge a fee. They checked it twice a year to test the system. They take the water tender and make sure it's filled with 2000 gallons. On Carney Creek, they put a tank underground. The fire department maintained it. There was no fee in that case. There was a little flexibility between the fire chief and the developer. They wanted to make sure that if a homeowner had a house fire, there was a water source, since they had no hydrants. Water source was the lake or Johnson Creek or those kinds of sources.

Roland said there was no issue on the fee. There were difficulties if the fee got large like an impact fee and became something another agency might also want. The fee was a one-time shot. If the project included infrastructure, it was there year after year.

John brought up that they would ask for a 30,000-gallon fetch. Otherwise they wouldn't get credit for the cisterns. The magic number was 30,000. If homeowners associations were looking for something to help their insurance ratings, that was the number. Steve asked if it could be in three different cisterns. John affirmed, as long as they were within that subdivision. Steve asked what the number of lots might be that would require the first cistern. John thought this would be around 6 or 8, depending on the size of the home. If the homes were 6000 square feet, you'd need [a cistern] for around 6 [homes]. Roland checked that this was based on square footage instead of lots.

LaDana pointed out that typically when the planners see a subdivision come through, the subdivision regulations call for something like a 2500 square foot footprint be shown. It didn't mean that they would build that. The planners wouldn't know they were going to build a 6000 square foot home until they brought in a building notification application. At that point, the subdivision has already been filed. It wouldn't be possible to get cisterns out of them at that point. Marvin said prior to that, the subdivision was already sent to the local fire department for them to condition their needs. The needs would be conditioned on the number of lots. A lot depended on location. If the location was within a reasonable distance for the Swan River or a good-flowing year-round creek the fire dept could get to with a reasonable turn around time of say 10 to 15 minutes and you were only going to build 2 to 4 houses, he didn't think they needed underground storage. What he would do was to try to put standpipe in. He and Joel recalled where this had been requested, but they were going to have to get an Army Corps permit to do so. His point was that if he could put a standpipe on a river or lake, that was easy. A lot depended on location. This subdivision topic was a robust discussion at the Chiefs' Meeting on Dec. 3. Most of the chiefs hadn't heard about the subdivision regulations since the original draft had been worked on. What happened to their input? They didn't have the opportunity to give input on what they thought. [Editors' note: Fire chiefs were offered the opportunity to be informed when sections they were interested in specifying came up. Three parties with 'fire' in their titles expressed interest and were contacted when those specific sections came up.]

Roland asked about inserting parameters into zoning or subdivision regulations, and gave an example. LaDana said there were no regulations to regulate cistern or tank size. Roland asked about minimum sizes given in covenants, such as with Mission Bay. LaDana explained that those were private covenants, which typically the County had no authority to enforce. Roland asked if there could be teeth in the subdivision approval process, and explained further. Steve observed that a developer didn't know to whom he'd sell a lot. He thought that without a zoned area and regulations to dictate things such as home size and height, people could do what they wanted to do. The Environmental Health Dept should be included in this. When they got an application for a septic system for a home with 6 bedrooms, they ought to let the fire chief know. LaDana noted that within more recent subdivisions, building notifications were required. People discussed that this was after the fact of the final subdivision plat approval but prior to building. Jerry agreed that the septic system approval was the one place where the county knew something was being put in, regardless of where it was in the county.

Marvin checked if the Planning Dept would be aware if someone built a 10,000 square foot home on 20 acres. LaDana said they wouldn't necessarily be aware, unless they got a septic permit. Joel expanded that something would have to trigger the action for them to notify the fire

department. Usually with a septic permit, they operate under the wastewater regulations. The wastewater regulations contained something such that they could require the Planning Dept to weigh in regarding land use regulations. This would be adding another thing that would trigger fire department notification. Bob used the example of a 6-lot subdivision in a wooded area. The septic recommendation might look fine. If a home exceeded 6000 square feet, they could ask that it be sprinklered or that they put in a cistern. Could that be put in as a condition? Joel replied it would have to be based on review criteria. Bob thought that would be public health and safety. Joel said you would have to be tied closely to that criteria. It would help the fire chief to give a reason in their comments.

