

**LAKE COUNTY PLANNING BOARD**  
**May 13, 2015**  
**Lake County Courthouse, Large Conference Room (Rm 316)**  
**Meeting Minutes**

**MEMBERS PRESENT:** Bob Kormann, Sigurd Jensen, Janet Camel, Steve Rosso, Rick Cothorn, Roland Godan, Bob Stone, Steve Shapero

**STAFF PRESENT:** LaDana Hintz, Robert Costa, Lita Fonda

Bob Kormann called the meeting to order at 7:02pm.

**Motion by Steve Rosso, and seconded by Rick Cothorn, to approve the Nov. 12, 2014 meeting minutes. Motion carried, 6 in favor (Sigurd Jensen, Steve Rosso, Rick Cothorn, Roland Godan, Bob Stone, Steve Shapero) and two abstentions (Bob Kormann, Janet Camel).**

**CARNEY CREEK RANCH AMENDMENT ( approx. 7:04 pm)**

Robert Costa presented the staff report. (See attachments to minutes in the May 2015 meeting file for staff report.) He noted additional comment received from Fish, Wildlife and Parks (FWP), which had been handed out (see also in the May 2015 meeting file for handout). This echoed the original letter from FWP with additional detail.

Steve S asked if the relocation of the house left enough room for the septic. Robert thought the applicants' agent, Johna Morrison of Carstens & Associates, might touch on that when she spoke. Robert showed Roland on the second map where the building envelopes would be. The one-acre park was common area for the subdivision. Steve R asked about covenants, building envelopes and setbacks. Robert said a building envelope should show where building could be allowable. He read the setback of 100 feet from any boundary line from the covenants.

Johna Morrison from Carstens and Associates commented as the agent for the applicants. One reason for the building site move was the original site platted was about 2 feet above the wetland area. Her concern was groundwater under the foundation of the house. The site they picked was closer to the lake and 14 feet higher. For the drainfield site, they would probably have to pump 300 to 400 feet from the house. They looked at alternatives but the soils had a clay layer that pushed the groundwater up so they went back to the designated drainfield site. An engineer would design that so they had the right amount of pump pressure. The owner was rather excited about the loons and did not want to impede them. The timeframe for building a house would not be a problem. She'd drawn the building envelope a little larger thinking the driveway might get a little larger but that wasn't a problem. She wasn't far off that setback.

Steve R checked that the driveway wasn't on the easement for the common property. Johna affirmed. It was more cumbersome to use the easement. An internal road structure would be best to get back and forth to the garage. Robert added that staff concern was if they HAD proposed to use the access easement to the parkland.

Bob K confirmed with Robert that there were the normal weed restrictions. The driveway would take a lot of fill and bring in a lot of weeds. Johna mentioned to Steve R that the contour interval was 2 feet. Johna acknowledged Bob K's long service as a Planning Board volunteer.

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

Steve R checked about a tip of the building envelope that might need to be cut back to get the 100-foot setback. Robert said it was minor; there was more than one. Johna said they had no objection to doing that. [The area] was amply big enough for the structure. Roland thought the project looked tight.

**Motion made by Steve Rosso, and seconded by Rick Cothorn, to recommend approval of the subdivision amendment including findings of fact and staff recommendations. Motion carried, seven in favor (Bob Kormann, Sigurd Jensen, Steve Rosso, Rick Cothorn, Roland Godan, Bob Stone, Steve Shapero) and one abstention (Janet Camel).**

#### **CONRAD ESTATES AMENDMENT (7:25 pm)**

Robert Costa checked that board members received the memo emailed earlier. It also had been handed out to the Board. He presented the staff report. (See attachments to minutes in the May 2015 meeting file for staff report and memo.) This amendment was proposed for a subdivision with preliminary approval that had not yet been filed, so they were working with an approval done under the 2007 subdivision regulations. Robert presented the memo and staff report.

The Board asked for clarifications as the staff report progressed. Roland asked for a summary of what was being done here. Robert said they were looking at a number of things. Originally there were 87 units proposed for a rent or lease situation. Condos were involved. A physical lot layout change was proposed and the phasing was incorporated. It was significant to require proper public review. Roland thought it wasn't a dramatic shift in usage and so forth. Robert said in a lot of cases, impacts were reduced and it was cleaner. Roland said it looked mostly like consolidation of things and allowing the rules from the initial decision to be applied through the whole project. This was homogenous land. It seemed like a formality. Robert said you could look at it as a formality. It was a big change. This conformed to existing development.

