

**LAKE COUNTY PLANNING BOARD MEETING**  
**MARCH 9, 2005**  
**Transcription**

Members Present: Steve Hughes, Lisa Dumontier, Jack Meuli, Bob Kormann, John Fleming, Jerry Winkley, Clarence Brazil, Ken Miller, Fred Mueller

Staff Present: Jamie Ludwig, Sean Conrad, Sue Shannon

Meeting Commenced at 7:00p.m.

John Fleming: I'd like to call the March 9<sup>th</sup> Lake County Planning Board meeting into session. I would like to first of all entertain a motion for approval of the minutes for the February meeting.

Jack Meuli: So moved.

Bob Kormann: Second. **[VOTE UNANIMOUS]**

John Fleming: Okay, it's been moved and seconded to approve the minutes for February 9<sup>th</sup>. All in favor raise your hand. Opposed? Okay, we're going to begin our agenda now. I would like to explain what the agenda is. We have a long agenda so we would like to keep it moving all the way through it. First thing, we would like to welcome our newest Board Member, Ken Miller of Swan Lake. Ken's right over here and I noticed that he'd been sworn in a little while ago.

Ken Miller: I did.

John Fleming: So, we're efficient here. The first thing on our agenda is a Tribal presentation on Density. Then we have a Circle P Ranch Vacation Rental subdivision then Kootenai Lodge then we have a Density meeting progress report and other business. So, we're going to go through it in that order. So, I'll explain when we get to the developments - to the Prather & Kootenai Lodge - how we are going to proceed through that. We have a plan, not a plan - a regular way to move through all of that. First of all though, I would like to welcome the Presenters for the Tribal - Salish/Kootenai Tribes. And they are going to make a presentation on density and I guess here they come. Oh, I was going to say, too, while they are coming up here, we are taping this meeting and we need to know if anyone else is taping the meeting if they plan on using that tape in any official manner. We have to know now if you are taping that meeting - this meeting. So, if anyone is taping you need to identify yourself that you are doing that and who you are. Taping?

Audience Member: Can't hear.

John Fleming: That's about as loud as I can talk.

Sean Conrad: Here's the mic, John.

John Fleming: Ok. Are we going to have to hand the mic around?

Sue Shannon: Just set it on the...

Sean Conrad: Make sure it's on.

John Fleming: Is that on?

Sean Conrad: I think you need to turn it on.

John Fleming: Right here? Okay, does that help? Mam, can you hear me now?

Audience Member: A little bit better, but it's still...

Sue Shannon: Sit down and put it on the...yeah.

John Fleming: Okay, we'll have to hand this around, I guess. What I said was we are taping this meeting and we understand that someone might be taping it in the audience and if you are we need to identify – we can't hear it here, but they can hear it back there, I guess – would you please identify that you are doing so if you are going to use the tape for anything other than private use we have to know who you are and that you are taping the meeting. If not, that's fine. We have a presentation from the Salish & Kootenai Tribes. Janet Camel.

Janet Camel: Yes.

John Fleming: Janet, if you're going to talk, you better use this [microphone].

Janet Camel: I also have Dale Becker with me here tonight and Seth Makepeace and Lester Bigcrane is in the back. Thank you for coming everyone. I'm making this presentation to the planning board so that's why all my maps are facing this direction. But when I'm finished I'd be happy to turn them around so you can look at them and answer questions after the Planning Board meeting is over. So, I don't want to keep your agenda held up. Basically, the Tribes are concerned about the Density Map that is being proposed right now because the growth rate on the reservation – 2/3 of the county overlaps over onto the Flathead Reservation. And non-Tribal growth rate is about 10-times faster than the growth rate of the tribal members. So, you know that's a huge concern when it comes to how land is being subdivided and how growth occurs here and which areas are being impacted on the reservation. So, I have a letter here that I think you all got a copy of. And I want to turn to the second page – I have some arrows to try to just highlight our key points.

First of all, back in 1996 the Tribes worked with Lake County and Missoula County and the Montana Department of Transportation to develop a land use and growth projection study for the Flathead Reservation. And what we did was we pooled both tribal members and non-members who live on the reservation to ask them about their concerns about growth. And the majority of the responders felt that growth is causing negative impacts and that they would like to see growth guided into areas that are more appropriate like the existing community areas. They would like

to see higher density growth occurring near communities and lower density in the outlying areas. They would like to see groundwater protected, wildlife habitat protected, prime farmlands protected. So we went ahead and we mapped those sensitive areas on the reservation and what we did was we noticed that two really critical groundwater areas are to the north and east of Pablo and to the south and east of Arlee. So, when the County came out with the density map, we had concerns that maybe the densities might be too high right now according to your map for those areas. We would like to see you bring in your growth area boundaries at Pablo & Arlee to align with the sewer district boundaries. And then maybe have a ¼ mile extension outside from those sewer district boundaries so that, for now, growth can be accommodated by the existing sewer districts and then as those districts are able to expand in the future then you could expand those growth areas along with the sewer districts. But at this point we are trying to look at ways to try to reduce the amount of nitrate that is going to be infiltrating down into the aquifers and we are concerned about storm water runoff in those areas and so those are our recommendations for those two communities.

Now, with regard to your one-per-five-acre density recommendations outside of those towns, we feel that those should also be brought in until we can do further groundwater studies. Seth can talk a little bit more about that information. Quickly, I want to go through our other comments. We also recommend that you have a maximum density of one unit per 40-acres for key wildlife habitat and cultural open space areas. Those would include the lower Flathead River, Mission Mountain Wilderness buffer zone, and key wildlife movement and riparian corridors which are Post Creek, Poison Oak Creek, Crow Creek, the Jocko River and also the Grizzly Bear Management zone 2. In Grizzly Bear Management zone 1 which is right up against the Mission Mountain's wilderness and also incorporates a lot of the wilderness area which is already set aside by the tribes. You can see these lands in orange. Those would be the only lands affected by that 1 per 80 density recommendation. The lands in yellow would be the ones affected by the 1 per 40. These are the lands that are not already owned by the Tribes. They are the lands that are not already Federally or State owned and they are the lands not already covered by conservation easements where their development rights are already restricted. So, you can see it is not as much land as it looked like on our original maps. Once you put that ownership on top of these boundaries.

We also want to see some transition between the town of Ronan and the town of St. Ignatius. If we follow along in those most critical areas in trying to reduce development densities, then we would need to transition from 1/40 to 1/20 to 1/10 and so that is kind of what these red lines are here that are drawn next to Ronan and next to St. Ignatius.

Again, those key riparian movement corridors are not only important for wildlife habitat but they are important for cultural preservation as a lot of cultural resources are located within those corridors. And they also filter surface waters that can become contaminated by existing and future land uses. And they also would minimize flood damage by restricting densities in those corridors. They will also protect the taxpayer's investment in the multiple wildlife crossings that are designed and will be built along the Hwy 93 corridor. So, we are trying to plan in conjunction with all the other planning that is being done on the reservation including Hwy 93.

And then I am going to turn the mic over to Seth and he can talk to you a little bit more about aquifer concerns.

Seth Makepeace: Good evening everyone. My name is Seth Makepeace and I am the hydrologist for the Salish Kootenai Tribes. I have been doing that for about 15 years. What I am going to present this evening is a very brief diagnosis of aquifer systems on the reservation specifically in Lake County and so not in the Swan Valley for example and north in Woods Bay area. The perspective I come from will clearly reflect conservatism because we're trying to be protective of a resource that once it's impacted or degraded generally cannot be brought back. So, this is a perspective that I always bring to the table when I am looking at water resources that we use as sole sources of drinking water for basically the vast majority of residents in the county here. On the reservation, the only community that uses surface water is the city of Ronan and they rely heavily on groundwater as a secondary system. So, I'm going to talk about two things. One, I'm going to advocate for – three things, really. I'm going to advocate for more restrictive densities as a measure to protect groundwater in Lake County. And I am going to briefly talk about water quality conditions and I am going to look at water supply conditions. And I respect that everyone is here for different reasons – for other reasons, generally, so I'll keep it brief.

A recent study by the Bureau of Mines and Geology available on the Bureau of Mines and Geology web site demonstrates that water quality condition is generally very high and very suitable for drinking on the reservation. However, shallow, unconfined aquifer systems specifically in the Pablo vicinity, the Jocko Valley, are demonstrably lower in water quality condition than deeper, more protected aquifer systems. These aquifers show the impacts of overlying land uses. If you look at nitrate chemistry, which is derived from onsite septic, diffuse sources from land development and agriculture statistically or numerically, the values are higher in shallow aquifer systems and range from about 0.5 to 0.8 plus or minus milligrams per liter. In the deeper aquifer systems, the values range from .2 to .3 milligrams per liter. So, there is a declining trend in water quality in shallow unconfined aquifer systems specifically in the build-out areas around Pablo and the Jocko Valley – not just around Arlee, but in the general Jocko Valley area. This data is not today's data, it is a couple of years old, but it is suggesting that land uses are reaching to the water systems - the groundwater systems. So, this is to me very good indicate – it's strong argument for conservatism, okay?

Another issue that we look at and that we are getting increasingly concerned about in the Mission Valley and to a lesser degree in the Jocko Valley is the availability of groundwater to support continued development. And it's going to be very hard for this group to see this, but I've brought depth to groundwater information for wells across a portion of Lake County and each one of these well data sets is twenty years of data. They started in 1983. This is a program that the Tribes maintain out of their budgets. All of this data is available on the Bureau of Mines and Geology web site also. All posted there. And I am going to try to give you a flavor of where things are at. The first well is in the Jocko – again, I'll be descriptive and brief – if I can be. The first well is in the Jocko Valley. The Jocko Valley is an unconfined aquifer. In other words there is *no barrier* to infiltration of surface waters there. The water table fluctuates up to 50' per year, as canals and river flow infiltrate. The Swan Valley would have probably similar systems in some parts of it. Because it is so interactive with surface waters, it is not showing generally declining trends in available water. The amount of water in the aquifer systems has not – it

responds to droughts, declines during drought systems, recharges. But the patterns show that that aquifer in the Jocko Valley is generally maintaining as much available water as it did 20 years ago. Okay? But these well logs – the well hydrograph also shows that it is susceptible to land uses. If it's recharging so dynamically on an annual basis. I'll just leave these [hydrographs] with you guys at the end of the evening – the Planning Board.

This is a well starting in 1983 going to January 2005. This is a well along the Mission front in an area where – it's east of Ronan, above the main canal, this area along the Mission front where people are building and developing. The well, depth to groundwater in 1983 was 74 feet, depth to groundwater now is 76 feet and it is responding to trends in drought and recharge cycles. The last significant groundwater recharge event that this western Montana saw really was the winter of 1996. That was our last significant groundwater recharge event. So, there was a trend – a very subtle trend – of declining available water in this area. We have about 40-50 wells we monitor. I've just brought 4. This is the prime – what we call the Mud Creek aquifer – which is the water supply for the community of Pablo, the water supply, the secondary water supply for the community of Ronan, the largest aquifer system in the Mission Valley, the trends from Pablo south to Crow Creek and the area south and west of Ninepipes, for those of you not familiar with the area. It's a very prolific and productive aquifer. We have data back to 1974 in this area. The aquifer used to be artesian throughout. In other words, water flowed. And now, not because of drought cycles – only partially because of drought cycles – depth to, the water table has now 20'. It's gone from artesian and then as it sits today it has dropped to over 20' of lost potential in that aquifer. That aquifer is showing a response to use. It is starting to – it's not saying we are hitting a wall, it's not saying that there isn't available water in that system. But we are starting to pull more water out of that aquifer than is being recharged over a long time period. Okay?

Another reason for conservatism in land use planning, okay: This is a well of Sunny Slope just down – immediately west of the Jette Store. An area which is a tough groundwater area actually. This well is going back from 1983 to 2005 and what it is showing is a trend from 1983 to the winter of 1996 of no recharge and declining water levels on a monotonic line that during the 1996 winter event and the 1997 runoff period, it recharged back to the 1983 level and now that monotonic decline is occurring again. We see this pattern in Elmo in what is the Chief Cliff subdivision; we have a well right in the middle of that. We see this pattern in many of the clay areas on the margins of Flathead Lake and this is very marginal aquifer materials right here. If it's not recharging on an annual basis and it's declining over a 10-year cycle, there is a capacity to that aquifer system and it's not great. And so we are available, Janet can, we can arrange to be available to speak further on this, but I am just trying to advocate the Tribe's conservative density regulations in the Arlee and Pablo communities and then highlight the fact that groundwater is the sole source of water that we drink generally in Lake County and it is not by any means infinite.

John Fleming: Thank you, Seth.

Janet Camel: Dale?

Dale Becker: I'll try to use this thing on a decreasing volume cycle. My name is Dale Becker. I am the Tribal Wildlife Program Manager. I've been doing that for about the last 15 years and

have been here in the area working on wildlife projects for most of 20, now. One of the things that we biologists look at, more and more, is how to keep wildlife in the mix, in the picture, with more human activities pretty much where ever. Basically wildlife is where ever. Unfortunately we end up spending quite a lot of time working with rare species, endangered species, and things of that sort. I think for us, our training as ecologists kind of put us in close proximity to the thinking of the Tribal folks, the Tribal Elders that we work with that everything was put here for a purpose. When we look at some of these species that are declining we start to look at what the problems are. Some of those are basically worldwide problems, some of the amphibians that are disappearing, things like that. Here, locally, the thing that gets to be more of a concern for us that we've addressed in our letter is just the amount of activity. Whether it's subdivision or just individual home site construction and how that has an impact on wildlife. In some cases some wildlife blends very well and even flourishes with more people activity where in others we are seeing more and more conflicts. Over the last 15 years, each year at certain times of the year we deal with more bear problems or concerns about waterfowl, mountain lions, black birds, you name it. So, in most of those cases we try to work a lot one-on-one with people and try to develop something where we maintain wildlife in a mix don't use the old-west approach of just going out and killing it and be done with it, but try to maintain healthy wildlife populations but also healthy habitats, which support those populations. And again, the big thing that we are encountering more and more are conflicts between people. It seems like in a lot of cases the folks that have been here for a while – the folks that are in agriculture – have learned to pretty well adapt and I think wildlife has also adapted somewhat to them and the things that they do. But there again we run into increasing problems and Janet mentioned the area along the Mission Front that's a hot spot for bears. We spend a lot of time there each spring, sometimes through the summer and again in the fall. Basically just sometimes catching moving bears, sometimes killing them, taking them out of the picture all together if we have an incorrigible animal. And sometimes doing some other things working with landowners trying to get some grant funding to help alleviate some of the things that lead to conflicts. Out in the wetland area, which is another area where we have concerns, basically those are attractive areas. People like to be outdoors and like those kind of areas and we see higher and higher prices for lands down in that area. One of the things we also see is a lot of new houses popping up and each year when they run the four pheasant crow counts I'm getting to the place where I am counting substantially more numbers of house cats than I do pheasants and I think there is a bit of a correlation there. Basically the house cat that we think does no harm for anything is a pretty effective predator out there when it goes out into the fields. And there have been a number of studies done in some areas that pretty much indicate that it is a major predator and a major factor in especially ground nesting bird populations. Another thing that Janet alluded to that we've worked on over the last 10 or 15 years is trying to develop more wildlife friendly highway design for Highway 93 and as you watch different segments of that road coming on line over the next ten years, you'll see some of the wildlife crossings and some fencing and some other things that we've done to basically try to keep wildlife from becoming – trying to decrease wildlife as a safety factor to as much of an extent as we can. With that you will see some of the crossing structures, most of which will go under the highway, that are aimed at that. And once again, it gets to be a thing of trying to put together designs and plans where both the people and wildlife can coexist and do so relatively well here in the valley.

That's kind of an overview of, I think, some of the concerns that we expressed in our letter to the Planning Board and to the Commissioners. I can take questions later or whatever – or however you wish to do that.

John Fleming: Is that the last of the presenters?

Janet Camel: Yes. I just had two more things to add quickly. The other – we had one last comment that I missed. At Big Arm we would like to see the growth boundary brought up a quarter mile to the north. There are run off concerns, there are a lot of clay silos in that area and we are just concerned about what is going to happen with too much development in that area when there's no sewer district and we are having a hard time trying to find land to put a sewer facility at Big Arm. And also, rather than having 1/5 densities on both the east and west sides of Big Arm, we would like to see that reduced to 1/10, again, because of the sewerage issues. We have a high concentration of development around the lake and with no sewage treatment we have got some problems with water quality in those areas. That was the last comment that I had. You did want us to answer questions at this time?