Marvin thought the thought process was good, as long as it stayed in the parameters of the subdivision. For him, he was looking at the big picture of what they dealt with in his district. Not everything was done in a subdivision or zoning. He thought if there were some closure outside of zoning areas that the fire chiefs could get some idea if a home was being built. He mentioned 4000 square feet was the cut-off for sprinklers in his other life. You had to look at what you had for a water source. For a cistern, you also needed to put in a pump. Once a house caught on fire, it belonged to a fire chief.

Title 13 of the MCA, regarding sprinklers came up. Marvin said a certificate would have to be issued to the state when a house was sprinklered. John asked who had access to that body of knowledge. Marvin answered that would be the state fire marshal. Bob compared it to elevators. Roland said elevators were inspected yearly whereas sprinkler systems were not. John said on this end of the county, there was one deputy fire marshal. The next one was outside of Missoula. There were only a handful of them, so he wouldn't rely on that. He asked if there was some way that the fire chiefs could be aware of big footprints coming in so they could see how they could get their equipment in there, if they could. There were places such as East Matterhorn where it was already tough for him to get a truck in. That road was very narrow.

Bob thought that some of this was communication between staff and fire chiefs. With the sprinkling or the cisterns, the Board was trying to say that the fire chiefs carried a lot of power for the Board. The Board read what the fire chiefs said and took it to heart. There were single-lot subdivisions that the Board didn't review, and the planners and fire departments would have to communicate. If a fire chief said to the Board that if a house was over some certain amount of square feet they wanted it sprinklered, the Board would probably go with that. The Board wanted to avoid amending the subdivision document right now, because that was a big deal. If the Board could cover it with review criteria, such as health and safety, then they had a basis. If a fire chief said he wanted something sprinklered in order to save firefighters and the person in the house, the Board had a basis to say yes to that. Jerry thought they also needed to consider comments on the roads and so forth. They could be more rigid on that with the fire chief support. Steve rephrased that when a fire chief got a chance to review a subdivision proposal, the chief needed to put those things in the written letter. The chiefs agreed that they did this now.

Steve returned to the fee. One of the opportunities of the fee was to support the chief's subdivision review. The Board's thought in some discussion had been that the fee was somehow supposed to upgrade the fire department's capability to handle more residents as lots were added.

That could be part of it. It was good to understand that there were also costs to the fire department in evaluating the subdivision and in going over the plans and driving out there, maybe a couple of trips. If the developer complained about an increase in cost, it helped if the Board knew what was going on.

John thought they were talking about two different things. The Board looked at the plan and said yes or no. For the chiefs, when you talked about replacement schedules and that kind of stuff, that was an impact or infrastructure issue. Those were two totally separate things. He personally thought this was a review fee, but \$100 wasn't palatable. Roland thought review fee was a better terminology. Other organizations didn't do that kind of review. Marvin said that was the planning and engineering on the fire side. They reviewed plans for commercial complexes or high rises and there was a fee associated with that. There was a fee for every time that inspector went out and inspected that project. Bob referred to Terry Gore's comment last month that there wasn't much you could buy for \$200. Roland thought mandating a setback from the road would help the width problem. His gateposts were 20 feet apart but they were also 20 feet in from the road. John said he wasn't opposed to that. Eighteen feet right off the county road was something he couldn't get his truck through and he couldn't provide service or sign off on that.

Steve said the developers were looking at driving surface on road requirements. That was where their cost was. It might help to separate the driving surface issue with the clearance issue. On a driveway, it was probably okay to have a 12-foot driving surface after the approach as long as there were 18 feet of clearance. Marvin said that he had 16 feet at his place, but his fence line was set back. Steve said when the chiefs responded to proposals, it would be better to say a 12-foot driving surface was fine as long as there was 18 feet of clearance, if that was acceptable. That would be a lot more palatable with the developer. John responded that he wasn't opposed to a 12-foot driving surface. The big thing was that on a roadway, NFPA standard was such that if he had to bring a ladder out, he couldn't put his downriggers out on a 12-foot. He'd be on the soft shoulders. If there was a 3-story house, he couldn't do it, so it had to be a 20-foot driving surface on the main road. He was okay with a 12-foot driveway, but they had to have a good, solid surface.

Steve asked what kind of clearance they needed. John said he was okay with 18 feet, or 16 feet. They had a lot of places where there would be a fence right next to it, and a ton of trees, bushes or shrubs, where they'd be smacking the rear axle or the paint on a \$300,000 piece of taxpayers' equipment. He made sure his fire hall was open for the taxpayers to see.