Roland said it would be impossible to really understand all of the original pieces. They would have to make a decision based upon it being done right in the first place. Robert described that the staff report was changed to be like a staff report for a new subdivision. They could treat it in the same way. LaDana said it was weird because they were stepping back in time and coming forward again. With changes in the market, the developers couldn't make this work. They were going back and trying to make something viable that they could work with over time rather than losing the whole approval. A lot of investment was made to go through review. To lose an approval at this point and have to start over again was substantial, in terms of time and money. They were trying to work with the existing approval. Roland said the homework had been done already. This was refreshing it. LaDana noted the Board typically didn't review 87-lot subdivisions. Bob said they wouldn't if they didn't keep going.

Robert continued with the staff report. He listed the phases that matched with the colors on the road detail sheet. Phase 1 had no roads. The wireless cell tower would go in the upper left corner. Phase 2 was yellow, phase 3 was orange, phase 4 was purple and phase 5 was green. Phase 6 was pink and would complete Conrad Loop. He highlighted the idea that the findings and conditions the Board was amending today would become the overall guidelines for the different phases.

Bob K asked a series of short questions to which Robert responded. Sidewalks were proposed. The Homeowners Association (HOA) would have the responsibility to maintain the common areas per the covenants. The roads would have grassed vegetated swales to manage stormwater rather than gutters. LaDana added that was subject to DEQ (Dept. of Environmental Quality) approval. Robert said the school bus stop would be in common area #6; wording in light gray on the plans indicated the waiting area. Mail delivery would occur at the post office, and Robert read from ILL on pg. 16 of the staff report regarding details. The HOA would also maintain the irrigation lines and streetlights. He wasn't sure if streetlights had been proposed at this point.

Bob K pointed to the subdivision across the highway, east of this subdivision, with lots of kids. He didn't know whether it had lighting. LaDana commented the lighting seemed to be on the structures themselves. She didn't know if they had actual streetlights, nor did Bob K. Bob K asked how the establishment of a HOA happened. Did new owners automatically become part of it? LaDana explained a requirement was the developer had to establish it at the time of final plat. As lots were sold, the buyers became part of the HOA. Bob K asked about details of who did what. LaDana said that was usually written in the covenants. Robert pointed to the copy of the covenants in the staff report. In article III (starting on pg. 3 of the covenants, [which followed after pg. 29 of the first section of the staff report]), the responsibilities, what they would provide as far as services, how each lot would be assessed for maintenance costs, association manager, rules and regulations and bylaws were discussed. Bob asked if they would have a board. Robert thought it would essentially be a board or something like that.

Janet noted enforcement was by the homeowners. If someone chose not to pay, would they have to sue each other? LaDana said they'd file a lien against them. Janet asked how successful that was. LaDana said she saw some HOAs downstairs pretty frequently, recording with the Clerk and Recorder. Janet asked if they were usually in a low income area like Pablo. LaDana didn't know. Janet explained her concern was they might not have the funds to continue maintenance of the roads. They might pay in initially. She was concerned and amazed that a density this high was approved so long ago.

Janet was concerned about sight distance triangles at the intersection for Conrad Loop. The setback from the highway right-of-way seemed insufficient for a good sight distance triangle for lot 17. The speed tended to go higher as you got north of the post office on the old highway. The sight distance triangle was somewhat dependent on traffic speed. This was a safety issue to consider. They had to get approach permits for these roads so hopefully [sight distance triangles] would be considered. LaDana confirmed with Robert that the road supervisor had looked at these, since he reviewed it for safety. He'd already been out there to look at them. He usually did that before he submitted comments.

Janet brought up parking and setbacks. Could these lot owners opt to fence their lots? She thought that 12 feet between the building area and the property line would be difficult for firefighting. LaDana observed that the current subdivision regulations had 5-foot side property line setbacks. Those weren't in the regulations back then. She didn't think they could impose a higher requirement than the County recognized currently. Janet replied she was concerned that this was pretty tight for public safety. Robert thought that was fair. He noted the reviewers included the Ronan fire people. They looked at this and said things were good and mentioned hydrants.

Janet asked if the Pablo water system allowed for 1000 gallons per minute in the flow from the hydrants. Robert said that would be a question for them. Janet explained they had minimal storage right now and were adding another storage unit. They told her personally that they needed to add at least two more storage tanks to meet fire code. That was a concern with density this high. These homes were close together. They didn't see this type of density across the street. She had concerns because of the high density and safety issues.