John Fleming: Yeah, if you would, if the Board had questions. Is that the last thing you mentioned, is that's also marked in here?

Janet Camel: It's all in the letter. The only two changes that we've made now, since this letter was written to you in early December, was we've met with the State Fish & Wildlife folks and they wanted to see the area southwest of Ninepipes increased for the 1/40 density designation. So, that's this area right here. But you can see in that area that much of that land is owned by the Tribes or already set aside in conservation easement. There are very few parcels that would be affected by that increase. And then we added the two-square mile area by Poison Oak Creek. It's a quarter mile south of Poison Oak Creek and then it runs up to Post Creek. And that is very critical grizzly bear habitat that we thought we had mapped on here and we just needed to adjust that boundary. And then we looked at the area east of Polson where you have the 1/5 density and we were wanting you to bring that in to 1/20 because of – again – being up against the Mission Front there are a lot of wildlife concerns. But we have revised that slightly and I will make a copy of this map for you so you have that. Thank you. Any other questions?

John Fleming: Are there any questions right now? Thank you Janet.

Bob Korman: I just have one for Seth. Seth, how does this drought cycle – do you have any data on how this drought cycle compares to previous...

Seth Makepeace: Let's see, we are of course in the fifth year of a drought and this is the worst year in 60 years. This is not a good year. This is making 2001 look like a decent water supply. My crew does all the snow pack measurement in northwest Montana. We lost the snow at Spotted Bear, which is at the head of Hungry Horse Reservoir a month ago. And Spotted Bear is quite a ways back in the mountains. So, not only is it a very poor water supply but it is a very early runoff. Stream flows are well above average right now because of the depleted runoff. We lost approximately 1/3 of the snow pack by the end of January that is available to us. We have lost it. And we had some rain today of course, but the longer term – it's a bad year. [laughter]

John Fleming: Scientifically speaking.

Seth Makepeace: Yeah, I know, I got a lot of that jargon. But it's a bummer. But that affects wells. That affects wells. '96, '97 was the last significant recharge event for wells that are not directly interconnected with the land – you know, sand and gravel is on top of it.

John Fleming: Anybody else? Well, Janet and Seth and Dale thank you. We know that you are there and we will probably be talking to you some more as this process goes on. I didn't say it but we are, as most of you probably know, we are struggling with the density map concept in Lake County and that's why these people are here today – to help us with that move. Thank you very much.

Janet Camel: Thank you. Here's your mic back. I'll just leave these here for now.

John Fleming: Okay, next on our agenda is a project called Circle P Ranch Vacation Rental subdivision. This is a public hearing. The Planning Board will make a recommendation after this hearing to the Lake County Commissioners. They will schedule – they are scheduled to consider the subdivision on Thursday, March 17<sup>th</sup> at 10:30am so we are going to make some kind of a recommendation to the County Commissioners this evening and Sue is going to make the presentation. The way we proceed through these, and we will the next one through, is we will have the staff presentation, the Board will be asking questions to get all the information we can. The developer then will be asked to make any additions or comments, make a presentation, and then we are going to ask, if the developer would like that, we would like to be able to ask them questions. And at that point we will open this project up to public – open for public comment. And when we get to that point, there's a few small rules that we would like to have everyone follow and when we get there I will mention those. So, Sue?

Sue Shannon: Okay. The next item before you tonight is a minor subdivision for rent or lease. This parcel is located east of Polson on Hwy 35. It's an 18-acre tract owned by Mike & Patty Prather that is currently operated as a bed & breakfast. The proposal is to create a duplex on the parcel that will be rented as vacation rentals on a weekly basis. The parcel contains a single family residential home with two bedrooms that are currently rented as part of the bed & breakfast. Then it also contains a guesthouse that is also rented as part of the bed & breakfast use. The two existing homes have individual septic systems and a third is proposed for the duplex structure. The property is also on the City of Polson water system. The property is not zoned, however the proposed use and unit density for this subdivision does not appear to potentially conflict with the development patterns in surrounding parcels. The proposed use of the property as rentals triggers review as subdivision for rent or lease, which is similar to an RV park in terms of review and licensing requirements. If the proposed subdivision receives preliminary approval tonight then it will be reviewed and approved by the Lake County Environmental Health Department and also the State of Montana for compliance not only with sanitation standards but also public accommodation standards and commercial building code standards. When these agencies conduct the review the site development will be analyzed in regard to adequacy of water line as well as the proposed drain field location, storm water management, structural soundness of the proposed structures, and emergency access related

information. The Planning Staff is recommending approval to the Board. Our conditions are listed on page 7. Anyone have any questions regarding the proposal?

John Fleming: Anybody have questions? Thanks Sue, that was good. Would the developers – is the developer here?

Mike Prather: Yes.

John Fleming: Would you like to make some comments and could we ask you questions if we arrive at some?

Mike Prather: Fire Away.

John Fleming: Go ahead. Why don't you start? Do you have anything that you would like to add?

Mike Prather: The only thing is the access is going to be one way so a loop is what it is. It's going to be asphalt, 12 feet. There's going to be two- to three-foot. What's that? I'm looking at asphalt of 12'. There's going to be a shoulder of 2-3 feet on each side.

Sue Shannon: The access information is listed on pages two and three. Because of the number of units proposed on this parcel, the Lake County Road Standards would require a 24' driving surface throughout the – to access the duplex unit. And so, what I am gathering from Mr. Prather is that he would like to make that a one-way -- if you could look at their site plan, there will be a loop road that runs from the existing driveway to the duplex unit and it sounds like he wants to make that loop road one-way 12' in width.

Mike Prather: Correct.

Sue Shannon: Instead of 24. The only standards in the Lake County Subdivision Regulations that talk about one-way accessed routes is in a Mobile Home park and that requires a 15' roadway surface. Yeah, one-way, 15' surface width. So that would require a variance.

John Fleming: To stay at 12? Would require a variance.

Sue Shannon: To do anything but 24.

John Fleming: Oh. Oh, okay.

Sue Shannon: He is asking for a one-way, a variance for instead two-way, make it one-way and reduce the roadway with as well. The only other thing in the report that addresses the roadway surface is the Fire Department comments, which requested a minimum 20' driving surface.

John Fleming: Is that item 4?

Sue Shannon: That's on page 3 under access.

John Fleming: I guess I was looking – okay.

Sue Shannon: Do you want to look at the conditions?

John Fleming: No, that's okay. I was looking at conditions for approval.

Sue Shannon: Okay.

John Fleming: Does anyone have any questions?

Bob Kormann: I got a question. How come the fire department says 20' and the county standard is 24'?

Sue Shannon: I think they need 20' for their trucks. I don't know why - the standard is 24' for the number of units – if one unit is going to be accessed it's 20', anything over one [unit] is 24, anything over 6 is 26.

Jack Meuli: They need 20' to get a fire truck down on a one-lane road?

Steve Hughes: How big is the truck? [Laughter]

Sue Shannon: I don't know.

Jack Meuli: If they need that much it's gotta be big.

Sue Shannon: I think they are maybe thinking that they can go into the unit and somebody can come out. I think. I don't know that they were looking at this as a one-way.

John Fleming: As a one-way, okay.

Mike Prather: See, this is all open space along with the shoulder accessibility. So, there won't be any parking on the shoulders.

John Fleming: Okay. Thanks, Mike. Any other questions? I'm going to open it to public comment then. When we do public comment, would you please – I'm not sure if anybody wants to comment on this but I'll go through it – we would like you to stand, state your name, we definitely would like brevity because we've got a lot to do tonight and there's a lot of people here. Please avoid repetition. We are not saying there is any particular time, but three minutes is a pretty nice number. You can say a lot of things in three minutes. We would like you to direct your comments to this Board. This Board is the one that's making decisions on both of these items so we're definitely going to not have comments between people in the audience at either hearing. So, please make your comments directly to the Board. This Board is making the decision, so need to hear you up here. So, are there any opponents to this project that would like to speak? Any opponents? Are there any proponents? Are there any proponents? Okay, I am going to close it to public comment and the Board will – for Board Discussion and action.

Steve Hughes: Mr. Chairman, I would move adoption of the staff report and allow the developer to utilize the proposed width of 12' – or 10'? 12' with a 3' shoulder on either side.

Jack Meuli: I'll second it. One way.

John Fleming: That would change number 4, correct?

Jack Meuli: I think so.

John Fleming: If we accept this? Okay, we have a motion and a second. Is there any discussion?

Steve Hughes: Question.

John Fleming: Question has been called for. All in favor of the motion please raise your hand. Opposed? I think it was unanimous. Was somebody watching?

[Vote unanimous]

John Fleming: Okay, thank you. That was quick. May that trend continue. Trend? One item is a trend... Okay, next item on our agenda is the Kootenai Lodge Condominiums. It's a major subdivision. This is an informational work session regarding this proposal. The public hearing on this proposal will be April 13 – at our April 13<sup>th</sup> meeting. At the conclusion of that meeting, this Planning Board will make a recommendation to the Lake County Commissioners and the Commissioners are required to take final action on or before the review deadline of May 5, 2005 but the date hasn't been set yet. So, right now, again, we are at an informational work session but we are going to eventually open it to public comment. Again, the way we are going to move through this is a Staff presentation, Board questions, Developer – presentation - I'm pretty sure. I saw some – saw a lot of materials coming in the door. And we would hope that we could ask the presenters, the developers, some questions and then at that time when we get through all that we are going to open it to public comment. And then I want to make a couple of comments when we get to that time – at that time. So,

Clarence Brazil asked that the public come to the microphone.

John Fleming: Okay, would you like people to come up to the microphone? That's fine. Would that be better? Okay, we'll – I'll mention that – and the Developer, we'll ask the developer to come up to the microphone. The request was that anyone, eventually - if you're going to talk at the public meeting - would you please come up and speak into the microphone? That would really help everyone to hear what's being said, so that's a great idea, thank you. Staff, are you ready to present?

Sean Conrad: Yeah. Can everyone hear me in the back? Mr. Chairman, I would like to just make my staff report really brief because I think most people in the room here kind of know the project, maybe the scope of the project and as well as the Planning Board here. I would just like

to say it's a major subdivision, 65 condominium units on approximately 41 acres. The developer has proposed to do a water and sewer system. It would be an off-site sewer system. We received a lot of comments on the project itself. I stand to answer any questions you may have about the Staff Report, but I see that the developer is here and in not repeating anything you may want to just let him present his proposal.

John Fleming: Does anyone have any questions that they really had to ask Sean right now?

Bob Kormann: I have one. A lot of these letters, and I read every one that was in the packet, a number of them were concerned about the notification process. Could you talk to that specifically – to us – to let us know that you did what was legally required?

Sean Conrad: Yes, certainly. State law and the Lake County Subdivision Regulations say if it's a – if you have a subdivision, public notice needs to go to the immediate adjacent property owners to the project at least 15-days prior to the public hearing and there also has to be a legal notice put in the paper 15-days prior to the public hearing. This is the public meeting, this is not the official public hearing but it's been Lake County's, I guess, interpretation of it that we typically notify people on a major subdivision – the adjoining property owners at this first public meeting and they get notified again at the public hearing. We also put a legal notice in the paper before the public meeting and the public hearing.

Bob Kormann: Okay.

John Fleming: Any other questions? Okay, do we have a presentation from the Developer? Would you mind? [Handing mic to speaker]

Paul Milhous: I wouldn't. You know I am not used to public speaking, but I'll give it a try. My name is Paul Milhous and I have a summer home at 1031 Rainbow Dr in Ferndale, I guess would be the address. First off, I am wanting to introduce who we are and who is here with us. I am Paul Milhous and I live right across from Kootenai Lodge. The Milhous Group that is making the application is Bob & Paul Milhous. Bob's my brother over here. Bob & I have – I keep saying we've been brothers for 67 years, but we've been in business together since 1967 and we are still in business today and have always had shared every project that we've been involved. Also, Jay Billmeyer which is a civil engineer from Kalispell. Bill Aistle over here. Jerry Peacack is a business associate who has been with the Milhous Group for 25 or 30 years and he is also a principal in the project also. And then Charlie Siemon which is an attorney and land planner, but more importantly, a lot of his practice is on historical sites. So, anyhow, that's who the Milhous Group is.

I want to start out and tell you about why I am here in Montana. My wife, Maryanne, back here, was born in Anaconda. I hope I pronounced that correctly and her grandparents had ten or twelve kids and they each had for or five kids and so it ends up that Maryanne has 57 first cousins living in Montana. So we 'd come up to Anaconda, spend some time with the family and the cousins and the aunts and the uncles and then always come up to the Bigfork area and stay in the Marina Cay. And so, in the mid-eighties we decided that we wanted to buy something up here and we looked at all the lakes and all around – we wanted to be on the water. And we

picked out Swan Lake that we wanted to live on. And that was in the late eighties. So we've been here for over 15 years. We spend all of our summers up here. We come up mid June until the end of October. We always come back at Christmas and at Thanksgiving and also at Easter. And spend a lot of time.

But back to the project across the river from me. You know, I've been looking at that project for 15 years, or the log cabins over there. You know, and I've always wondered was somebody going to do something with it. Well, the current owners have had it and not done much with during that period of time. And then what happened was they really put it in play that something was going to happen with that project when they decided that they were going to sell it. Should I be talking to you? [Addressing the Board] Sorry.

John Fleming: I was going to say we should probably have a stand out there pointing to us.

Paul Milhous: Well, okay, there should have been an arrow. So, anyhow, we knew that the property was in play and it's been for sale for the last five years and I kept wondering what might happen to it. And then, my deck looks down over it and I looked at these cabins and I saw a big blue tarp go over one. And that tarp has been on there for probably a year now. That particular building is now caving in. The roof is collapsing, the foundation is collapsing, and it is a building that is not going to be saved. It is not possible now, it's just too far gone. And so that's when I started thinking that I need to do something here and start thinking about it. We ended up making an offer on the piece of property and started making investigations as to how to do that. Our first thought was to be, will it be a resort and we turn this stuff into a boutique type resort? That, we had a survey done with that with a major San Francisco company and they said that is not going to happen. So, we kept looking at how we could physically do it and we decided that it wasn't possible or economical to go in and restore the cabins and do the things – put the road, sewers or waters in – and what we had to pay for the piece of property. So we kept investigating. We finally came up with that there's 63 acres down the Sunburst Road. And we bought that and closed on that and we worked with Jay to put the septic systems down there. He's going to explain all that to you. So what the project is, it's a condo project. And I think that was probably a bad terminology, but what it is, is single-family owned homes. We see the buyer being a second home or a third home or even a fourth home. We see a buyer who is probably going to use it anywhere from three to six weeks a year. That is pretty typical in these type of houses. And they want to come in and have the milk in the refrigerator, have the fire going, turn the heat up and when they leave they lock the door and they're gone and somebody else takes care of the landscaping and the painting and all the maintenance work that needs to be done. So that's why that we are going to make it a condo. The site itself is 65 total single-family residence on it. Sixty buildings total. We are going to have a fairly large clubhouse. The clubhouse will consist of a bar and a sitting area and rooms and pool table and meeting room, massage rooms. There will be a mini spa with a Olympic size swimming pool that's be 75' x, I think, 40' that's what that is. Our intentions are to the very first phase we will be coming in – all the brown buildings there – we are going to restore those buildings at the very start. We want to really set the character of what the whole thing is going to be. Those are large log homes right now. Any additions or changes we put onto it will all be matched material, it'll be rock and stuff. We are going to continue on with the green asphalt roofs as it's been there, those who know its history. What else can I tell you here?

Yeah, why don't we let Charlie speak for a moment. Yeah, let's do this one right here. This – we wanted to show what it was going to look like. These down here are the original cabins restored back theoretically at what they might look at. But what it really does – is see, the very accurate, the position that they are in today. These are three new buildings here. The three new buildings are at least 55' apart. They are – we had 2400 feet on the water altogether. There's a total of 17 buildings on the water and out of the 17 buildings there's five of them that are duplexes. So, it would be 22 total residents. But the spacing would be... And this is what you would see from the water. My house that I have right here would be setting right here. So, Charlie do you want to go ahead and take over?