Roland asked something about the distance from the road to the home. Did the compacted surface have to be a certain width? Marvin asked if they were saying a driveway had to be asphalted. Crush was fine. For a driveway, 12 feet and crush were fine. Roland asked how wide the driveway had to be for travel. Marvin said once you got through the fence, if it was open, that was a non-issue, but you needed some kind of hard surface to get up close enough to the house. Joel said you wanted the driving surface defined. You didn't want to suddenly be on top of someone's drainfield.

Joel returned to the review fee question. He pointed to pg. 7 in the new subdivision regulations under the section for required public agency service provider utilities comment contacts, which

said entities may request a review fee not to exceed the amount adopted in a fee schedule adopted by the Board of County Commissioners. If they were talking about a review fee for review of these subdivision proposals, not the impact fee, they could talk to the Commissioners about adopting the fee schedule. It didn't limit the amount. He thought it would be based on the number of lots. Marvin added the number of inspections might be a basis. John said he'd argued with the Commissioners a few years ago, trying to get it raised to \$250. He decided then just to submit requests at \$250 to see what would happen. John Fleming thought calling it a review fee was critical and made it easy.

Steve thought this was an opportunity to divide the fee. The \$250 fee could be \$150 for the review and \$100 for something else, if the Commissioners had trouble with it. He asked about the Planning Dept. review fee for a subdivision. Joel described steps and fees in the process, starting with the \$250 preapplication. The review fee for the subdivision varied. For a 6-lot major subdivision, it would be \$750 for the preliminary plat review fee plus \$80 per unit, so \$750 plus \$480. Steve felt it would be hard to justify paying the fire department more for their review than the Planning Dept. They might be able to get around that by saying a certain amount was for review and the other amount was for infrastructure or fire department improvements or something like that. John said he would say improvements. LaDana suggested maybe they should be separate, where there was some kind of review fee and then some kind of infrastructure money. John Fleming said the problem was you got the fee one time and then it was gone, but your expenses weren't done. Jerry saw it as a review, and part of the review would be to say in addition to the review fee, you needed to put in a cistern. That would be something that was separate. LaDana said a review fee might be beneficial since there were times when subdivisions didn't reach final plat. John acknowledged he had some of those. Although he was glad to do it, he had to put in extra time to do this, and \$100 didn't do it.

Bob asked what the best way was to get this approved by the Commissioners. Could the Planning Board make a resolution tonight that they thought the review fee should be a certain amount? Joel checked that Bob referred to the review fee referenced in 2.C of the subdivision regulations. Bob confirmed. The impact fee should probably separate. Steve said for a review fee, the planners got just \$80 per lot. Joel mentioned the base \$750 fee. Steve said that fee went to the County. Marvin said the \$250 would help pay for the phone bill, fuel for the rigs and replacement safety gear. He gave an example where they purchased a used truck and built what they needed for \$90,000 and saved Ferndale taxpayers \$100,000. The County Commissioners hadn't been supportive of more than \$100 in the past. John didn't think the Commissioners realized what a fire chief did for that. Steve said the problem was the developers would complain about how high the price was, and the Board didn't have an answer. (The group conversation was briefly multi-layered.) Marvin said he was a firm believer in mitigation fees. Whatever fees the developer paid got passed on in the price of the home. He didn't have a lot of sympathy for the developer. Roland said they were looking for good arguments to defend this. The answer was that the fire dept. was a volunteer organization and didn't have expenses covered. That was the argument to use to justify fees, which was what they were looking for.

Steve wasn't sure how hard it would be to justify \$250 per lot review fee. It might be easier to divide the fee with an amount up front and per lot after. The review fee might be dependent on the number of lots. It might be easier to divide it. When there were more homes, there were

more costs. Mark noted their budget was \$14,000 yearly. Roland commented that if a rental fee of 1% was charged for a \$300,000 machine, that would be \$300 per hour. They could list the equipment involved and justify the fee. John wasn't sure you could do that with county-owned equipment. Jerry liked the approach. Marvin spoke about the concept and Kootenai Lodge.