Janet said it appeared there was no on-street parking because of the drainage swales. Wasn't that required by the subdivision regulations? Robert said it wasn't required in [the 2000 subdivision regulations]. Janet calculated that each lot was less than one tenth of an acre. She asked if the County sheriff said they'd be able to provide law enforcement to these homes. Robert replied that comments received in both 2007 and 2015 both indicated they could serve it. Janet said they typically didn't respond in Pablo. Usually the Tribal police responded. Robert said they were relying on the emergency services providers and the utility providers to make comment. Those providers were saying they could do it. Janet said she was sharing what she knew. She asked Robert about the timing of the phases. Robert said it was up to the developer as they proposed. The overall plan could be extended indefinitely. This was true of each phase. Janet checked about the road surface. Robert said it was chip-sealed.

Robert clarified that this subdivision was done in 2007. The Density Map and Regulations went into effect in 2005. This was a community growth area so the density was based upon what your proposed connections were. This complied, both then and now.

Roland asked about the sequence of payment for the \$100 per lot that would be paid to the fire department on pg. 15. Robert replied it would be paid based on the number of lots in each phase, prior to the final plat approval for the phase. What [the developer] would get right now is a preliminary amended approval. When they were ready to plat phase one, they would need to show proof that \$200 had been paid to the fire department. Roland thought on pg. 16 that Allied Waste was now Republic Services. Regarding the state building code permits mentioned in the last paragraph on pg. 19, he asked who inspected and enforced these. Robert answered this was through the Helena office of the State. The only [state permit] that would be applicable in this case was the wireless tower. In the 2007 approval, they had to do building permits for the condominiums, triplexes and the type of lots that the state building code considered commercial.

Roland asked how quality was created when there was no enforcement. Robert said it was enforcement of the state rules. Roland noted the state didn't inspect residential. LaDana said the

County deferred to the State for inspections of plumbing and electrical for residential stuff. The County didn't have a building inspector. The group discussed this further.

Roland moved on to pg. 25 and the privacy fence item, #20. The specifications given for the fence had been removed. He was concerned this was a loophole where someone might put up just a piece of caution tape. Developers or builders building for spec would latch onto this stuff and do the minimal. A homeowner hiring a contractor was a personal relationship where the quality was much higher. This sort of thing caused the homeowner to get the short end of the stick with quality. Robert wasn't sure why the planner had been so specific about what the fence had to look like. The regulations didn't have that specific requirement so it didn't make sense to the planners to be that specific. From a common sense perspective, if you did a Google search of privacy fence, it was pretty clear what one was. He dealt with this question before. Because it was a condition to be done prior to final plat approval, staff had to inspect that it was done. A caution tape fence wouldn't be acceptable. It would be a privacy fence something like what you would see if you did a Google search.

Steve R checked that the point [of the fence] was for safety. He thought of a privacy fence as a solid one that you couldn't see through. Wouldn't a quality chain link fence provide the safety? Robert said it would but it wouldn't block the views, which was one thing a privacy fence did. He showed the location of the privacy fence on the map. To the north, it prevented access to the gravel pit and various equipment. It ran along the western side, where the railroad lines were. It might not make as much sense for the eastern side. In that case, they were trying to prevent encroachment of residential development into the common areas. Steve R thought it might be good to be able to see through the fence for the sight distances on those corners. Robert suggested this could be tweaked.

Steve R referred to the discussion in the staff report that common areas by the roadway and platted road lots should be established upon the filing of phase II. He checked that the builder didn't have to have all of the roads built at that point and delved for more road detail. Robert clarified the platted lots in which the roads would be contained would be established at phase II. That way, nothing else could occur in those areas. That area would be dedicated for use of the roads as part of the plan. The roads could be built in each phase as they proposed it. He called them road lots because this was a little different than right-of-ways. The roads inside the subdivision were private and privately maintained. To say 'public' meant county maintained. The roads would be dedicated to public access but would not be a public road; Lake County would not maintain them. Rick checked about the road surface and chip sealing. Robert said subdivision regulations addressed these kinds of roadways.

Steve R said the developer, as the initial owner of the lots, had to make payments to the HOA until the lots were sold to someone else. He didn't see a problem funding the HOA and the maintenance that the association was required to do. Robert referred to pg. 3, article II, section 2 of the covenants attached to the staff report where voting rights were discussed. He read from that section. Steve R referred to pg. 11, article VIII, section 1.e on lighting, which he read.