Charlie Siemon: I'm Charlie Siemon and I'm a planning and planning law consultant. I have been doing this for 30 years primarily based in Chicago for most of my career but recently living in Boca Raton where Jerry – where Paul & I are very good friends. I just happened to have an extensive amount of experience in rural land management and growth management and historic preservation. About 60% of my work, my career, has been for the public sector more often than working for developers I am working for people like you. And I have worked in more than 35 states and the Commonwealth of Puerto Rico and I think that I have been in charge

[audience complains that they can't hear]

Charlie Siemon (continued): Get it up, I'll be glad to speak up. We are the late consultants for the New Jersey Pinelands, I think still the most aggressive comprehensive management plan – seven counties, 32 states, a million and a half acres. More than 800,000 of those acres have been preserved.

John Fleming: They still can't hear you

Charlie Siemon: Well, I'll use the other mic. I'd be glad to. I want to be heard. One of the things we have dealt with both for the public sector and the private sector is how do you find a new use for a building that is obsolete? Either because lack of attention, capital reinvestment replacement or because the original use of the structure just isn't viable in a contemporary fashion. Usually the materials that were used at some time in the past that qualifies the property for historic designation requires significant investment in order to bring it forward. Generally there are two ways other than buying it and in the history of historic preservation there are relatively few properties that we've been able to save through public acquisition or non-profit acquisition. It's just a very expensive proposition. So the primary modes are only two. One is adaptive reuse. That is finding another use for the property that in its existing character will allow it to be financial feasible to rehabilitate the structures to provide for capital replacement and have them be successful in the future and leave a steward that will/can tend for it. These historic properties don't carry themselves, they need to be managed over time. We looked at adaptive reuse. The first idea that a small boutique resort would be an ideal use for the property. And it's just not economically feasible. We looked at it and we can't figure out how it could be made to work. In fact, as I think many of you all know, this property was developed – redeveloped in the early 80's in a similar format where the lodge was turned into a club and that effort ended unsuccessfully. And although there was an approval for a comparable number of

units that we are talking about here tonight it did not proceed. The economic analysis here indicated the other approach that we have used successfully and in most communities where the property is zoned the developer is given a bonus intensity to provide additional economic grounds for underwriting the restoration and rehabilitation of historic structures and the long term operation. And that is the course that we have followed here. The number of units – we all know that density is a big issue – is driven by what it takes to fund acquisitional land, rehabilitation of the structures, sale of the structures to responsible parties, and to create a legal framework – a condominium form of ownership that ensures that all the common areas, all the grounds that have been --- the character of this place is made up by three things. It's the trees, the structures and the manicured grass that's been maintained in that character over the time. Part of that is in public will become in common ownership and can't be affected by individual owners. And so the density that is presented here is not as has been suggested by some in the papers as a greedy developer – it's in my opinion and you can take it or leave it, I've done this for public sector agencies. The Performa for this has a substandard, has a greater amount of risk than I think is otherwise justified in the marketplace even at this number and it's because of the significant cost of rehabilitating and restoring these structures.

Mr. Milhous has proposed to restore these structures according to the Secretary of Interior Standards for rehabilitation of structures whether they are eligible for the tax credit or not. He is committed to doing this and that is what this is driven by. But, we've looked at it and you are going to hear tonight from a couple of different folks that we've looked at the composite character of the area in which this property is looked at. Everybody picks out a different section to look at to decide whether it is compatible or not but land uses aren't uniform across the landscape. There are a whole variety of elements and if you want to understand community character and what change a new development will bring to an area you need to analyze it on a composite basis. And we have analyzed it on a composite basis and we think that you will find that the density which is proposed here doesn't change the community character. Other properties which are inhabited historically and developed, there are lots and lots of properties where homes are 20' apart, put row by row like bishops along the water. There's been a lot about traffic – there are going to be some more cars, there's no doubt about it. But we calculate based on standard trip generation rates – given that this is going to be a vacation – seasonal housing – it's going to have a relatively low trip generation in comparison to people who live there full time. The additional traffic is going to be about one car every 7.7 minutes during the day on the roads surrounding this area. And I understand it's change. I deal with that every day of my professional life, but we think we've been careful to calibrate it to the area. The trees – somebody's counted up the number of trees that would be removed – we count that 80.4% of the trees above 10" caliper are going to be preserved in this plan. And I would submit to you, if you look at the plot plans for individual homes all along the Swan, you're not going to find anybody who is preserving 80.6% of the trees because they are taking it on their smaller lots in order to get a house pad and the loss of trees in the immediate vicinity. So, that's what I wanted to bring to you. This is really driven by the reality of my friend, Paul's, decision to preserve it. I have to tell you, I urged him to do that. My experience is that the best projects are done by people who live in the neighborhood because they are protecting not only their neighborhood but their economic interest and they balance them. And I'd be glad to answer any questions after the balance of our presentation.

John Fleming: Thank you.

Paul Milhous: Jay?  
[tape ended, missed some discussion]

Tape 1, side 2

Jay Billmeyer: ...a proposed sewage facilities map to your planning officers. A good example already posted over there. But it's a fairly straightforward concept. We have gravity sewers on site, we are collecting sewage from the various home-sites. Gravity sewer, manholes, to a lift station. From that lift station it's conveyed to the off-site treatment facility – it's some 2000 feet away – conveyed in a polyethelene, fuse jointed pipe, not the typical PVC pressure pipe that you see. It's after the fusion process it's basically seamless. It ends up being one big long conductor. We just finished a fairly large project utilizing many of these identical concepts down at Arlee. We are pumping sewage well over three miles – like 16,000' to a treatment site. The polyethelene concept is the toughest pipe you can find today and that any of you have worked with black pipe personally you know it's difficult to crush, it does not shatter, it can withstand a lot of construction impact over time. Flathead Lake, from Lakeside on up to a treatment plant in Lower Valley, has a 10" main. We are proposing a 4" main. We've got a 6" main down in Arlee. The – once the sewage arrives at the treatment site we go through a grid chamber and a flow distribution chamber. We've collected it from all these homes, we've transported it off site and up hill above the lake level, I think it's well over 100', in an area that has fairly consistent till soils, fine structure along with boulders and some glacial deposition. The idea there is that it's a fairly tight material to support treatment and nutrient removal. As we go through the treatment process – I've got to grab another board here – this is the grit and flow distribution chamber at the head. We go through a series of – the partition flow goes through a septic tank and then on through a trickling filter. It passes through the filter, a portion of the flow is re-circulated back to the tank and then passes through the filter again.

The concept here is a nitrogen reducing treatment process, it's, ah, will come in increments. Each unit will have the capability of somewhere between four and five thousand gallons a day. After it passes through the treatment process it then goes through a dosing pump and off to a land application system. The land application will be a pressure distribution in infiltrators are a new gravelless absorption trench – it's a little dome that covers these absorption trenches and so the idea is uniform distribution across the soil, not injection as it's been characterized by some folks. It's a - it's taking the septic system and drain field concept, adding nitrogen reduction and uniform application. The benefits are, the concept is all underground – we don't end up with a lagoon in somebody's back yard, we have sixty percent nitrogen removal, and we have uniform application in an unsaturated flow as opposed to a gravity system where it discharges and saturates a zone near the tank or someplace out in the bed and then percolates down to the ground water table.

So, ah, two things are happening. We are addressing nutrients – those two nutrients are nitrogen and phosphorous. The site was selected on the basis of its separation from groundwater and recognizing the direction of flow in the Swan Valley. We will be generating data as we go through the treatment review process with DEQ and your County Environmental folks. But at

this point, we have garnered from your files information that indicates the ground water flow is generally parallels the valley floor and it's moving in a northwesterly direction near the site. The treatment site is right in this area. The design criteria that we were working with as we set up this preliminary concept was that we would have adequate soil structure to remove the phosphorous before it encounters the ground water table. We were designing around DEQ parameters for non-significance, the idea is, is that we will reduce the nutrient levels as they exit the site either the standard mixing zone or the property boundaries which ever comes first so that the impact on the State's resources is not significant. And that is nitrogen cannot exceed 5mg per liter. Background nitrogen here is about .1 mg per liter - .01. I think Seth was talking about .02 as being the general aquifer out in the lower Mission Valley here. We are looking at Swan Valley at .1 and the impact is at is 500' away from our drain field site is projected to be less than .5. 5.0 is the level of action – or the trigger level – where you are considered to have had a significant impact on the State's resources. That's nitrogen. Another way to look at the nitrogen is from a loading standpoint. We have proposed 65 units. The 60% reduction from a nitrogen-loading standpoint says that we are going to impact this aquifer in this area about equivalent to 27 houses because of the additional treatment. So, that's the benefit – that's why we are looking at this level II treatment concept.

From a phosphorous standpoint, by the time we exit this mixing zone, we trickle down through the soil mantle to a level of about 16' below the system – although there's probably 100' of this soil - the analysis is a mathematical model that says something could happen within this 16' zone where you hit an impermeable layer and it starts to move horizontally. So we go down 16' and we move horizontally. At the end of 500' we've got to make an analysis that says there's a quantity of soil here that has an affinity for the phosphorous and that we will consume all of that phosphorous for a fifty year period. That's the trigger level. If it's longer than 50 years it's deemed non-significant. Early modeling that we have done indicates that it is over 300 years. We are going to firm that up with additional studies – we know it is at least 200, but I think it is relatively insignificant whether we add another 50 or 80 years after 200 years. The idea is, is we are designing around non-significance.

So, that's the concept. It would be a manageable system in that there is not a lot of maintenance. It is a system that reacts quickly to weekend loads or vacation loads. Some treatment plants, you can have a really good treatment process like activated sludge – does a great job of treating the nutrients except it can't stand the weekend surges that occur. You blow all your sludge and the working component - the active, activated sludge – out the back of the plant as it hits the hydraulic surge. These systems have the treatment bacteria growing on a textile media. It's fixed. It's there. It just goes dormant when the system isn't in operation. Through controllers we can control the flow rate to the systems both laterally and vertically. We can dose them a little bit each week to keep them fresh, to keep the filter media damp and the biota viable. We can also sequence loading and balanced loading out across the drain field. So, that's the sewage disposal system. On-site some, well over 2,000 feet away, but more importantly easily a hundred feet above the groundwater table. That's what we were after. Swan Valley has – I'm sure you are all aware, as any Valley floor has – flood plains, has shallow ground water. In some cases we found a bench. In fact, there's a, a couple of benches on the property. This is the disposal site. A good component of the 60 acres that are bound. Excuse me; the two green zones are what we are looking at for disposal sites. The numbers are test observations that we

have put in down to 16' to date and we will be drilling some ground water monitoring and we will be sampling neighboring wells.

Let's talk water supply for a minute. Seth was in here. I've studied his work, I've read his master's thesis and he has generated a lot of information for Tribal resources some of which has been made available to us and we are looking at some of his work at Arlee. But, he has a good knowledge – an appreciative knowledge – of the water resources here. This is some modeling of the Swan Valley floor aquifer based on a number of well logs that area available off the ground water information center data base. I've got a – I need three hands, here – okay hold that one up there. We look at wells in this boundary. Here is the project site. The two blue dots are where we are proposing water supply wells – major wells. We think we need a peak flow – a peak hourly flow – of about 380 gallons a minute to sustain domestic demands and irrigation. That's a peak flow, not an average daily flow. Average flows are going to be 100 gallons a minute or less. The black dots are wells that we have data on. We have platted some of that data in a geographic cross-section. You can see the Swan River or in this case a portion of the lake. We go through some – we have some basement rocks, which are basically what's comprised of the main geologic structure for the mountains. We've got some tertiary material that the glaciers dumped in the valley fault and then we've got some surface materials, some Swan Valley fan sediments some of which is the Johnson Creek fan, that's why we have the shape that we do. Johnson Creek comes in right about here and we are looking at an aquifer that has a horizontal velocity down the valley in excess of 500 feet a day. Some studies indicate that it may be much higher than that. We wanted a conservative number when we were looking at our nutrient to dilution analysis. We also didn't want to falsely encourage Paul that we were going to have wells that were going to be shallower than perhaps they would turn out to be. We're looking at roughly 180-foot deep wells about 300 gallons per minute. Our theories are confirmed by the wells that have been constructed but the Kootenai Woods project; they had two fairly high yield wells – about 160' deep. Generally once we hit this interface between the fan sediments and the tertiary sediment our yields go up about 50 gallons a minute a foot or so. They go up quite rapidly. And that is the – that gives us the horizontal velocity down through the valley floor. So, the water supply will be, the central control facility, some type of air-hydro system. We are not proposing a water tower or anything that is intrusive. Generally it will be enclosed in an operations building or portions will be underground again.

We have fire tap addressing concerns for the rural fire department. There will be a pumping facility that they can tap to recharge tankers. Pretty straightforward concept for on-site utilities for a small project. 65 units we are talking about. 27,000 gallons of sewage a day – peak – and the concept is, I forgot one major element. There may be concern about perpetuation of these systems, you can create them, you can build them, but who takes care of them? And we are proposing to establish a County Sewer District where perpetuation and maintenance and operation of the sewage disposal system. The water system is a little bit easier to manage. You've got, certainly your sampling criteria and your operational criteria but not quite as operator intense. Form a County Sewer District and have a professional licensed operator and operation and maintenance budget. We will have utility bills very similar to what any other municipality operates under. Revenue will be there. Assessment authority will be there. And the legal requirements for operation and maintenance will be there. That's about all I have, Paul.

Paul Milhous: I wish I understood everything he said, but I think kind of the bottom line was that it's going to equal – the 65 homes, the system we're putting in will equal about 27 homes. David, I think, wants to say a few words.

Dave DeGrandpre: Hi, I'm Dave DeGrandpre. Just a few words. I know there are a lot of people who want to speak tonight so I will be brief. What I want to address are a few points that were put forth in the Staff Report just for clarification purposes as much as anything else. One of the primary issues that I know you are grappling with and I grappled with as well when I was working in this office is density. In the Staff Report it talks about Density in the area of 1.39 to 1.52 acres per unit in the immediate vicinity. And with no disrespect to Sean or Sue and those who put the information together, we ran some of our own calculations today and came up with a density in the area of about – as shown on this board right here – of a bottom line just about 1 acre per unit in the area. So, we came up with different figures and I'll give you our information as well so that you can look at it. But what it comes down to, as we've discussed, is you guys are wrestling with right now is what exactly is density. What does it mean? I've always taken the view that density equals impacts. Impacts on public health and safety, impacts on agriculture, on the natural environments, on local service providers and things like that. In this subdivision, what's proposed are essentially high-end seasonal housing units. Market studies indicate that they are going to be occupied on average 3 weeks out of the year. These people don't have children in schools, these people have very high-end homes that are taxed at a very significant rate that basically contribute more to the tax base than they demand in the way of services. So, in terms of effect on local services at least in our evaluation it appears to be very, very minimal. I'm working with the department of revenue right now to try to come up with ballpark figures for the amount of tax revenue that will come to the county, but it seems to me that with seasonal high-end homes it's pretty much – it's a dream in terms of economic development. Again, very little in the way of local service demands, a lot in the way of coming into the local economy and the local tax base.

You know, initially you guys were working on the Density Map; I worked hard on the Density Map as well. It is not yet adopted. What are the issues – one of the areas in which a person could achieve a higher density in certain areas is by putting in a community sewer system. There are also variances this allowed for certain circumstances. In this case historic preservation is one that might warrant a higher density that what might normally be allowed. And I guess, finally, this property is unzoned. It's surrounded by property that is but it was omitted intentionally, I'm sure, from the Swan Sites zoning district. So, I would hesitate to put the zoning rules of an acre lot or an acre and a half of lot or whatever the Swan Sites I is, I don't recall off the top of my head, on a property that is unzoned if we can demonstrate that we mitigate all impacts to public health & safety, the natural environment, wildlife and wildlife habitat, you all of the primary criteria review criteria that you are familiar with.