John thought the chiefs were asking for fairness in how the Commissioners went about it. The Commissioners wouldn't budge from \$100 when he had his argument with them. The Commissioners needed to understand that the chiefs weren't doing this to make money. They were just covering some of the cost, since \$100 to go out with a piece of equipment and take a look was more than that. Roland pointed out it was the amount per lot, and John agreed. Jerry suggested \$100 plus fuel costs or mileage. Roland thought a private evaluation firm would charge several thousand dollars to come out and inspect something. John liked where they were heading. He asked that they get a fair number. To him, the dollars were a small piece. He wanted them to look at the bridges, turns, streets and turnarounds. Those things were important. He saw some changes in the new document, but there were still things, such as the bridge and some of the road stuff. He appreciated the group's time and thanked the group. The service the chiefs provided was just as important to them to serve their communities as what the Board members were doing to serve their communities. Roland wondered if the Commissioner resistance was because this wasn't spelled out to them. It made sense to the Board. Marvin thought the bottom line was more where they didn't want to soak it to their people and they wanted to do it their own way. That was true to a point, but it wasn't 1940 or 1960. The priorities changed and the cost of doing business changed. It used to be you volunteered to be a fire fighter because you wanted to save Bob's barn. Now the fire chief of Ferndale or Polson had the same liability and responsibility as the fire chief of L. A. County or City. If they screwed up it was an automatic \$250,000 fine. He talked about the statutes and guidelines they worked with. Nine times out of ten, the things they had to do were unfunded mandate, even in the volunteer community. He charged \$40 per hour for the consulting work he did for developers, and that was pretty cheap.

Steve guessed that one problem for the Commissioners might have been the sudden change, not whether or not \$250 was appropriate. Joel said the main concern was impact fees. The Commissioners thought that upping the fee to \$250 would create resistance and challenge over adopting impact fees without a study. He was concerned about the Board suggesting passing a resolution tonight with a number for a review fee to put forth. He thought they should look into this more for adopting some sort of impact fee. Staff could work with the fire chiefs, the Commissioners and this Board to come up with something workable. Roland suggested a session with the Commissioners, the Board and the staff. He had met with the Commissioners every week for 2 years. What he was hearing didn't sound like the folks that he knew. It didn't make sense to him. John Fleming thought part of it was sticker shock. The same thing happened with property taxes. If you waited 6 years to reappraise, people were shocked as opposed to going up a little bit all the time.

John cautioned about labeling it an impact fee. He perceived that they were doing a review, not an impact. The impact was much greater. Jerry said he would go further and say they were doing a review and approval. Marvin noted that if you said approval, the developer would hear that if they paid the money, then it was approved. Review seemed like the appropriate

terminology to him. Steve asked for an idea of how much time in man-hours was involved. Marvin said if they were testing a cistern, it would be a minimum of 3 staff and a truck. If it was just an inspection, he would go by himself in his car. It depended on what they were doing. For the Kootenai Lodge system, he was probably there for a half day to explain he needed. It depended on the size of the project, who you were meeting with and what the issues were. A simple 3- or 4-lot subdivision might take about an hour. A larger project often involved more with the developer or meeting with project staff. John talked about one where he estimated well over 12 hours with one developer who was considering subdivision. Joel added it was a 75-acre property in 5-acre density, and he thought the developer wanted a bonus. This had a pre-application 3 years ago and he hadn't heard about it since then.

Mark said he like the proposal of a base fee and then a per-lot fee on top of that. It was fair to the small guy as well as the big guy. Steve asked if there was a typical travel distance within a district. John listed that he had 200 square miles in his district. It just depended where the project was. Steve asked how much driving was involved for the farthest one. John said it was 12 miles one way. Roland asked about fuel usage. Marvin estimated he got 6 miles a gallon for a tender. John said the cruiser was supposed to get 17 miles per gallon.

Bob mentioned the Board was informed at the last meeting that Sanders County got \$500 per lot. Steve thought that was an impact fee. Bob agreed. Whatever you wanted to call it, the basic point was you couldn't buy much for \$200. With the fire chiefs' experience, the Board was asking for their input for a subdivision. If the fire chief said there was no way a hammerhead would work, or that the curves were too tight, the Board would address it. They wanted to make sure the fire chiefs knew the Board took what the fire chiefs gave them in the reports seriously. One of the review criteria was health and safety. If the fire chief brought up a question about it, the Board would address it.

The fire chiefs thanked the Board and the Board thanked the fire chiefs.

(6:50 p.m. break, prior to the regularly scheduled Lake County Planning Board meeting. The minutes for the regularly scheduled meeting have been written as a separate document.)