Janet referred to VIII, section 1.c on pg. 11, which said no structure shall exceed 30 feet in average height. The Pablo Volunteer Fire Dept. didn't have the boom to get up 30 feet so she

was concerned about the height. In areas like this, you often saw 20 or 25 feet as a height restriction in areas like this. She knew the fire department looked at this. She asked if the covenants could be amended. Robert said it was part of the proposal so if something mitigated what was going on or was supported by state law or subdivision regulations, it could be looked at. Janet recommended looking at that, just for safety.

On pg. 24, Janet noted that Robert mentioned the 2007 subdivision regulation didn't have on-street parking requirements. In #14, a crossed-out condition called for on-street parking. LaDana explained the developer proposed a figure eight roadway through there so they couldn't have on-street parking. Some of the roadways were actually one-way. LaDana showed the proposed road plan. The planners looked at that and saw how it matched the subdivision regulations. Roland checked that the language struck in #14 about the parking was the developers' proposal. Robert said [the developers] weren't proposing it anymore and it wasn't a requirement of the subdivision regulations. There wasn't a reason to keep a prohibition of on-street parking since it didn't seem to be a concern now.

Janet asked why on-street parking didn't seem to be a concern. She wasn't trying to prohibit it. Given the design shown, where you would be able to have parking? LaDana said the planners were saying the same thing. It was going to have to go through DEQ review and be approved, for starters, for the stormwater swales. If they had stormwater swales there, they probably couldn't have parking there. The parking might trample down the stormwater swales. People were required to have two parking spots on their lots and would have to park there. Janet asked where guests would park. LaDana pointed to extra spots. Janet asked if they usually required one guest parking spot. LaDana said no, this was why the extra parking areas were proposed in various places. Janet didn't think there were very many. LaDana suggested the Board should come up with a reasonable number if more were needed. Janet thought it was reasonable to have one guest parking spot per lot. Most homes had two cars anymore. LaDana asked if there should be 87 extra spots. Janet replied that people didn't walk much anymore. You had to allow for that additional traffic to avoid blocking the roadway. She asked if this had been considered. Roland said they would park in the soils. No one would use the parking spots and walk. LaDana agreed that they would use the soil. She didn't know that 87 parking spots were the answer. You didn't want giant parking lots. You wanted to have common areas. Rick asked if covenants contained something for vehicles being stationary for any length of time. Concerns had been expressed that this might be lower income housing. It wasn't inconceivable there would be vehicles that became stationary for periods of time.

Rick asked if the covenants became null and void if they weren't kept up. That was the case in other states. If the HOA became defunct, would the County absorb the exposure and liability? LaDana replied no. There was usually a clause that said how long they were effective for and then they renewed. Usually it was written in that they renewed automatically.

Johna Morrison of Carstens Surveying thought there was something about you couldn't have things parked on the street. If you had a boat or motor home or additional vehicle, it had to be parked in the open space areas designated as parking or parked somewhere else. Robert thought they actually prohibited the parking of RV's and boats in those little spots. LaDana said when she initially discussed the proposal with Marc Carstens, he said if they had boats and such they

needed to store, they could rent a place at the storage unit to park them. Someone pointed to pg. 14 of the covenants and the parking criteria there. Robert said for most HOAs, if there were unsightly cars sitting around, they would be active enough to say something. There tended to be people who loved to enforce the requirements.

Bob S reported an experience with covenants where someone bought a lot so he could have a back door for his adjacent subdivision. A lawyer had been the developer and said if you didn't sue in court, that part of the covenants would be null and void. This was in Flathead County; was this State law? Bob S said his point was these covenants could disappear over time. Was the County going to take over maintenance of the road or other parts of the common use items? He didn't know how many people would want to go to court. Robert said these questions could be asked about every subdivision that Lake County reviewed. They relied a lot on road maintenance agreements that would be enforced by a common entity like a homeowners association. Irrigation associations would have similar requirements. They relied a lot on these kinds of entities doing what they were supposed to be doing to address public health and safety. As to whether something fell apart in 20 years if they didn't renew, that was a question for the Commissioners. It would be ultimately up to them. He didn't think the County would be interested in doing that unless there really was a public interest. It was an important question.

Roland saw failure in management and maintenance of this infrastructure as proposed. He didn't think this was a reason to not improve it. There were incorporated cities here with police departments, building inspectors and maintenance supervisors, and little was being done in environments where there was enforcement. This proposal presented that same incorporated city environment and proposed services with nothing to back it up in the long run. Janet summed up that it was an unincorporated town. Roland said there would be no enforcement with horribly small lots.