A couple more quick issues. Trees, it was mentioned in the Staff Report section 2i that 170 of the trees were going to be removed. You know, there is a reason that the trees are shown on the plat that you have. The Milhous Group went out and specifically surveyed in trees of a certain diameter – 10" actually at breast height is what they surveyed in. The total number that you see is 864 on that whole map. 170 are going to be removed. That equals 19.6%. In other words 80% - over 80% of the trees on the property are intended to be left as is. That is a pretty

significant number in my mind. There are going to be a lot of questions about docks, about boat access, about water use – there'll be conflicts on the water. You know, in early reiteration of a drawing we submitted showed boat slips, showed three docks, I think there were 24 – I could be wrong on the number, but I think it was 24 boat slips. That was a conceptual drawing. To be honest with you, the Milhous Group isn't sure exactly what they want to do in terms of docks and lake access. It's something that will evolve. But as you all probably know, or most of you know at least, there is a permitting process in place to deal with boat docks to make sure that lake access, lake related structures are installed in a manner that is environmentally friendly, that's safe and that deals with all the issues in the public interest type criteria. So, you know, at this point, we are not really sure what the boat dock/lake access/river access situation will be. I know the people have concerns about it. The people who live along the lake, who use the lake want to maintain it in its current state or maybe take it back 20 years ago, 40 years ago to what it was like back then. Unfortunately, that is not going to happen. These are state waters. New residents have every right to use the water just as much as someone who has been there for forty or sixty years, so I guess that is an issue that is yet to be determined. The final item in the staff report is Section 2L, it's under the service providers category. In particular it's dealing with the fire department. One of the requests of the fire department was a satellite fire station because this property is at the far south end of their jurisdiction. The Staff Report says that we didn't address it in the application but actually the Milhous Group would be happy to put a fire station on lot 4 of the Ridge. There are a few issues that we need to work out, but if we can we will. And last night we had a public meeting up in Bigfork and Paul Milhous said that he would be willing to donate \$2000 per structure upon closing so that that fire station could actually be built. So, those are the issues I wanted to address and we would be happy to take any questions if you have them.

John Fleming: Thanks, Dave. Do you have any questions? Paul, do you have any other presenters?

Paul Milhous: Jerry do you want to say anything? This – the one thing I want to say is that I am very passionate about this. I want to live here for the next 25 or 30 years. I want it to be a very first-class high-end community and pretty often you don't find builders that are going to live right there too. And I am looking at all those people who are going to be my friends and neighbors.

John Fleming: Thanks Paul. Are there any questions for the developer from the Board?

Bob Kormann: I've got a question for the staff. Question on the Ridge subdivision. Explain to me how the sewage treatment plant can be located on the Ridge subdivision when the Ridge subdivision says its for single family units only which we passed a year ago or whatever.

Sue Shannon: That's a question that we really haven't been able to answer yet. We requested the developers address it in the pre-application. In our pre-application response to this subdivision we requested the developers address the issue as to the use of lot 4 of the Ridge subdivision for a offsite public sewer treatment system. The developers came back and had a lawyer look at the Ridge covenants and gave their determination that it wasn't addressed and so therefore it should be able to be utilized as such. That's the long and short of it. It was a three page, four-page letter, but, and we had...

Bob Kormann: What do you mean it wasn't addressed? It was addressed in the Ridge covenants though, wasn't it that it was for single-family use only? Those lots?

Sue Shannon: Yes, that's what the Ridge covenants state that the lots shall be created for single-family residential purposes. He went through and looked at other types of uses that would be similar – like fuel tanks shall not be allowed above ground except for propane tanks and they said that this thing would be totally under ground, it wouldn't be noticeable so therefore it may be – it wouldn't be addressed under that. They just went through the covenants, looked at different areas of the covenants that may address the offsite sewer and then determined that it didn't and so therefore would be allowed. And that's just their legal representation's determination. We haven't had the County Attorney or any other lawyer look at it for us. We feel that it should be up to the developer to demonstrate – the Ridge covenants amendment procedure requires 80% of the landowners of the lots in the Ridge and on subsequent subdivisions, would need to sign off on any amendment of these covenants. And so we feel that there should be some sort of – they should have to demonstrate, or amend the covenants to allow for this type of use.

Dave DeGrandpre: Mr. Chairman, can we address that question?

John Fleming: Yeah, yeah. Dave, I'm, what we would like right now – these questions are for you guys right now. We would like the developer to answer any questions that they can.

Bill Astle: The opinion letter that is referred to is my letter. We went through and analyzed the covenants in their entirety. You are reading one provision that says these 4 lots are created for single-family purposes. But then there are a whole series of other covenants and restrictions that relate to other activities unrelated to residential such as utilities, which it says, shall be placed underground. Normally utility facilities are not treated by land development regulations as uses because they are necessary in all districts – they cross sewer lines, sewer facilities, electrical lines, all of those things. So, when we read all of the provisions together we believe that there is no explicit prohibition for the use of this. Covenants have to be read under Montana law as a whole; you read the whole thing and not just one section of it. And if there's an ambiguity, the ambiguity is resolved in favor of the property owner against and for extension of the covenants to some action. Covenants generally all around the country are construed narrowly because the law doesn't favor restrictions on the free use of the property. So that is our opinion. We have provided that to our client and we feel comfortable with it.

John Fleming: Thank you. Fred?

Fred Mueller: What about the tree removal on the Ridge lot to put this system in?

Jay Billmeyer: It's already been done. There's very few trees at these disposal sites. It's been – these benches have been basically clear-cut. It has been harvested before it was sold. There are ridgelines and there are some trees, there are some pockets of trees. For the most part, there's not much out there. We have about a one and a half acre footprint where these absorption trenches will be located. Out of each of these zones that I have shown are seven to ten acres

each. The part that was, I think, left out is that lot is approved for nine residential units as well. It's in the covenants, that was the allowance. They would also be served on this system. Not entered into our calculations at this point because we're – the design hasn't evolved to that point. We will be submitting a submittal for a subdivision that will address those nine lots and then this will be expanded.

John Fleming: David, did you have something that you wanted to add?

Dave DeGrandpre: Nothing further.

John Fleming: Okay. Sue?

Sue Shannon: Well, part of the Ridge Covenants also state that trees may be removed for fire protection purposes, parking out, disease control, no clear-cutting will be allowed on any lot. So part of the Ridge review, there were a lot of concerns about the wildlife and who - that inhabit that area and therefore the developer put the minimal vegetation removal in the covenants.

John Fleming: And this was after it had been logged?

Sue Shannon: Well, it was owned by a, by Stoltz, so there was logging that had occurred on the property. I don't know the extent of the trees that would have to be removed to put in such a system, but you couldn't wind the septic treatment infrastructure around the trees. You would have to move the vegetation.

Jay Billmeyer: I used the wrong term 'clear-cut' – I'm sorry. I know that's not a very appropriate term. These have been parked out. There are parks on the property. And I think I've got it covered in the aerial here. I don't know the date of these aerial photos but you can see some clearing off, if I can find it. Up in this area, this area has actually has been parked out. We downloaded this photo off the Internet. It's not anything that was taken recently. In fact I don't know the origin date of this photo. One zone up here you can see that it's fairly extensively cleared. This, there's fewer trees here than what this would represent. In fact, this south boundary is very apparent. You walk out of the trees and you are onto this property.

John Fleming: Yeah, Bob?

Bob Kormann: David, I've got a question that maybe you could answer. I understand that the developer has to use the public right-of-way to get the sewer line across. Can you tell me where else that's happened in Lake County? I'm just not aware of that.

Dave DeGrandpre: Well, the idea in this case is for a public sewer system to be created. [Audience calls for microphone use] The question was has a precedent been set in Lake County for public right-of-way to be used for a system like this – a sewage disposal system like this. The answer is, this is intended to be a public sewage treatment system not only for the residents of this subdivision and further development of lot 4 on the Ridge, but the developer intends to build in excess capacity to make it a public system for other landowners – in particular along Swan Lake – whose... You know, if you look at a vicinity map – there's one right up behind

you, I think you received one in your packet as well, you know, you can see the very, very narrow strips. Many of the lots south of the subject property are 50' in width at the lake and they might be wider at some points, but in any event, they are quite narrow. They were created, I think it was Swan Sites I, I'm not sure of the exact date, but it was some time ago, twenty years ago at least. And sewage disposal requirements were less stringent than they are today. In any event, there is a great deal of concern in the area, and justifiably so, for the preservation of water quality and the improvement of water quality. The idea is to build excess capacity into the system, make it a true public system, not only for the residents of this subdivision and lot 4 of the Ridge, but also in the future other property owners want to annex onto the system – clean up their act so to speak – or develop their property more extensively, they would have the opportunity to annex into the system. Again, you know one of the beauties of this system, of a system like this, contrary to one with individual septic systems, is that there's a state mandated maintenance and operations schedule that is required. So it's a higher level of treatment #1 and also monitor it. So, we think it will be of public benefit and that's why we believe that the use of the right of way is justified.

Bob Kormann: But the question was.

Bill Astle: I'll answer the question. I'm Bill Astle; I am an attorney with the group. And the question is well taken. How do you get the access for those lines in the public roads? That's the question?

Bob Kormann: The question was really where else in the County has the precedent...

Dave DeGrandpre: Pablo, Arlee, Polson...I mean every place in the County that there's a public sewer system it occurs within public rights-of-way.

Bill Astle: But the methodology is under Montana Statute. You create a county water & sewer district. It has both authorities. Here it will be sewer district and it's got a whole procedure in state law in which you set out a district boundary, you go to the County Commissioners and petition them to create this public sewer system. And you then are incorporated as a - with the Secretary of State – as a certified County sewer district. With that authority comes a whole lot – almost to the point of being a governmental entity of the state – you have the ability under a clear State law to put your lines – water or sewer – into any public road. Any road in the state of Montana. So, they exist in a multitude – I practice in Kalispell for 30 years. I represent two of the major ones – Evergreen, the unincorporated part of Kalispell that's all on the Evergreen sewer & water district, Lakeside on Flathead Lake as you enter that area, that's on a County water & sewer district, Somers to the lower end of the valley. So, they are all over the state, and they are very much a vehicle and the legislature right now is dealing more authority to them the ability – because they are serving a purpose. So that would be what the intent of the Milhous Group is, is to incorporate this and comply with the law to become a County sewer district.

Bob Kormann: Would the Ridge, the people in the Ridge subdivision be required to tie into it?

Bill Astle: The people in the Ridge subdivision, if they are incorporated into the original district, would be required to. And they have an ability – and any district created in Montana – has the

ability to vote for that district or vote against that district. In this instance Milhous owns all the property so the district for both the Ridge lot 4 and the subject property will be the district.

John Fleming: Thanks Bill.

Fred Mueller: One more question. How much more room is there to grow on this sewer system?

Jay Billmayer: The question was how much more room is there to grow on the sewer system. It could easily be doubled at this lower site. We, if you look at the space between the zones that we have set out and they are just approximate zones at this point – in addition to the primary application area we show a hundred percent replacement area for each of the zones. As I mentioned earlier, the system is constructed in increments. A battery of these 4 to 6 thousand gallon a day units, it's very simple to add another unit. The limiting feature would be that grit chamber that I explained early on we will have additional ports for future metering pumps. Basically we meter this by pumps. So there will be a physical – the components, there could be a physical limitation, will have additional expansion capability. It's very simple to add another 4,000 gallons a day by simply setting another one of these battery units beside it and you could continue on. So, in each of those application areas, that could easily be doubled. We are not building that kind of excess capacity in it. I think the threat is – it's kind of a two-edged sword – if we over build or if we don't have defined service boundaries that could be a threat to folks like the Ridge who have that covenant criteria where they have to hook on if something is available. It's also a benefit, I think, if you have failing septic along the lake or septic systems that are not performing in the way of nutrient migration into Swan Lake – and I understand there is some concern about that, right today before this project there is some concern about the declining water quality of Swan Lake and it relates to these nutrients that I was discussing earlier. So we want to have discreet boundaries but you could petition if you had a failing system and you wanted to resolve that by hooking on to this pressure sewer that conveys out to the plant. You could petition to come in; we would have connection standards that would have to be met. We would have rates and rules for operation that you would have to agree to and your failing system could be resolved. So, it's expandable, in increments, but it will have discreet service area boundaries. It's not a panacea for the entire neighborhood and it's not a threat to the entire neighborhood.

Sue Shannon: Mr. Billmayer, I have a question for you about limiting features. One of the limiting features that we see in a lot of the other existing public sewer districts in the county is inefficient infrastructure placed for expansion. I guess I would like you to address the four-inch line that is going to transport this and it's ability, it's limitations.

Jay Billmayer: Sure. That is one of the limiting features. Force mains are designed on the basis of velocity not capacity. If you have a force main who is conveying sewage too slow it will sludge up and eventually clog, grease clog, or you will over power or over drag your pumps because they can't move this sludge along the line any more and eventually they shut down. As I recall, I have run some preliminary numbers, I think we were like 30% capacity of the force main itself. So, as it comes online, what you have is an infrequent pump operation so you have a lot of reserve capacity in between those pump cycles because if there was more sewage the pump would pump more frequently. But when it pumps, it has to pump at least two feet per second, I

think I've sized for 2.6 or 2.7. So, I – this force main could easily be, I want to say, tripled or quadrupled. It's a four-inch force main simply because I have to have pumps that can pass a three-inch sphere. If I have a pump that's that large of an impellor to get a pool ball through it, it's going to move a certain amount of sewage. So, we are on the order of 80 gallons a minute when this cycles. A four-inch force main equivocates to a 80 g.p.m. flow rate to exceed the two feet per second. Arlee down there at six has 180 g.p.m. flow rate so that is the way those lift stations are designed. I think I could expand it six times. Not only could I increase the pump frequency, I could also increase the velocity with a little bigger pumps, a little more horsepower. So, that isn't the limiting feature. In addition, we have incorporated into all the stations that we design, we have emergency storage, power outage doesn't necessarily mean that the water stops flowing although generally it will shut our pumps down as well – our water supply pumps. But there's water in the tanks and in the lines and so we have at least two hours emergency storage in the form of extra piggyback capacity for the wet well and we also have generator – portable generator – capabilities. So, the concern that the power goes down and the sewage eventually ends up in Swan Lake wouldn't be very well funded either. That answer your question, Sue?

Sue Shannon: Thank you.

Ken Miller: I've got a follow up for you on that, Jay, how does the expansion of the sewer system relate to the phosphorus and nitrogen calculations? Are you still within non-degradation by doubling the size of this sewer plant?

Jay Billmeyer: The question is will we somehow exceed our non-deg numbers if we increase the capacity. Along, kind of along with the expanded increments of treatment capacity we have expanded increments of absorption field. Absorption fields, the way the non-deg mixing zone works is, is that it flares out at about a 5 degree angle over the 500' on each side. It's basically linear, not quite linear, but real close. And if I separate the each of these disposal field zones by a little more earth in between to account for that 5 degree flare I can basically linearly increase the size of the absorption system and not in any way affect non-deg.

John Fleming: Any other questions? I think I have one more. I'm the historian so I have to ask this question. We have a comment from Pete Brown. I don't know this gentleman, but in our report Historic Architectural Specialist with the Montana Historical Society and he has since, he mentions in our report here that setting and feeling are two qualities necessary for property to be listed on the National Register of Historic Places and significant loss of them would likely render property no longer worthy of listing. And this was an opinion, but can somebody comment on whether or not, with this project, the Lodge will continue to be on the Register of Historic Places? Or, any comments you have in that area.

Bill Astle: First, the lodge is not a landmark structure it is actually a district. It's our opinion so long as the additional buildings reflect the relationship of structure to land to the extent possible with trees because we can't replace 120-year-old trees. We believe it will be consistent with the Secretary of Interior's guidelines. In a district, you often have – a new building is built to supplement the income, the financial character, and it's doesn't have to reflect – be perfect – it doesn't have to mimic or copy. It has to be consistent with and I think what the author is saying if a setting around the individual existing buildings was altered so that say, if you look at the

view that Paul is showing you of what – one of the existing structures from the lake – so that the land area around those units – the existing structures – and the trees there were altered, I think that would affect the eligibility. I don't know that it would be de-listed. It probably wouldn't be de-listed, but it probably wouldn't be eligible for any of the federal considerations that go along with being a, on a National Register.

John Fleming: Thank you. Any other questions?

Bob Kormann: One question to Dave. You kind of left out the whole dock thing. I can't believe these high-end homes are not going to want a boat dock and some boats and so on. How's that, I mean obviously that's got to be addressed in the final proposal. Is that right or are you just planning on leaving that out and handling it on a...

Dave DeGrandpre: Let me just make a couple of points. South of Johnson – Lake County has a [audience requesting microphone]... right, right. Sorry. Lake County has an informal agreement with the Lake County Conservation District. There are – these are – there are two different permits, two different responsibilities, I guess. Now, the agreement is that south of Johnson Creek – I'm sorry, North of Johnson Creek the water is considered Swan River and on that water body 303D permits are required through the Lake County Conservation District. And then south of it is considered Swan Lake, and again that's kind of a handshake deal – it's memorialized in writing, but in any event. Well, Bob, my initial response is that's a separate permit, that's a separate process. I'm not sure exactly what that has to do with the subdivision. Certainly more residents on the lake could lead to potential conflicts, but...

Bob Kormann: Well, we went through this whole thing with North Ridge and the docks and so on there, so that's why my question.

Dave DeGrandpre: Well, on North Ridge I think we had some particular circumstances that aren't present here in terms of water quality and that sort of thing. But there are some similarities as well. Right off shore here this is a very shallow area just like it is, just like the concern was on the North Ridge proposal. I guess, would you like, are you asking then for a detailed proposal?

Bob Kormann: I'm wondering what the permitting process then. If this thing went through and then you decide to do docks, what steps does the developer have to take to get approval to put docks in the lake?

Dave DeGrandpre: Well, from the County's perspective, and I'll let you cover the developer's perspective in a minute, from the County's perspective it requires Lakeshore Construction permits that are permitted through the Lake Counting Planning Department. And, I think Charlie can address what the developer...

Charlie: I'd like to try to clarify what our position is. We took the docks off. We actually proposed a series of multiple use docks and then backed off whether that was the appropriate way to go forward. All we are suggesting is that the covenants and restrictions will allow the owners of structures that front on the lake to apply for an individual dock under the County's

regulations. And if they get a permit they will not violate the covenants and restrictions for the common land. In addition, we will provide for a common access point for the people who don't have a water front property like other parts of the area where the back lots have access to a common access. We're going to provide in the covenants and restrictions for one area where those other property owners, the other building owners can come through. But that's it. That's what the covenants and restrictions. How many of those will be built is ultimately going to be up to the County permitting process. But we concluded that this is an individual property owner decision. If we put a dock in front of every one and some purchaser didn't want one, then why would we have done that? And why would we pay for it. So, that's why they're...there's nothing nefarious going on here. We think these property owners just like everybody else on the lake – if they can meet the qualifications should have an opportunity to apply for a dock and the covenants and restrictions will make sure that that is a permitted encroachment and will provide for the possibility of one common access area, but that's it.

Sue Shannon: Can I ask a question on that? Have you guys designated a common access area? Because I can't find it.

Charlie: No. We have not design...the question is have we designated a common access area and the answer is we have not. All of the property outside of the building footprints is going to be common area and will be a part of the common area. But a specific access point we are not going to designate. That is something that the homeowners association – the condo association would do at some time in the future.

Ken Miller: Following up to that, I am concerned about the lack of dedicated parkland. Section B page 7 of our Staff Report talks about how you have looked to have us waive the 7.5% of land as dedicated parkland and I would like to know how you feel that you are able to do that?

John Fleming: Would you repeat the question before you answer? We didn't get that.

Dave DeGrandpre: The question had to do with the parkland dedication requirement found in the Lake County Subdivision Regulations and also the Montana Subdivision and Platting Act. Under those rules, the developer is required, based on the – some calculation. I can't cite it off the top of my head, but anyway it's a 7.5 % parkland dedication requirement that is required. There are also provisions in the Lake County Subdivision regulations and the Subdivision and Platting Act for waiving that requirement. You know, in my mind, the developer – if the purpose of parkland is to provide for the recreational needs of the residents of that subdivision, I think that this proposal more than any other that I've ever seen does that. You know, it has 2400 feet of lake and river frontage. It will have an Olympic size swimming pool, it will have a clubhouse, it will have tennis courts. Seventy-five percent of the grounds will be left in essentially their natural state and will be open to all residents of the subdivision because there won't be individual lots. In other words if your house – if you're standing at one border of your lot and I'm a neighbor I can come stand right here and cut my fingernails and whatever I want to do and I have a right to do that under the covenants. So, because so much of the area would be left in common area, it seemed to me that it's virtually – and with the exception of the building sites – the site essentially is a park.

John Fleming: Any other questions?

Ken Miller: I can keep going with them. The high water mark for Swan Lake, I see in Mr. Billmayer's site plan that you set it at 3,067'. I would like to know where you came up with 3,067' and if that is consistent with what we have used as a high water mark for Swan Lake in previous developments.

John Fleming: Would repeat the question too? Thank you.

Jay Billmayer: The question is, ah, I guess two questions, Ken. One is what is the high water mark that we've utilized and how did we arrive at that. Across the river is a gauging station somewhere just on the river I guess they are gauging the outflow of Swan Lake. It has a USGS benchmark. All of our surveys are tied to that benchmark. That elevation was transferred across and I think what we used was the apparent high water line on the bank. Bank or dock. Sue raised the question. I understand it's controversial in that there is a different high water mark elsewhere on Swan Lake it depends on where you are at. The concern is that the water is flowing downhill, of course. I have not investigated what the differential is. I know it's controversial. We took, and I don't know personally because I asked my crew to do it, but they went out and surveyed what was the apparent high-water mark and I believe that it is on the structures along the shoreline. And I could be corrected, but I know it's up along the bank line and it was a fair assessment of what the watermark is and it is tied to USGS but I can't get any more specific than that. I wish I could tell you that I surveyed a nail head on a particular structure over by where the old dock was, but I don't know where the guy shot it, but the idea was to arrive at what's there and I think we fairly did. But I don't think it will be enough to quell the controversy on Swan Lake about what the high water mark is.

Jerry Winkley: That I agree with.

John Fleming: Ken, did you have another question?

Ken Miller: I do, and it's for you again Jay. The two and a half inch fire department connections; how are we going to supply water to those fire department connections? Two and a half inch pipe will run at least two hundred gallons per minute. With a peak well capacity you have of 380, are we going to run into any conflicts where the fire department can't get water because a few people are running their washing machines and we are trying to fill up a fire truck?

Jay Billmayer: Well, good point.

Ken Miller: And will there be any additional water storage for a fire department?

Jay Billmayer: Well, to satisfy their comments, you probably also obviously read it in detail and there are some draft points – one on Johnson Creek at the old bridge. And I believe there is another draft point on Johnson Creek up by the roadway. David has addressed those in his response. From an engineering standpoint, I think the fire department has some ideas as to how they want it constructed and we will use their blueprint and build what they want. Over at the

pump house where we have a pressure hydrant, or pressure tap, the... One of the major water demands for this project is going to be irrigation. That will be a controllable access point be it solenoid valve or zone valves or – there will be included in the design a major irrigation tap. Fire department shows up, they need water. If the operator isn't there it will be a simple process where – the fire staff can be briefed how you shut down that supply and open the supply for their tanker recharge. Typically I design them so the fire department can have what water is available without opening the door. We do frost-proof type taps where they can open a valve that passes through the wall to the interior of the structure and they can then create a live hose pretty much like a regular fire hydrant only it's right at the pump house. We're not opposed also to providing fire hydrants. In fact I've had some conversation with the Milhous' insurance carrier and their underwriters are concerned about fire protection for this project in view of the substantial investment that would be insured there. So, we are also in the design going to be looking at the design rules for factory mutual, or fire mutual, I'm not sure –it's FM, I'm not sure what the term is. They have some design standards as well and I have designed fire protection systems that satisfy the insurance companies. So, we are taking what is typically would a municipal operation, shrinking it down to about 65 units and trying to keep the local fire volunteers content with what they are being provided with, but I think in the area it's 200 gallons a minute or 380 gallons a minute is going to be very substantial. Also, when we address the well demand issue, we are required to design by what they call the 2/3 rule. If you have a 380 g.p.m. demand, you probably have to provide about 500 g.p.m. well capacity. So, you add up all these things, I think there's going to be plenty of reserve capacity and also with the control at a central facility and the ability to shut down, I think your fire department is going to be happy.

John Fleming: Ken?

Ken Miller: I think that's all I've got for now.

John Fleming: Okay, good.

Fred Mueller: Okay, I got one. How do you use fertilizer on the site?

Jay Billmeyer: I can't answer that. It's an issue of covenants, an issue of maintenance and whether there'll be fertilizer on site.

Dave DeGrandpre: Obviously we don't have a real definitive answer for you but what I can tell you is the covenants states – I can't site the section but I know it's in there – that fertilizer use should be avoided. It's not mandatory, but it's in there. If you have some suggestions for how we might beef that up we would certainly be open to it.

John Fleming: Thanks, Dave. Any other questions? Okay, we'd like to get to public comment if we can. We would now like to open this hearing to a – it's not a hearing – yeah, this is a public hearing – informational meeting for public comment. Our rules would be, please, we would ask you to come up to the microphone. You would have to put your mouth right on the microphone. Please state your name so we can have that. We would appreciate brevity. To avoid repetition I can assure you that almost everybody on this Board – or, I'll speak for myself – have read all of the letters. If you are just going to repeat what's in your letter, I don't know if

that's necessary. If there's something that you would like to highlight and be very quick, we would appreciate that. Please direct your comments to the Board. Okay, we'll...

[End tape 1 side 2]

[The following is excerpted from meeting notes as the tape ended and did not get turned over through two public responses. I deeply apologize.]

{Tara Harbin, owner of Lot #1 of the Ridge stated that when the Ridge was approved by the County Commissioners it was for single-family residential and that lots 2-4 allow home occupations. She expressed many concerns especially that if the County makes us put certain things in our covenants they should help us maintain the integrity and provide defense of those covenants.

Joe Potoczny: Expressed concern for pollution from fertilizers into the river.

Joe Potoczny from actual tape recording: ...will be for irrigation. He went into great detail about telling how the nutrients would be controlled through the sewer system but who controls the irrigation if they're watering lawn that have fertilizer on them and are being washed into the waterway? Which is a important source of pollution. And I notice that there's been reference by several of the developers that this is going to be high-end development and that the average residency will be just a few weeks. I think that's bologna. Do you mean to tell me that we should approve this development for a few who can afford these wealthy things? And there's one other thing. I'm a fisherman. I am very interested in the high water mark and I believe that I should be able to go right past these residences that are there and do my fishing. And that's a state law and so I think that is an important point to make. I don't know what the covenants are to be doing these things, but I thought I'd make 'em known. Thank You.

Kathy Walsten: Is this right. Can you hear me? No? I will try to talk louder. My name is Kathy Walsten. I live in Swan Sites and I am a registered voter in Lake County. I am opposed to this project and I have three major reasons, some of which have been addressed and glossed over. First, Kootenai Lodge is a designated National Historic place. It is a national treasure. It's registered Smithsonian number is 24LA065. Contrary to some opinions this historical designation does include all 42 acres of land which are an essential part of this national historical property and are every bit as significant as the historic buildings themselves. National register guidelines require eligible properties to have intact an historic setting and feeling. Can you imagine how these buildings might look and feel if they were sitting in the middle of this paved 65 single home subdivision? These buildings are tied to the wooded shoreline landscape as intimately as they are tied to the very land itself. This pristine and specifically designated irreplaceable property should not be set aside in favor of high density building parking lots, boat slips, etc. Second, according to Montana Fish & Wildlife, a number of designated endangered species utilize the Kootenai Lodge acreage and waterfront. These endangered species include, but are not limited to bull trout, lynx, grizzly bears, and bald eagles. Other species including deer, elk, black bear, loons, etc. will arguably be adversely impacted by proposed high density development of the land itself. Equally alarming is the foreseeable impact of additional boat slips with their accompanying traffic, oil pollution, and destruction of remaining habitat. Please, I urge you to seek input from Montana Fish and Wildlife and DNRC before making your decisions about this project. And third, and last, the entire course of Johnson Creek as it crosses this property from Sunburst Drive to its confluence with the Swan River consists of marshy wetlands. As a result I would suggest the provisions of section 404 of the Federal Clean Water

Act should apply to this project. And additionally, since the Swan River is designated as a navigable waterway by the State of Montana, no work should take place on this project without a 310 permit from the Lake County Conservation District. It's my understanding that none of these permits have been applied for therefore I strongly encourage you folks to avoid potentially adverse legal repercussions by initiating contact with both the Corps of Engineers and the Lake County Conservation District regarding Section 404 and 310 permits before you come to a conclusion on this project. Thank you for your time.

Bradley Worth: My name is Bradley Worth. I live about 500' from the north boundary of the proposed development. And I sent you a letter – I won't be reiterating the arguments within that but I did mistake something. I talked about the genuine historical nature reaching back to the time in which these buildings were constructed and I should have really said that the historical nature of this area reaches back 14,000 years when the first recording of the Salish Indians came into that area and used it as not only a site of sacred ground but also a place in which there could very well be remnants of burials. It's the spirituality of this place that's near and dear to my heart. The second thing that I commented on in my letter was the nature of the neighborhood in which we lived. But I didn't really catch something until last night's presentation when we saw the sight of what would be preserved in the nature of the architectural renderings as from – for example, from Mr. Milhous' home as he looked down on the property. The cost for him to be able to see that is pretty severe to the rest of us. Many of us who live in the neighborhood will be looking at a combination of houses, in my case probably 13. And last night, I did appreciate the fact that those houses would be quality houses, but quite frankly the neighborhood in which we find ourselves is not made up of nearly trophy houses. There are houses that are in the 300s, 400s, 500s, and maybe 6 or 700s, but there are also some houses that are in the 20, 000 and 30,000 & \$40,000 range. And what makes that neighborhood so fine is that we can all walk amongst one another. To the best of my knowledge the historical preservation of the buildings within this property will be made for the benefit of those who live in it and quite frankly that seems to be an awfully high price that the rest of us are going to pay for a few people to enjoy what truly is an architectural wonder, a national treasure, and quite frankly might very well be sacred ground. And so, I would hope that you would take not only that into consideration, but also one last thing. And that is growing up in Great Falls, I had the great luxury of knowing people who knew Charlie Russell. And I also had the great luxury as a kid of going not only to his home but to his studio. And I know that one of the great things about that area, and Charlie of course, having been a regular visitor to this area and to the Kootenai Lodge, was that it didn't take a development of 65 4,000 square foot homes selling at about a million bucks a piece to preserve and make available to the townspeople the original studios and the environs of Charlie Russell. And I think that's a serious thing that has to be laid at the feet of decision-making. Is this in fact going to be something that is preserved for the totality of the neighborhood or is it fact being something that is preserved for those who can get within its walls? Thank You.

Joseph Biebe: My name is Joseph Biebe. I am a resident of Bigfork and I want to thank you for donating your time tonight to allow us to go through this process. It's really appreciated and I'm privileged to be here. I think this is an extremely important endeavor. I just wanted to try to speak to the issue of water quality. It's something very near and dear, I think, to all of our hearts. It's a topic that comes up quite frequently certainly when you poll the residents of these beautiful valleys that we live in. You hear it all the time – water quality, the essence of why we appreciate

this great area. The things that we sometimes take for granted, but I was thinking in this case you heard that topic come up a number of times tonight. This particular property sits on the edge of the outflow of Swan Lake. It's as much a river as it is a lake right there, and so it's flowing water moving downriver towards Flathead Lake. The issues of these nutrients that are going to enter that river are going affecting Flathead Lake just as much as they are Swan Lake. There's something that I visualize, because I've seen it a number of times as I'm boating around Flathead Lake or Swan Lake and that is, what happens to a site like this when you develop it? When you develop it on this scale? And that is the disturbance of the native plants and the soil and the whole impact of changing that landscape to accommodate these homes and the pavement that goes in. And this is all about nutrient input into water. And so on this large scale with this many homes you establish a nutrient flux into that river that's basically fertilizing and changing water quality right off the bat and continues to do so from that point onward because those – that surface of pavement is a conduit for water to flush rapidly across the disturbed soils. Even as you seed back in with lawns or whatever, you've got that continual rapid flow of water across those when you don't have those native plants in soil and those roots that are holding those soils in place. So, that's one thing that I would just like you to bear in mind – that many lakes in other states have setback zones, have regulations that are more stringent than our own. And it's just because people recognize that water quality is easily set out of balance. These are incremental cuts that occur over time that we don't necessarily see day to day. But as many of you know that have lived here long enough, you can say gosh, I'm starting to see a green scum growing in this body of water that used to be so clear when I was a boy growing up, or a girl ice skating on that pond, I could see clear to the bottom. These are things that we have all seen over time if we've lived here. They add up and this is one of those impacts that isn't a small matter. We've talked a lot, or listened a lot tonight about sewage treatment and we can technologically fix this and engineer that – this notion of nitrogen is just going to go into the water, flow innocuously down through the ground water. The ground water is dynamically linked...

John Fleming: Could you start wrapping up? We're trying to move every body in three minutes.

Joseph Biebe: to the river. Okay. So, there is a connection to the river from this groundwater and that's what I wanted to say. Thank you very much.