LaDana said the reality of this was that if the Board didn't want to approve this tonight, they went back to the 2007 approval that was already in place. Roland said he wasn't suggesting that.

Bob K asked if Robert could show on the map how a person in a wheelchair who didn't drive or a child could walk to the post office and get the mail from lot 9 in phase II. Robert said they'd have to utilize the common areas. You wouldn't have to go in the right-of-way. Staff recommended these be fenced to prevent encroachment from the residential lots. Bob K said there were no sidewalks shown. If he was in a wheelchair and wanted to go to the post office, what happened when he got to the west side in an area he indicated. Was there a swale there? Johna said there were sidewalks internally. Bob K asked how he would cross the swale in his wheelchair. Johna thought they'd probably have to build it so that he could actually get to the street. There wouldn't be a long continuous swale everywhere. Bob K pointed out if there was a sidewalk along the common areas that went on the east side of the subdivision, you could get to the post office. Johna said there was quite a bit of sidewalk from the post office heading north. She couldn't say where it quit. Bob K said this would be important to him, if his grandmother lived there. Johna noted that if she was a kid, she wouldn't walk on the sidewalks.

Rick asked about the protocol for keeping an approval in effect for this period of time? LaDana said the approval in 2007 was probably for 3 years, with a one-year extension possible. State

law changed in 2010 to accommodate subdivisions that couldn't get finished. Now the Commissioners and developers can agree to extensions. Typically those have been three years. The Commissioners have elected not to sunset them, given the economic downturn. Some did drop their approvals and did not extend.

Janet checked that DEQ still had to review the stormwater plan. LaDana said DEQ approval was in place from before. Since it had been so long, they had to go back. Janet mentioned the design also changed and LaDana agreed. Janet thought a typical driveway was 12 or 14 feet wide. The swale would probably be half the lot width. LaDana said swales didn't make sense to her. Janet said you'd have to put culverts underneath the driveways. The soils perced pretty rapidly in Pablo. Robert thought Janet's thinking was on the right line. Staff considered that swales might not actually happen. Curbing, guttering or redirecting some way might be required. That was up to DEQ requirements, not [those here]. LaDana highlighted another unusual thing. Swales were proposed on every lot to manage the stormwater. In a residential subdivision that's this dense, it didn't really make sense to put all that water in a little storage area in your back yard. Usually they'd use infiltrators underground. Janet said the infiltrators would be pretty expensive. That would be DEQ.

Roland asked for a sense of the lot widths. Steve R read 43 x 95 feet. Johna said there wasn't a typical lot size. Steve R looked at the drawings of typical lot A and typical lot B but he didn't see lots marked A or B. Robert clarified they were seeing some concepts about how development could occur, keeping in mind someone could buy two lots and develop a townhouse.

Steve R asked if Tower Lane was in the old plat. Johna thought they had to change the road names. Steve R read where phase VI was residential lots 33A through 44B. There was no 33A or 44B. Robert said that was something they needed to accommodate. When they first sent this to the County, they essentially had 34 lots that were differentiated A and B, which staff had them change. Steve R wanted to make sure people were aware the text on the edge didn't match what the drawings showed. Robert said ultimately that would go away and it would probably look more like the irrigation plan without [inaudible].

Janet noted for the record that she worked at the Tribal Complex and the side streets between the old highway and the Tribal Complex weren't plowed in the winter. When you had a huge snowfall, ambulances wouldn't get down these streets if the homeowners didn't maintain the streets.

Johna Morrison of Carstens and Associates spoke as the agent for the project. As far as the A and B lots, they had been working on this project since October. It had been a lot work on little things that made a big thing. Some things got missed, like the A/B lots on the side. She knew there were questions on covenants. Montana subdivision law didn't require you to have covenants. That was something Lake County had. You couldn't make people take care of their houses or roads. The hope was to get people in who had pride of ownership and would take the wheel and create a homeowners association and work with it. She was involved in two different homeowners association and things didn't go unnoticed. Someone was willing to take the ball, regardless of the price range, to try to get something fixed or worked out or done. The nice thing

about this subdivision was the developer would hold the subdivision for quite a while. He would maintain control to probably about 80% build out, to make sure things were moving smoothly. It would probably be 5 to 8 years in the best of markets, and they would have a lot of these things worked out and the homeowners association working pretty effectively.

Regarding RV spaces, she said these were low income houses. She was a business owner as well as a planner and the people who worked for her who would be able to afford these homes shared a car and made it work. She didn't think they'd see 2 cars in the driveway and 2 in the garage. As far as parking on the road, that was an oversight. She hadn't thought that people would park on the roadway. There were covenants to address parking of trailers, motor homes and the like on the roadway where that couldn't happen. Those had to be parked in the designated spaces for that sort of thing as well as overflow parking. She wasn't saying it wouldn't happen. Her experience with homeowners associations was that as soon as somebody parked a car on the side of the road, someone was out there telling them to move it. She was concern about the implication that low income meant there would be junk vehicles and trash. Everyone had to start somewhere. She recalled her first purchased place, which was in a junky trailer park. Once she cleaned her place up, it spread and when she left, it was one of the nicest trailer parks in the area. It was about pride of ownership. This could really change how Pablo looked to the world.

Johna thought this was a much cleaner subdivision than was originally proposed. She listed improvements in the road design, no variances, single-family with no multifamily or condominiums (where there was no longer financing), the closure of Plum Creek and associated changes, and phasing. The sheriffs' office was concerned about lacks, including staff and machinery, when this was originally proposed. Since then, three mil levies has been proposed in the County for additional staff and equipment and they said they could provide services. The fire department could use hoses where buildings were close together. If they needed a boom truck, they could call Polson Rural who could be there within 10 minutes. She didn't think that was required for a building under 30 feet. The parking on the street might have been missed. If the Board didn't want it, that was fine. Irrigation was not proposed originally. It was nearly impossible to get out of an irrigation district, so they decided to join it and supply irrigation to each lot. For low income, they were less likely to water if they had to pay a [bigger] water bill whereas if they had to pay the irrigation fee [anyway] and could water, they would.

Johna appreciated the clarification on the pro-rated share. The covenants didn't talk about 1/87<sup>th</sup> share. It talked about the number of lots platted. For example, if 30 lots got platted, then 30 got pro-rated shares. The rest became parkland or area that wasn't platted. She noted that the way Robert described the platting worked was the way it had to happen according to the Montana Subdivision and Platting Act. You couldn't create 'islands'. You had to show the overall plan every time. She wasn't a fan of lighting, which could be intrusive. Some of the big parking lots for grocery stores could be seen 20 miles away.

Roland thought the Board hadn't said they didn't want parking on the street. The way it was drawn with the swales, you would end up defeating the purpose of the swales. The idea might be for DEQ to eliminate that. He didn't know what the road width to the right-of-way totaled. Johna said there were probably 20 ways to mitigate stormwater. Another way would be to fill those swales with rock and filter fabric and cover them up. They'd work as well. DEQ would

also look at the permeability of the ground, which was good for Pablo. She thought there would be many different appropriate ways to mitigate the stormwater there.

Roland asked about the right-of-way width. Johna replied it was 60 feet. Roland thought that was plenty to allow for parking on the sides and allow traffic. Johna understood the problem with people possibly parking on swales. If the Board didn't want parking, that was fine. It would be nice for visiting friends to be able to park on the street. Steve R thought parking on the street would happen so it needed to be laid out so it could happen without blocking traffic. Johna said maybe the way would be to do the underground stormwater with the rock and filter fabric and grass over the top.

Steve R returned to lighting. If the kids played outside in the evening, the parents could turn on an outside light. There was some outdoor lighting in the community, according to this, with criteria that it be shielded and directed downwards and so forth. It followed the general principles of the dark skies.

Bob K listed two items of concern. One was the sidewalk issue, taking the perspective of a wheelchair person or sending a young child in phase II. He was concerned about lighting at the school bus stop. Johna thought they could put a small unobtrusive light there.

Tim Birk, applicant, spoke for his application. The original idea with the parking was they wanted to restrict on-street parking and provide additional parking to the onsite parking. They would like to continue that. The idea of the swales was to discourage that as much as possible. He wanted it to be a nice-looking subdivision that catered to people commuting to Polson and Ronan. Ronan was out of places to build and housing was expensive in Polson. Pablo was ideal for commuters.

Bob K voiced his concern with the bus stop. He saw people in their cars with their kids waiting for the bus in his neighborhood. The cars would be down by the bus stop in the subdivision in the middle of winter so the kids wouldn't be standing in the cold. He hoped there was room for that to happen twice a day. LaDana described driving from Ronan by the Sparrow subdivision in the morning, where a giant line of kids waited. She didn't see cars parked there. Occasionally she saw a parent standing there. Bob K said he saw those too. Wasn't this a bigger subdivision? How far would the kids walk? LaDana suggested that if the subdivision was big, possibly the bus might make multiple stops. Johna said there was a bus stop in this area on Felsman Road. They hoped there would be enough children that there would be another stop. There might be multiples. Tim said it was roughly 750 feet from the furthest lot to the bus stop.