Ann Morley: My name is Ann Morley and I am a 30-year resident of the town of Swan Lake which is at the south end of the lake and we've had our – a business, a small business building canoes for all that time. We've often canoed in that area and it is very shallow, lots of rocks and this idea that they aren't addressing it at this time is really ah improper. It should be addressed before this thing is approved. Their idea of putting in docks needs to really be considered. And the other thing I was going to talk about water quality which Joel is really covered and is also Jack Stafford's letter was really appropriate. What we need to do is we need a DNRC controlled groundwater area designation and studies before we start pumping out water and putting effluent in there. Thank you for your time.

Jim Ramsey: My name is Jim Ramsey and I am from Texas. I don't have a fancy background. I didn't grow up in Montana and my wife, Mary Stewart Ramsey is here with me and she grew up in Navasota Texas and I grew up in Overton Texas. I think both us wish we'd grown up here the longer we've been here, so I live in a metropolitan area in Texas where we have Boards like

yours here and I'm going to tell you they don't work as hard. And I wish they did, so thank you very much. We came to Montana almost 11 years ago after we looked at a lot of places where we wanted to spend some retirement years. And we selected this area here – one of my friends tried to get us to go to Whitefish and we spent some time there and it's a lovely place, but we just fell in love when we came here and came to this area. And it's because of what we can see, what we can hear, and can feel. And I know this is not an emotional meeting, but it's pretty hard for me not to get emotional about it. And like Denny Kellogg, I've about lost my voice, but it's because I forgot to take my allergy pill this morning so I brought some water along with me. Let me just say that I consider myself, up until this moment, a friend of Paul Milhous. And we are neighbors. He's a next door neighbor and our house is right at the mouth of the Johnson's Creek. You can see it on these overlays here, these things that they've come up with. And they are nice pictures but what I can remember is looking up Johnson's Creek and seeing the bald eagle and the wildlife and everything coming down there and that much we enjoyed. That's not really their business to worry about, but it is their business and it is your business to worry about the density. And I think the density is one of the biggest hurdles they are going to have to cross. I think – I had a list of four things that I wanted to talk to you about, about why this thing ought to be delayed because as hard as they've worked and all of this wonderful talent that they've gathered together I don't think they are ready to address all of the issues that have been raised here tonight and certainly not with enough information to allow you to make a proper decision. For my part, I wish I had known about it a little earlier. I'd have started working on it and analyzing it and I'd be asking some questions. When I first learned about this thing being put in play, about four and a half or five years ago when Debbie Rolfing came over to my house and told us that she was going to sell the Kootenai Lodge and we talked about that a little bit. And what I was hearing – the likelihood it might be sold to a foreign developer who had no interest in this area and so I called Paul Milhous whom I had never met and said I'd like to come over and visit with you and he was kind enough to invite us to his house for dinner and we talked about what could be done to save this national treasure from being taken over by a developer who really didn't have any respect for it. And we even joked about how much I wanted to put in – it wasn't very much, I couldn't put in much money, but I could sure put in some energy, and we talked about whether I knew anybody who would be willing to buy it and we even talked about what it was worth. But the numbers that I was hearing was just way out of bounds for me. But, I can come up here – we made a quick trip to come up here on short notice, 2,000 miles and you know what that is with airfares today, but, because we passionately care about this area and we want it to be preserved. We love it and I really believe that Paul Milhous is doing what he thinks is wonderful. I'm concerned that the structures that are being preserved there – that the footprint is being preserved, but the structures aren't what I thought they were going to be. I thought they were going to be the original log cabins restored because the night that he and I talked about this he said he was concerned that Debi Rolfing had not restored those cabins accurately, that she had put sheetrock and insulation in there and really done some things that were not architecturally – it managed to destroy the architectural integrity of the cabins. Well, I think that what we are seeing here is the same thing. Maybe that can be cleared up and I know that Charlie is writing a lot of notes over there and he is probably going to have some interest in this. I sure hope he can answer my questions, but I think it ought to be postponed until we get more information. Thank you very much.

Dominick Kovacevic: My name is Dominick Kovacevic and I've lived for years on Sunburst Drive and was a neighbor of this project. I live on the west shore of Swan Lake now and I have one sort of administrative question which I understand that some or all of the Board members did not receive our letter even though we sent it in a timely manner and I would like to give you copies of our letter and have each one of the Board Members check whether or not you got this letter because several of you have said that you received all the letters and reviewed them. I understand you didn't. So, I would like you have you just take a look at our letter and see if you did in fact get a chance to read it and did get it because we did talk to the County – the Planning Folks – and they did receive it but I understand some of the Board members – you'll probably be able to see right away it's a five-page letter – whether you received it. There's sort of a due process issue here. If we're going to have this system where we send in the letters on a certain deadline and it's going to be part of the public record – are there any of you who recognize that letter?

John Fleming: I'm not sure if anyone does, Dominick, but this is an informational meeting and I think Sean, didn't you address that earlier?

Sean Conrad: Yeah, Dominick, we did receive your letter and to my knowledge it was placed in the file and the Planning Board here got all the comments up to – we received them all up to March 2<sup>nd</sup> or 3<sup>rd</sup> before the packets went out. So, I'm pretty sure it's in there. If it's not I really apologize. We did get your letter. I did put it in the file. I don't know why it wouldn't have been included in there, why you feel like...

Dominick Kovacevic: I just have a show of hands of Board Members who received that letter. [general mumbling through the audience] Three of you said that you read all the letters in detail and not to repeat them, so what I am trying to find out is – I'd just as soon not repeat everything in the letter. But if I sent the letter in, I got a receipt back from the County Planning Department that you received it, met the deadline but it's not in your package, but my three minutes is up, where's the due process part of that [with laughter in his speech]?

John Fleming: Your three minutes is not up and would you please tell us the high points of your letter and I promise you that it will get read and we will have a decision making meeting in one month, so we have quite a bit of time and it will get a fair hearing. And I appreciate your letter but why don't you start now and give us some highlights.

Dominick Kovacevic: And I appreciate your time and I grew up in a little town and my dad was a city council, planning commissioner, fire commissioner, so I'll make it real brief. The thing that is great about this is it's a neighborhood meeting and the meeting last night and a lot of people have used the term neighborhood and we don't throw it around loosely in Ferndale. The big difference here is that for instance, and I see actually quite a few folks who know me who have been trapped under the Swan Sites Bridge in their kayak or had a chimney fire on Rainbow Drive. And there are some people who are laughing I know, who know me, I am the captain of the Ferndale Fire District, I am a former professional fireman and to me the neighborhood aspect of this is a really big deal. And I know I recognize three people here who basically carry these pagers and when you call 911 it doesn't ring in Boca Raton, Florida. [audience laughter] It rings – the fireman's here – day or night, 24/7, we come out and when Mrs. Satterlee was trapped

under the Swan Sites bridge in her Kayak and I know I see so many people who are here. The neighborhood got together and I organized that rescue and it was the neighbors who put that together and saved her life. And again, just remember when you, it's late, and the input from different people, there's a lot of people who are part of this neighborhood they're part of the community, but when you call 911 it doesn't ring in Boca Raton, Florida. It rings on my night stand and a couple other night stands that you see here and that's the value of neighborhood input and that's why we sent the letters in and why we want you to read them. Thank you.

John Fleming: Thank you.

Jerry Daquin: My name is Jerry Daquin and I've been involved at various times in some waste management issues and problems and my concern in listening to the developers and his expert's testimony is that we are basing the— or they seem to be basing — their occupancy, their water use, and their sewer use and sewer disposal rate on an occupancy of 3 to 5 to 6 weeks. And I just think that that is an issue that you need to address clearly. I think that you need to — if you are going to approve this — it has to be approved on the basis of 52-weeks occupancy on every one of those houses because if you have a house anywhere and it's a three-bedroom house, you're supposed to have septic system that can handle that three-bedroom house whether you are there for one week or 52-weeks. And I believe when we talked about a non degradation, if you can have the septic system or the drain field last for 50 years and we hear that it's going to last for 300 years, well if it's going to last for 300 years at 5-weeks a year that one thing. And I believe that there's too much of that being slid under the table and my experience has been that it doesn't take more than 5 or 6 increments of miss-statements until we have a problem.

Clint Fisher: Hello, my name is Clint Fisher and I am a local attorney here in Polson. And I would just like to advise the Board that I represent the Swan Lakers, which is a new non-profit corporation. It was organized within the last several days and already as a result of a real groundswell response to this development proposal already has, I think, in excess of 300 members. And the organization has gone on record in opposition to this development as proposed and has submitted a letter to the planning department and I hope, once again, that you all have a copy of that, in opposition to the development. And, ah, expressing concern regarding specific items addressed in the letter. And I would just like to inform the Board and everyone here that that organization does intend to go on in the next several weeks to develop the expertise and the data to address the issues one by one and inform not only ourselves but also the Board and make sure that the concern of the members of the organization is met and well represented in this process. Thank you.

Larry Metzger: Hi, I'm Larry Metzger. I live on Kelly Drive, Swan Sites #3. I've been there since 1987 and I like it there. And I like it there and that's why I bought there was because it was a rural setting, large lots, not too many people. Enough room for a little elbow room around you. Deer and wild turkeys running through my yard. I don't think that this proposal, let me go a little further on that. I bought there because the Covenants — at that time there were no zoning regulations — indicated that they were large lots, could only be split once. They were for single families, they weren't for business, and they weren't for — and you couldn't buildings on them for rental purposes. Now you can build any size house you wanted. I think at that time it was a 1000 square feet minimum or something or if you wanted to put a million dollar home you could

or if you wanted put yourself a double-wide, you could. I like that. I'm kind of like the gentleman from Texas. I like that. The covenants, you know, the covenants said that it was primarily to promote and protect the rural environment, rural community environment. And I don't think 65 condos on a 40-acre lot promotes the rural community environment. You know, that's a personal concern. I think that's too high density, shouldn't even be considered. Should never even been proposed in the first place. Don't fit in. But, I'm also concerned that there aren't any truly hydrological, hydraulic studies of our aquifer there. What draw down of 380 more gallons per minute out of the same aquifer I'm in. I heard them say they're going down 160', my well is 170. They're going to take out of the same aquifer that I'm in. What's that going to do to us especially in these drought years? And also I heard them say that the flow on that sewage is to the north. I live north of there on Kelley Drive, how long is it going to take it to get in my well? I got a lot of little concerns like that. And I think a lot of other people that live there do, too. And one more is, I don't know how many weeks those people are going to be there but Kelley Drive is one of the main access routes out to the Swan Highway. Right now it's nice and quiet there – very little traffic. We, the neighbors on that street just got through paying to have it paved a couple of years ago and now you are talking about putting 200 vehicles a day or so on that Sunburst getting out of there, running back and forth day and night seven days a week. Noise pollution, air pollution, and breaking up the roads which we had to pay to have paved. And once again, that's not low density housing like I bought in to. That's all I got to say.

Michael Didier: Good evening. My name is Michael Didier. I had the privilege of coming to the Flathead Lake at six months of age and I lived in Rollins, Montana. Our family still owns property there. We had a funny little cottage, you know, by the standards of this development you'd probably call it a shack, but it was a 1906 Cape Cod and it's original and the outhouse is still out back. My sister took that over last year or two years ago and restored it. It's a cute little thing. I had the privilege of growing up in a house in Lewistown in the winter time that was built by Judge Huntoon. Judge Huntoon was a lawyer in a law firm in Great Falls and then moved to Lewistown in the early 1910 – 1915 time period and competed with a lot of the other lawyers and judges who built a stone house. And it was built by hand cut sandstone done by Croatian sandstone masons. Judge Huntoon played a role in Charles Russell's movement to the central Montana area and as many of you know he did artwork at the Kootenai. My first experience of the Kootenai was in the '80s. I had a friend who was working there when it was under the management and operations of the club that it was. And I come from a background of restoration historic architectural restoration preservation. And that may mean some shack in the middle of eastern Montana that looks like it is absolutely not worth saving, and there's a couple of guys out there picking their heads at the Smithsonian said and saying, "Well you know we got to put this back together because this is where Lewis & Clark camped." And that's history and that's what we do. Now, recently I saw something on TV and it was on, I think, the travel channel. There were three yachts that I remember. One was Dwayne Hagonaugh's, Lola, one was Forrest Dodge's and one was Christina Oh. Christina Oh was purchased for somewhere around 5-10 million, I don't know, maybe it was 2 million. And the restoration costs exceeded 50 million dollars. Now, I don't know what the practicality is in that but it's restored. And I think that the guy that built the Kootenai would absolutely jump up and embrace whoever restored it again. If there's a building falling down, there are people who'll come in sit down with you and say, "We'll restore this." I'm not quite sure why we would want to mix that up with a sewer system that should be a municipal sewer system and accommodate everybody in the

area. You can't exclude people. If you're going to put a sewer system in, you got to go around to every body and say, "let's do this as a municipal sewer system." I want you to really think about this, you guys. You know, you are all public officials, you've been elected or hired, I've known some of you for over 10 years. Some of you have roots that where I came from you were the leaders. Looked up to you. And we are making a big decision here. And I think the Milhous' too, I don't have anything against these people. It's the first time I've had the privilege of meeting them. I would encourage them to look at that really seriously. I can't help but sit here thinking well, what's it going to be like 200 years from now. And somebody said well that was a 14,000 year site. What's it going to look like 200 years from now? I sure appreciate you letting me chat tonight with you and letting me listen to this meeting. And I know you are going to make a good decision and I really hope that that is a peaceful decision for everybody. That there is not an arm-wrestling match that ends up down the hall in a courtroom. I really hope and I pray that. We got other things to do. Thank you.

Kirk Hansen: You know I have a few things to say, too, about historical. My name is Kirk Hansen. I had the pleasure of running Virginia City and Nevada City for approximately 12 years. I was in charge of all the renovations and restorations. I really appreciate the Kootenai Lodge. It is a wonderful, wonderful example. It was built by a gentleman named Kirkland Cutter. He was also the gentleman who built the Lake MacDonald Lodge and he also built the Conrad Mansion in Kalispell. He was a wonderful architect. He is well known across the world for his examples. I won't have to go into too much more of that. We had a hundred and eighty nine buildings in Virginia City and Nevada City. I know what the last gentleman said about the cost of these things and renovating, they're impossible. They really are And I feel for the Milhous Group in undertaking that endeavor because it is a tough one. It's very tough, it's very expensive. There's been a lot of buildings lost across the country because of the fact that they're outdated and they don't know what the final best-use it. However, in this situation, I cannot believe that this is the best absolute best last use. You are aware of the fact that it sits on the National Historic Registry. And I know you are aware of the fact that there are only two of them in Lake County. This is one of two in Lake County. That's an amazing thing. One of them is down the street here, south of here, amazing piece as well. This site as planned would definitely lose the registry with the building designs. You have to go at those things with all original looking – matching a log building structure. You're not going in there with a tudor with plaster walls. We talked about that a little bit, I'm not going to go into that. But I guarantee that will not keep its registry. You will lose one of your two buildings in this part. The other part I would like to ask or like to mention is, when you take on a project of this size and importance, you know, it's nice to see experience, it's nice to see that they've done a project something like this before. I'd kind of be kind of interested in seeing if they have and what kind of – how they handled it and how the people who were affected by it were handled and taken care of. And that might be something for you guys to think of. But, to lose the historic – there's a 20% tax credit if anybody was going to do this kind of work on a building. You guys are probably aware of that. They have never even applied for that. They haven't mentioned that they are going to use it and I'm kind of surprised. Usually when something like that happens it usually means that they already know that the feds and the state are not going to go with it. So, the fact that they haven't even brought them into the picture here tells me that they are probably not planning on doing this as the right way. They're going to do it a different way and you can tell that's kind of

why the deal. Because if you're walking away from 20% of this restoration process, it's quite a bit of money. Thank you.

Scott Rylea: My name is Scott Rylea. I work at the Flathead Lake Biological station. My comments tonight are addressed not just to – not just specifically for this development sewage treatment plant – but for all future sewage treatment plants and developments especially around the lakeshore. Nutrients are not the only species of concern in sewage effluent. There's also pharmaceuticals, pesticides, anything that is flushed or poured down the drain of a domestic house enters the sewage treatment and becomes ----- in the effluent. It boils down to this: Where do you want our waste to end up? In our groundwater systems to be use for our drinking water supply or our surface water that we use for recreation. This isn't much of a choice, but I think the lesser of the two evils would be to demand we have tertiary sewage treatment plants whose effluent is pumped into our surface water such as the Swan River. Thank you.

Darrin Fredericks: Good evening, my name is Darrin Fredericks and I 'm a resident of Swan Sites. I would just like to remind the board here that I wasn't at the meeting last night, but evidently Mr. Milhous was lamenting that he needed 65 units to assure his profitability and it's your duty as serving the people to watch out for the people not his profitability margin. Thank you.

John Snyder: My name is John Snyder. I am a resident of Swan Sites and I am a dock builder. The Lake County Shoreline Regulations do not address a condominium complex. However there are two sections that are addressed. If you own a lot, which this is one, then you can have one dock. Or, it specifically allows that you can have a private marina with one slip for every twenty feet of lakeshore. Now, it depends on what we define the lakeshore as. They have 2400 feet of frontage. Some of it's on the river, some of it's on the lakeshore. But, it is possible according to the regulations, that they could build 100 boat slips. Without public review and without the Commissioners having any authority because the law is written. You can do this. It is my opinion that the Planning Board and our County Commissioners are required in this review process to consider the public health and safety. Since that is required at this point and docks are applied for, there is no public review and nothing that talks about public safety, I believe that it is at this time that the docks have to be included in the total package. And I am going to demonstrate right now why there is unique characteristics of this situation that put it in the situation of public safety. Okay, the Kootenai Lodge is right here. This is an aerial photograph, the Kootenai Lodge sits right here. In the area between here, this is the edge of it right here, so it's down here. I'm sorry that I didn't happen to have a flyover with the right camera frame, but from there down to here you can see all of the rock bars that exist. Many times of the year you can walk across back and forth without getting your belt wet. And there's some islands. And what happens is what I call the aggregation effect. There's approximately 100 lots from here to here and here to here not counting the Kootenai Lodge. Those people have between 75 & 80 docks at this point. They have to come up, there's a couple ways they can work themselves through most of the year. During high water they can come through and they come to this point right here. So, instead of having a 1000 foot edge here being the end of the lake, they really have over 10,000 feet – the lake really has 10,000 feet of shoreline that in effect, all of that activity starts right here in a 1,000 foot. So, everybody that does things here, they come out, they drop their skiers right here. They come up and they start spinning the circles on their jet skis and this

little bay right here gets an enormous amount of use that the rest of the lake doesn't get. Then they decide that they want to go out and they come up here past what I refer to as the McGrath bottleneck. This point out here from Cedar Bay Lodge and past this point is – and this rock bar here – most of the residents can't see the rock bar. They are not thousands of feet up in the air. So, they draw an imaginary line and it leaves about a 400' corridor here that the boats pass back and forth. I sit right here and watch daily people slam on the breaks so they don't hit skiers and I see one ski boat pass another ski boat. It's a very dangerous situation. The – okay- so we have the aggregation effect that makes us unique, we have the bottleneck effect that makes it unique and we have the rental effect. Most of Swan Sites doesn't allow rentals, weekly rentals. They have to be rented for at least one month. But there is a couple of places that have, that are allowed to have one-week rentals because they were grand-fathered in. I am next to one of them and I have kept notes. I'm a geek and an old retired guy that pays attention to stuff – just gets curious about it – and I have notes and in some cases, the rental property, they come up, they're cramming a whole week's – in one week they put in a whole year's worth of use – and they put tremendous amount of activity. By some of my calculations it's 20 times, sometimes it's 16 times. So, what you end up with is a very dangerous situation. It's because of these unique effects and the pressure that the boating puts on the lake that I believe the Planning Commission needs to address the situation of docks and solve that problem. And it may be something that the Milhous Group can invite some of the people from the neighborhood and work something out that everybody can be happy with, but I believe that it needs to be done now. Thank you.

Dave Ensign: Hello, my name is Dave Ensign. I am a researcher for the US Department of Agriculture, the Forest Service. I do growth and yield studies. I want to speak tonight for the great bear who comes through there. I think he uses our bridge at night. We've seen him on our property almost every year. This Kootenai Lodge property is a mile and a half from Federal Lands on Crane Mountain and those lands have been considered to be Grizzly recovery area. It goes from Crane Mountain all the way down to the Jocko. I was just talking with Eric Lennox who is a biologist for the state, and he, they do GPS recordings and the bear travels through there – I can provide you with a map if you would like to see some scientific evidence of that. But, , it's a Grizzly corridor and I think the additional activity there – I think we could be trifling with the Endangered Species Act because of the use there. So, thank you for being patient and doing this tonight.

Janet Camel: I just wanted to let you know that the Tribes have not had a chance to get their comments to you yet on this particular subdivision, but the Salish Elders do have concerns and they will be getting those comments to you shortly.

Justin Trodick: My name is Justin Trodick and I do reside in the Swan Sites area. My comment is in regards to Dominick's – in regards to public safety. The Ferndale Fire Department is always had trouble getting members and also commitment towards responding. And if we were to do a satellite station out there, would we be able to staff it in regards to membership. That is one comment I have for public safety.

Richard Davies: Good evening, I'm Richard Davies, I live on 570 Rainbow Drive. Carol, my wife, and I moved there in 1976, I believe it was, and we were the first people who moved in on Rainbow Drive between Jorgenson's, and Cedar Bay Lodge and Swan Lake Resort. AT that

time there wasn't any power there. We moved a little log shack in there and of course we were dirt poor scraping everything together to live there. But we did have running water – running meaning that we ran over to the river and scooped up a couple of buckets of water and ran it back. [Audience laughter] So, that was the state of affairs for us for a couple of years. And then finally power came in and we were fortunate enough to have enough money to drill a well. And our well is about 130' deep and up until just recently we had never had any problems with our water out of our well. But just north of us, Mister Milhous bought the property and on that property he dug out a marsh to create a pond and then on the other marsh that comes down to us, he dug that out and filled that back in with dirt. And then that following summer – oh, and they also drilled a well and they have a artificial creek on this pond. I'm not sure whether he was recirculating water or pumping water out of the well for that little creek there, but the juxt of it is that the following summer our well went momentarily went dry for about 24 hours, you know. The rain is helping, that I really do believe that, as I said earlier, that this area does need a more extensive and intensive study of the hydrologic features there of the aquifer. And just what the impacts that may occur there. Thank you.

Peter Leander: Good evening my name is Peter Leander. I live on Rainbow Drive with my wife and my teenage daughter and I would like to address some of the specific, sort of bullet points that I know you folks have to deal with from going through this entire process. The sort of statutory purpose. And I would like to talk about safety first and highlight some of the things that John Snyder said and sort of give you an idea of what it's like in that particular area of the lake. This is a very unique and very different portion of the lake than the rest of the lake. It becomes very narrow and then very deep, from inches to where you can't even get your ankle wet to 40' deep within about a 2' span. It is an area which has protected State goose nesting islands within it between the two shorelines. It is a no-wake zone. This is an area where these folks, and I know and I've seen many of them, are out with their kids, out with their elder relatives, out by themselves swimming across the lake. It's not just an area of the lake where people sort of hang on the shoreline. Because it is relatively narrow, during the summertime we are swimming across the lake, spending time in the middle of the lake. It is generally a non-motorized use for many of us who live there. Paddling canoes, paddling kayaks. Our kids, our daughters, our sons, our grandparents are also out on rafts floating amongst the islands, walking out and spending some time on the goose islands or just floating in that area. And I think that's important to know and visualize and feel because the impact of the boats that John Snyder has talked about and that these other folks have talked about is dramatic. And when we talk about public health and safety, there is a direct and very dangerous situation being created by not considering the docks. By them trying to leave that off at this point for what I am sure is the motivation to have no review process later on. Even if I am wrong, if that's not the reason that they are leaving it off, we must consider it now. And if it's not going to be considered and not going to be brought up then this project should be denied for that reason alone. Somebody is going to get killed out there. We also talked a little bit about the pollution, if I can stay out of the water for just a moment. The introduction of hydrocarbons into the water system, the introduction of oil and the introduction of gasoline based upon this influx of docks. I think it's also a very serious consideration and one that needs to be considered more thoroughly. I understand the Milhous Group has not consulted with the Biological statement as of last night and I think that's essential for them to have done that and I encourage you folks to access their information to whatever extent is possible. Let me also draw a picture, while we are talking

about the public safety, of what this community is like as far as the roadways are concerned. These are quiet lanes in which people are riding their bicycles with little kids, with their dogs, with their elders. And this will turn it into a very busy thoroughfare. One of the issues that you are going to have to focus in on, I understand, is consistency with the neighborhood. I won't reiterate it but it is absolutely wholly and totally inconsistent. Last night at the public meeting I asked the Milhous Group to promise us that there would be no rentals less than 30 days, or that there would be no time-sharing because of the exponential impact in use. And they refused to do so. I think that is very important because it shows where the bottom line is in this presentation. Parkland was mentioned before and I was very concerned with, we talk about parkland, it seems like their consultant believes that parkland is only for the benefit of the residents. It's my belief that that parkland is an open space to be created and compensated for, for all of the people in that area. And just because one person can walk to another person's condominium and clip their nails, doesn't make it open space for the community, and doesn't make it parkland. I'd like to point out that there's legislation pending currently in Helena right now to expand setbacks for rivers and streams from anywhere from 30 yards to 100 yards. I believe it's senate bill 179, if anybody's interested, I can give you a copy of the draft of that proposal which is currently pending in front of the legislature. I believe that's the direction we need to go and the setbacks both on the river, on Johnson Creek and otherwise are wholly inadequate. Last night and tonight, and I'll wrap up with this, thank you, thanks for being indulgent, I heard so much, I don't know how many times I've heard it, "this is going to be high-end, this is million dollars, this is going to be great, we're going to spend lots of money on this." Expensive doesn't necessarily equate to the best. Thank you.

John Fleming: Are there any other opponents?

Pam Totten: My name is Pam Totten. I live on Sunburst Drive and I think if you ask for a show of hands, almost everyone in this room would oppose this complex the way it is proposed. But I live across from this proposed waste treatment site and I can tell you I've walked that site and I didn't see any clear cutting. I saw lots of trees I could barely walk through there and also I measure about a mile to pump that crap uphill to their proposed waste site. So, I don't know where the numbers come from, and if they can't figure the distance, how can they figure the other facts?

Ron Malansten: My name is Ron Malansten and I am a resident on the lake right across from Kootenai Lodge. My understanding is that you sent a notice out to 21 people. Of the 21, one was Mr. Millhouse and the other one was to Debi Rolfing, so there are 19 people who got notice. {To Sean Conrad} Is that correct sir?

Sean Conrad: Yes.

Ron Malansten: What happened? Does this amaze you?

Sean Conrad: Well, are you directing this question to me? I believe we addressed this question before.

John Fleming: We would like you to make statements and not ask questions. Thank you.

Ron Malansten: Well, I'm amazed and I'm kind of taken by the response of this community and I can tell you this is just kind of from the grass roots. Most of the people, quite frankly, are not even here. Jim Ramsey came from Dallas, I came from California to be here. But this doesn't represent who we all are. These are people who come June, July August. If you want to have this hearing in August, you'd better get yourself a big, big building. The second thing I want to point out, Montana is a wonderful place and they have a constitution, and I would like to read, this was given to me by Jack Worden who is the law professor at the University of Montana. Montana Constitution, Article 2, the inalienable rights. All persons are born free and have certain inalienable rights. They include a right to a clean and healthful environment. They have a right of pursuing life's basic necessities, enjoying and defending their lives and liberties, acquiring, possessing and protecting property and seeking their safety, health and happiness in all the lawful ways. In enjoying these rights, all persons recognize corresponding responsibilities. In Article 9, Section 4, cultural resources, and this could go all the way to the Supreme Court on this project. The legislature shall provide for the identification and acquisition, restoration, enhancement, preservation – underlined – and administration of scenic historic, archaeological, scientific, cultural & recreational area sites, records and objects and for their use and enjoyment by the people. And in talking to Jack, he just wanted you to know, if we have to go to the Supreme Court, we'll go.

John Fleming: Thank you. Okay, I don't see anybody else approaching the mic, so I would like to open this up for proponents. Is there anyone who would like to speak in favor of the project?

Brent Hall: Nobody else wants to, I'll go first, I guess. I'm Brent Hall, I reside in Lakeside, Montana. Jerry, Fleming, Board members, I know what you are going through. I sat on the Flathead County Planning Board for nine years. You know, and ah, I listen to this here discussion and I think the - last night was the first time I ever met the Milhous Group. They were good enough to present their program to the public. I think, you know, the people that live around them should get together and work with them, work it out. Iron Horse went in up in Whitefish, you know when I was on the Planning Board, had something to do with it anyway. They are right. Those people, there's nobody there this winter. I live in Lakeside, we've got 250 docks approved right next to my house now and also there's a 78 unit apartment house, condominium project going in on 4-acres. And they worked it out with the homeowners, and there's three of them...

[Again, I apologize for the tape not being continued through two speakers]

(Julie Moffitt is a realtor and likes the idea of single family homes.

(Jeff Worth wanted to know the number of nights occupancy that Milhous expects from this development. He worked at Iron Horse which is similar to this project. He's in the rental pool.

(Tom Brown has a real estate company in Bigfork. He indicates that the Swan Lake area is popular and encourages everyone to work together for a solution. [Tape caught last part of his talk]

Tom Brown: Me, I came from Arizona. But we're all here. We're all going to have to figure out how to make this valley work. And folks, it's changing. It's changing before our very eyes. The one thing I hate to have happen to the Kootenai. And we're also seeing this happen all over the lakefront. It's not just Flathead, it's Swan – you guys are seeing it too. Somebody, honestly, could come in there and bulldoze *all* of those buildings and put one trophy property on it. That's a very real possibility. The other thing I just want to make a point on - that property has been on the market for five years. Ideally, and I'm sure Paul would probably even say the same thing, if somebody could come in and afford to buy it and completely restore it like the gentlemen referred to...

John Fleming: Tom, could you start wrapping it up please? The time?

Tom Brown: Yeah, I'm sorry.

John Fleming: Go ahead, finish. Finish your thought.

Tom Brown: But anyway, I guess my thing is [to the Board] good luck. [laughter throughout the room] I hope we can find a way to find a balance for all of this.

John Fleming: Thank you, Tom.

Denny Kellogg: Could I just mention that today I was contacted by a realtor that has a buyer for the property in its present condition?

John Fleming: If you want to speak as an opponent. I mean, as a proponent, yes.

Gordon Emmeritt: Yeah, I'm Gordon Emmeritt and I'm not a speaker by any means so bear with me, but ah, I was born and raised in the Flathead and I've seen all of the changes. Hated some of them, had to get over it. And I just think when you get somebody that is willing to save something like the lodge and willing to put his effort that he's going to into it that it could be a lot worse. There are a lot worse uses for that property. If somebody came in, made an RV park, motel, whatever, I just feel just as a native there are a lot worse things. Thanks.

John Fleming: I really wants everyone to speak that's going to so if anyone else is going to speak in favor of the project would you let us know? Anybody else speaking in favor? Ok, I'd like to close the public hearing part of this and we'll close the meeting for board discussion and I just want to say that this board – we will have another public hearing on April 13<sup>th</sup> and at that time this Board will make a recommendation to the Lake County Commissioners. That is April 13<sup>th</sup>. So, we're closed now for board discussion. Thank you very much. I'm pretty impressed with how that went. I'm – it didn't have to go that way. Thank you very much. [Applause]

[General audience noise while audience exits the room.]

John Fleming: Density Meeting progress report. Do you want to do that?

Sue Shannon: I'd like to continue this [referring to Kootenai Lodge board discussion]

John Fleming: I'm sorry, we closed this for Board discussion. Then we'll discuss. Sorry, got ahead of myself. I want to go home. Anybody want to...

Steve Hughes: I have a question and a comment. The letter that was sent by the attorney, you should have a copy of, and I think [indiscernible]. Also we need a definition. If it's a utility and it's buried, it has to meet the requirement. If it's not a utility, what is it?

Sue Shannon: Ok.

John Fleming: Anybody else?

Bob Kormann: I have a question for Sue. Do you remember that – what's the name of those people who sued the County up there by Hutchins? That big mess? What was their names?

Sue Shannon: Viltrakis'.

Bob Kormann: Viltrakis. Do you remember when the Tribe wanted to do that walk through for cultural significant things? And I can't remember how that all ended up.

Sue Shannon: Well I think...

Bob Kormann: I mean if they find something, then what happens? Remember there was some talk about what – they were going to walk over and they were going to charge into the...

Sue Shannon: It was like, who's going to pay for it? And how, when was the Tribe going to do it? How long would they have to wait for the Tribe to do that?

Bob Kormann: I'm just curious what happens if they find something there?

Sue Shannon: I'm not really sure what happened...[indiscernible]...protocol from the State.

Unknown speaker: There's also a national code for archaeological.