Bill Paulin, one of the subdivision owners along with Tim Birk, expressed concern with the quality of construction. That was tough to monitor. Most people had to finance their homes. Most banks and the secondary market had minimum property standards. That might give some satisfaction to [the Board] that someone would look at this. It might be a formal building inspector, but maybe a FHA inspector. Roland said he was referring more to spec building where there wasn't the mediation in between, where it was builder-financed construction.

Bob S checked with the applicants whether it was correct that the changes, such as phasing, would save the developers money in addition to improving the subdivision. Were there other financial benefits to the new plan for the developers? Bill replied the first plat was of 87 lots. There was no demand out there. He thought the smaller size was better for the market. They could sell a number of homes and not be saddled with a great big debt. Bob S asked if the original plat required them to finish the roads. Bill affirmed. Tim commented that when you had one phase, they could spray, mow and maintain the balance of the property better and easier. When you had people buying and trading individual lots, they weren't taking care of that so much. That was a problem. They wanted to consolidate post-development property. Johna mentioned that with phasing, your infrastructure wasn't just sitting there for 10 years. You built the road and then improved those areas. Roland added the water systems had to be flushed and the hydrants had to be turned and so forth. Bob S asked if the developers were also builders and if they would do spec building there. Bill replied that his background was in banking. Tim was the builder. They could if they had to, to get started but probably not. He was retired. They'd been hanging on to this project for a long time. Bill said they knew what the use of that land would be: family residential uses.

Janet asked why they hadn't chosen a 90 degree intersection at the south Conrad Loop where it came onto the old highway. Johna replied that they had to align to the road with the road across the street. Janet checked if the curve might be a little further west so it could be 90 degrees. Johna said this was looking at just the right-of-way. It didn't mean the road would be like that. Bob S asked if the alignment of roads was a requirement. Janet said this was best. She gave the example of two vehicles trying to make left turns. Johna added you couldn't get it approved [inaudible]; they liked you to align it as best as possible.

Janet mentioned a Tribal proposal for the Aloha Greenfields project on this site. Tim said they'd heard about it but hadn't seen anything. They didn't know what it was. Janet said they were applying for grants and [the applicants] said they knew [the Conrad Estates developers]; Gerry Fritz has said he knew Tim, and that they were looking at trying to purchase this. Tim mentioned Jerry Greenspan. He knew Gerry Fritz too. Jerry Greenspan was with the Aloha group. They had an entirely different plan, involving a multi-story greenhouse and worker housing. He had a little experience with that kind of thing. He'd gotten old waiting for them, too. He wasn't proceeding with the idea that would happen. Janet said they were putting in for state grants. They said they were hoping they could acquire this property. Tim said if they did come up with some kind of a plan, [the Conrad Estates developers] would entertain it but at this point they didn't have anything.

Steve S checked that the school bus areas would not be developed until phase V. Johna mentioned the school bus area at Felsman, which was probably another 700 feet or so, kitty corner from the post office. He checked that the kids didn't have to cross highway 93. Johna replied that they would have to cross.

Bob K asked Robert about what a possible motion would look like. Robert said it would go as an entire package. If the Board wanted to make modifications to specific things, they could work that through. It was a package for the overall plan and six separate phases. Roland asked about

adding concerns. Robert said whatever concerns they had now, they should make those [known] so they could be part of a motion.

Steve R listed a concern with the fence along the eastern boundary not being a privacy fence. Robert turned to condition #19 and #20 on pg. 25. By removing reference to 'eastern' in condition #20 then they were covered in condition #19. Johna referred to Bob K's idea of a sidewalk there and suggested trading for walking paths instead of fences. Robert said it was up to the Board and explained staff proposed fences to make sure there was no encroachment into the common areas from residential development. The Board could make the recommendation of their choice as long as they all agreed to it. Roland thought the path would create that, by the fact that it was there. People tended to stay on paths. He thought the fence could go.

Bob K asked about the path. Johna said that was for the Board to define and asked if they were okay with a six-foot wide gravel path. Roland asked what they did in Arlee. Janet said that was asphalt. LaDana asked what it would take to get the wheelchair in Bob K's scenario down there. Could it get through the gravel? Bob K thought that was just overlooked. The course of least resistance was a straight line. He didn't think people at the upper end of the subdivision would walk on the west side to go to the post office or the bus stop. Johna thought it would be ideal to have a bike path through Pablo. Janet said that there was a pedestrian/bicycle path on the east (wrong) side of the highway; it just wasn't painted. It went to the school.

Steve R said the western boundary of the common areas would be along the lots. The fence proposed in #19 would zigzag along, depending on how the lots lined up. Rather than a see-through fence along the subdivision boundary, which was the edge of the right-of-way along the old highway, if there was a 4-foot chain link fence, it would protect the kids walking on the path. Someone observed Johna hoped to trade the path for the fence. Johna mentioned initially the fence would go on the property line by the lots so it wouldn't be along the road. She indicated the relative fence, path and road positions. LaDana asked if there was a ditch along that. Johna said there wasn't much of one. LaDana remarked that the reason for the fence was just to keep the adjacent lots from encroaching into everybody's common area and taking it over.

Steve R said if the common area got built up, the section along lot 17 was only 5+ feet wide and the path would eat that whole area up. Asphalt was probably a little less than \$4 per square foot. A 5-foot wide path would be \$20 a linear foot. How much was a fence. Tim said there were a lot of kinds of fences. A 36-inch chain link fence was about \$1.50 per linear foot. Steve R commented the asphalt path was more expensive. Johna thought the tradeoff for a gravel pathway would be more [equitable]. LaDana observed that with asphalt, they'd run into the question of what to do with the stormwater from the path. They didn't want it to drain back into the lots. Steve R asked if DEQ would approve using the barrow pit along the old highway. LaDana answered they had to keep it within the subdivision.

Bob K checked with the Board on the importance of a walkway from one end of the subdivision to the post office. Most thought a path was important but it didn't necessarily have to be paved. Janet compared it to a requirement for a previous subdivision. A gravel path tended to turn into weeds. Steve R suggested chip sealing as a compromise. Tim said that would be a little cheaper. He could look into it. Bob K asked him how he'd feel about it if they got rid of the fence and he

did a chip seal path. Tim said that would be fine. Roland asked about which phase would incorporate it. Phase II got mentioned. Steve R asked if that would replace #19. Robert thought #19 would be the right place to make the modification. Steve R asked about the width. Johna mentioned 5 feet due to the width in the narrow area. LaDana cautioned that an issue they might run up against was the conditions couldn't be changed a lot because this was what was originally approved. They couldn't add conditions or trade conditions per state law. She suggested it was something they could negotiate with the Commissioners. She didn't think the Board had the authority. Janet said they could recommend a chip-sealed path instead of fencing in the common areas. Steve R said condition #19 was completely replaced. LaDana said it talked about fencing and it still dealt with fencing.

Bob K checked if LaDana was saying they should just give recommendations to the Commissioners. LaDana said they couldn't change the conditions. Staff changed them as minimally as they could to accommodate the phasing. Adding a trail was kind of a new condition. Maybe they could add it to the parkland stuff, since it was parkland. Discussion ensued on how to incorporate the recommendations the Board wanted to make, given restraints on changing the original conditions. LaDana said they could add a new condition in phases II through VI. They couldn't add conditions to the approval for the initial concept. Steve R suggested they add a condition to phase II to require a 5-foot wide chip sealed path near the western edge of the common areas #2 through #7, and remove condition #19 from the overall approval. Robert said if they did that, they would also want to take out #10 of phase II. Bob checked that #11 of phase II would still be there. Robert said yes. LaDana identified this as the fence on the northern and western boundaries. Janet confirmed with Robert that nothing prevented the lot owners from fencing.

**Motion made by Steve Rosso, and seconded by Steve Shapero, to recommend approval of the amendment request with the following changes, while accepting all other findings of fact and conditions. In the general conditions, eliminate condition #19 and eliminate 'eastern' in condition #20. In the conditions for phase II, require a 5-foot wide chip sealed path near the western edge of common areas 2 through 7 and eliminate condition #10. Motion carried, 7 in favor (Bob Kormann, Sigurd Jensen, Steve Rosso, Rick Cothorn, Roland Godan, Bob Stone, Steve Shapero) and one abstention (Janet Camel).**

Robert mentioned this would be heard by the Commissioners on June 2.

**OTHER BUSINESS (9:26 pm)**

Bob welcomed Steve Shapero.

**Motion made by Robert Cothorn, and seconded by Bob Kormann, to adjourn. Motion carried, all in favor.** Meeting adjourned at approximately 9:30 pm.