Sue Shannon: Right. I think the thing like that, if the Department of Transportation finds some sort of artifact while they're creating the road, they notify the State and that National law – Historical Society...

Jack Meuli: I think everything stops for a little while, too.

Sue Shannon: Yeah.

Jack Meuli: Until they find out it's a [indiscernible]

John Fleming: Anybody else?

Sue Shannon: I kind of want to hear discussion on density. What do you guys think we should be shooting...um...this parcel is fully surrounded by Swan Sites. That kind of set the character of the neighborhood. We've done our own calculations on - I kind of have an issue with the way that they've calculated this density as one acre per unit. They included the Kootenai Woods, but the Kootenai Woods subdivision density was also included all those Ridge subdivisions and it was like 2-acre density. So you can't include quarter acre or half acre tracts into that average. They should all be two acres and they got 92.

Jerry Winkley: There are 82 improved units on two hundred and some acres minus lot 4.

Jamie Ludwig: Right. Another thing they did too was - it wasn't just Kootenai Woods. For some reason they have a tract above it.

Sue Shannon: Probably because it's along Johnson Creek. I don't know why they would have chosen that.

Jamie Ludwig: Right. Our density numbers were- the lots that we put into our density figures were chosen for specific reasons and I would like to know what were their reasons for choosing those.

Steve Hughes: Mr. Chairman, I would recommending that the Staff get together with those people and work out what the difference is. We're not going to solve that tonight. Not at 10:15. Sit down with their staff and your staff and figure it out.

Sue Shannon: We told them what we - where we got our figures...

Steve Hughes: And they should tell you where they got theirs. Well, I mean, right?

Sue Shannon: Do you guys have anything to say about that?

Steve Hughes: That's staff work.

Ken Miller: And even taking their numbers, I think there is a fairly large difference between their .97 and the proposed of the Kootenai Lodge project.

John Fleming: Point 6, right?

Ken Miller: Point 6, which is a pretty big difference. It's a pretty big difference over 40 acres. Even taking the numbers that you've got questions about.

Dave DeGrandpre: Is it possible to ask questions? Or is this simply - what I'd like to do if at all possible is to try to get some direction from you guys. What do you think are the most important issues? Where do you think the application needs to be shored up? Where does it lack? What information do you need to make a recommendation? If that's possible. I don't mean to be stepping on your time, but it would certainly be helpful.

Bob Kormann: I think the boating issue has to happen. I think the density issue has to be resolved. I think the parkland issue has to be resolved. And I think the roadway thing has to be resolved. Those are just my..

John Fleming: Including the docking?

Bob Kormann: Yeah, the boating thing, yeah, the dock.

Ken Miller: And also clarifying the use of lot 4 of the Ridge.

[Several responded] Right.

Jack Meuli: Right. That's the sewer issue. That's the utility...

Bob Kormann: And then I'm also going to ask about a little more clear definition on – if this is to be, if these structures are to be in the same flavor as what is there and they are log structures and we're putting up stucco structures, then what is your? I guess I need to know that.

Jack Meuli: Parkland was one thing that you brought up and somebody mentioned tonight parkland as in public. Well isn't this parkland always private? I mean – for the primary – for the development? And that's what you've got here; you've got practically all parkland.

Sue Shannon: Well, that's not the intent of the regulations. That is a policy that the Commissions are taking over with the parkland in subdivisions. But I think the intent is to provide parkland for neighborhoods. You know, public parks.

Dave DeGrandpre: Well, look at the sub-regs.

Sue: That's why it's cash in lieu.

Jack Meuli: We have a cash...of a subdivision is to let the whole public in?

Sue Shannon: Maybe I'm wrong.

Jack Meuli: That certainly was one of my understandings.

Steve Hughes: Mr. Chairman when we had people in subdivisions who didn't want to put a park in, they paid money in lieu of or designated areas in lieu of for public use. In a subdivision you don't let everybody come in and use it as a public facility. Right?

John Fleming: Okay. Does that resolve that? If you take that interpretation that the parkland is for the use of the people within the subdivision that pretty much resolves that issue. If not, then...

Sue Shannon: You still have to grant a variance because they are supposed to dedicate a certain acreage for parkland and they are saying that they don't want to dedicate that certain acreage, they would just rather have all the common area be parkland.

John Fleming: Which they could just do. They could say 41 acres minus the footprint and that's the parkland, right? Isn't that what they can do?

Sue Shannon: [unintelligible] Bob, when you said roads, you mean the internal roads? Or public roads to access the property?

Bob Kormann: Well, isn't there – there's three variances here I thought.

Ken Miller: There are.

Bob Kormann: If I look back in my notes there were some variances here that they wanted the roads to be reduced from... There's one here that's 12 feet. Or the bridge is twelve feet.

Jerry Winkley: That's the bridge.

Bob Kormann: And there's another one that's 15. Isn't the County standard 24?

Sean Conrad: Yeah, there's an entrance gate that's 15-foot wide. Another thing that – if this Board is maybe considering doing a site inspection, which I encourage...

Steve Hughes: I would like to.

Sean Conrad: We also suggested maybe they stake all of the proposed condominium sites and roadways. While you guys are up there you can take a look around and have an idea of the setbacks from the lake and the river and just maybe what's it's going to feel like with this thing when it's developed. Is that something you would like to do?

Ken Miller: I would like to see the proposed drain fields staked as well for the sewage system.

Sean Conrad: On lot 4?

Ken Miller: On lot 4.

Steve Hughes: Are we talking a major expense on the stakes?

Jerry Winkley: You know, when we did the second division on three of the four lots on the Ridge Subdivision, there was an agreement to limit this to 92 building units. Now, what I'm hearing tonight, they still want a proposal of the remaining nine. Eighty-three (83) have already been approved. Nine (9) they're indicating they are still going to propose development on that lot besides the sewage. I think our decision was based a lot on the limits from those covenants. And now we're led to believe that those covenants don't mean anything? I have a problem with that.

Bill Astle: That's not what we've said.

Jerry Winkley: I think that's what you did.

Bill Astle: No, I just disagree with you. We said that they set numbers; they proscribe all kinds of things. They don't proscribe a wastewater treatment system. That's all we're saying. They're still fully enforceable

{Unidentifiable speaker} Enforced limitations etcetera.

Jerry Winkley: I think it's a stretch and I'd have a hard time accepting that.

John Fleming: Well, it's just something that we think the developer is going to have to deal with in the minds of this board. I think, whether you think we have to or not, I think you are going to have to deal with that.

Bob Kormann: Dave, maybe you could answer a question for me. It says on page 13 that Swan Lake is currently listed as a threatened water body by a study conducted by the Department of Environmental Quality. What is a threatened water body compared to Lake Mary Ronan?

Dave DeGrandpre: You know, I'm not sure if Lake Mary Ronan is considered impaired or threatened. I think it's impaired.

Jack Meuli: I think it is.

Dave DeGrandpre: This is certainly a step below. All the major water bodies in western Montana, with the Clark Fork River, Flathead Lake, you know, I mean, they are all threatened water bodies under this designation. And the definition is in the application. I think you may have even cited it in your staff report. It's any concern. In some cases I think it is very real and in some cases they are concerned about potential development coming, potential – you know, in the Swan Valley silva culture and logging roads are the major sources of nutrient inputs. But they are concerned about, certainly, DEQ and rightfully so. Concerned about the impacts of future septic systems development and other things and that's why it's on the list.

Steve Hughes: Mr. Chairman, are they referring to TMDL? Is that threatened?

John Fleming: Yeah, it's the same process.

Steve Hughes: If they are referring to TMDLs, every stream in Montana is that way. Every stream. Because all you have to do as the public, as a citizen, is send a letter to the DEQ or DNRC and say I think this creek is threatened and they have to go out and prove that it isn't.

John Fleming: Yeah, got ya.

Steve Hughes: Every creek. Every river In Montana.

Bob Kormann: Mr. Billmayer, I have one more thing that was just – I wish you would have expanded a little bit, but the fellow who got up from the Yellow Bay Biological statement – Station – and basically what I - Steve & I looked at each other – what we thought we heard was he said the best way to deal with the sewage was to pump it into the– into the river.

Dave DeGrandpre: That's what his letter says.

Bill Meyer: He did and they put it in writing. I disagree with that, but, it was also a characterization that our loads were somehow reduced and reflect the projected occupancy of 30% or 30-days or 60-days or whatever. All these calculations are basically full occupancy year round at loads that DEQ requires for single-family residences. Each – we used equivalent of 67 because we had two service buildings – your clubhouse and then I think there's another building that I think would be maybe the pool building or something. We didn't cut anything back in this analysis. It's 100% occupancy.

Bob Kormann: But when Dr. Stanford says that the system is an antiquated system, how are we to take that information.

Bill Meyer: Well, I think that's a miss-characterization. Just within the last year, year and a half, the state has accepted Advantax which is a package plant – one of the ones we are looking at for level two treatment. They just accepted it. They have also just outlawed intermittent sand filters. Goes May 1; there will be no more intermittent sand filters. Because they just got enough data in to evaluate them. So these are not antiquated. The process has been around for a long time, anaerobic digestion of domestic waste, but... I was surprised to see a recommendation for surface release. I designed a plant for Arlee that was to be a surface release into the Jocko River and the Tribe was comfortable with it. We had contaminant levels and the State went crazy. And right away we were in a dichotomy between State and Tribal water quality regulations and we ended up with a land application system. But it cost us about two years. So, I think if I said I'm trying to sell you folks a treatment plant on site that is going to discharge into the Swan River, you would have had more people in here than the 73 occupancy. It just doesn't make sense.

Bob Kormann: You can just see our problem, though.

Jay Billmayer: Absolutely.

Bob Kormann: We get this conflicting data and we...

Jay Billmayer: Absolutely.

Shawn Rowland: Bob, Can I talk about that?

Jay Billmayer: But there's one other thing. There's one other thing, Bob.

Bob Kormann: Hang on Shawn.

Jay Billmeyer: We are at a level here in my experience here of doing this for about thirty years, we are at a level here of providing you with a lot more detailed information than I've ever seen at this level in the planning process. Part of it is that you folks require it. Part of it is Paul Milhous agreed to provide it and went a step or two further in the preliminary design at this stage. We've evaluated some preliminary alternatives and we've provided them to Paul to make economic decisions as well. As functional decisions that you folks are weighing. But, Ken would like me to stake the drain fields. I can show you the general areas but we haven't done any perk tests out there. We have put in some test holes to make sure that the soil structure that I was relying on for phosphorous removal is there. And it is there. Ken, I can give you some general location.

Ken Miller: I know the area pretty well so you point me in a direction and I can find it.

Jay Billmeyer: Fine. But to say this drain field is going to be here and it's going to be exactly this long, I can't do that at this stage. But, the condo issue – that's a little different.

John Fleming: Can Shawn talk to your question? Shawn?

Shawn Rowland: I'm Shawn Rowland with Rowland Environmental Consulting. Susan actually – Bruggeman, from the Sanitation Department – mentioned that letter I think this morning to me when I was in the office. What Jack is referring to is a system like what they have at the biostation which is tertiary treatment. When Jack gets done at the biostation – their effluent – he drinks that water. He literally will do that. And they discharge that into Flathead Lake right now and it's at nitrate levels much lower than we could ever achieve in an Advantax unit. And phosphorous levels much lower than the Advantax unit. But, he is – I think there is a misconception on his part on what the soil can do with the effluent that they are proposing to be discharging out of these treatment units. So, I think he is looking at it from the old, traditional gravity type drain fields that we haven't been doing in Lake County for ten years now, and what they are proposing is taking even a step beyond that to level II treatment and as Mr. Billmeyer said, the systems that they are now using actually have proven themselves. They had to prove them – the intermittent sand filters that we used to just put in carte blanc because we thought they met the requirements no longer meet the requirements so they are – as of May 1, you can no longer use those. So there's systems like these re-circulating trickle filters that can do a lot of work. And that is what we had proposed on the Northridge subdivision also – that same type of thing. So, I think that there's a – he has a misconception of actually the technology that is out there. And that will be something that – I actually have a meeting with him on the 26<sup>th</sup> that I'll be talking to him about this. So, he's right and he's wrong in the same letter. There is technology that you could discharge into Swan Lake that would be basically like putting drinking water back in. It could be cleaner than what it was, but he also doesn't understand the technology of what Mr. Billmeyer is proposing.

John Fleming: Okay. Thanks, Shawn. Jerry?

Jerry Winkley: This idea of staking out the condo sites and the roads is kind of important. A lot of people can't look at a map and visualize it. If we are willing to take the time to come up and

look at it I think that it would be – we've certainly asked for this before. I don't think it's out of the ordinary. I think it would be very helpful for a number of the Board members.

Dave DeGrandpre: Do you know when you would like to see the site? Would it be the same day as the next Planning Board meeting, April 13<sup>th</sup> or?

Jerry Winkley: It really hasn't been discussed yet.

Sue Shannon: Yeah, we haven't really discussed it yet. I was thinking the last week of March.

John Fleming: I would like it to be – give us a little more time to settle. I'm not that quick.

Jerry Winkley: Let us digest it.

Dave DeGrandpre: I'm just saying that it would take a little bit of notice to get that done.

John Fleming: Yeah, I understand that, too. I was going to say that one of my concerns is going to be and still is the occupancy issue. Two things, I don't know what these – they're condos – and I just have this idea that a condominium, if I were going to buy one I would sure as heck like it to be rented out full time. And I would try to achieve that. I don't know what these things are going to be worth. They probably cannot be – maybe ah – you sure aren't going to rent them to people around here because they are not going to be able to afford them. But, are there going to be people in there? I don't know. I would like to know, I would like to be able to have that resolved a little bit. And also, the other part of it is when will they be there? These people are all going to be there at the same time.

Dave DeGrandpre: I think we addressed that.

John Fleming: Did we?

Dave DeGrandpre: Can we address that now?

Bill Astle: No, Mr. Chairman, I just forgot to say something that we tried to clarify last night and it was on my list but we were running...

John Fleming: Sure, go ahead. It's okay with me if it's okay with you guys.

Bill Astle: When the original CC&R is the draft – and it is was a draft – was submitted there was still a possibility that the lodge building might have some public aspect to it, maybe a restaurant or something else. And that in conjunction with that there might be – the operator of that might offer a rental pool for the users. That has been abandoned and the CCRs have not been changed. The CCRs, when they are amended, will prohibit fractional ownership, will prohibit inter local ownership. Even though we haven't made a decision what the restriction, final restriction, on leasing would be, most of this kind of product has a thirty-day minimum, which keeps it from being rented on an ongoing basis. At this price point, the gentleman told you what is the experience around it – it's country – and it's going to be late June through maybe

the end of September is going to be the primary period of use. That's what [indiscernible] great for us.

John Fleming: That helps.

Bill Astle: And that will be clarified formally.

John Fleming: Well, my concern then, based on that would be that's when, if they're going to use the water, which might be what they are there for, they're going to be out there at the same time and that's going to be – that's not high time I would guess for that river. I don't know the area. I mean, there is some real problems with boat use coming out of there if there's a lot people there at that time. That's one of my concerns. I'm not saying it's fatal, but.

Bill Astle: I think you're going to find there's a lot of different perspectives on it. I, when I get up here for a while and I go down to that lake every day and throw my silly fly and I will tell you it is a very different story than what you heard here today.

John Fleming: We'll have to go see it.

Sue Shannon: Are we going to be able to get a copy of the amended covenants prior to the next month's meeting so we can...

Bill Astle: Yeah, we'll amend those provisions.

Sue Shannon: Because we had some concerns about that too. We talked to the folks in the Environmental Health Department and they said anything more than, or anything less than a month would kick it into public accommodations. You would need to get your pool like, I mean, there would be licensing requirements for the pool, for the units. You know, there would be significant...

Bill Astle: You know, when I visited with you there was still some, there was some desire expressed tonight, to find some way for the lodge building itself to be accessible to the general public because that's where the Charles Russell stuff is, etc. And we tried hard. We just can't make it work...financially. But I apologize because they had instructed me to present that and it was on my list and I messed up.

Sean Conrad: John, I would just bring one other thing up to the Board. Under the primary review criteria – I think it's the natural environment – in the Growth policy, it talks about scenic views. I just want to get – because we haven't done a whole lot of this – the only thing I can remember is the Mariposa subdivision, Mike Grende's thing where he set aside and it was for scenic value from the highway. Did that set-aside on the hillside and I just want to get the Board's input about scenic views along the lake and the river? I mean the developer has already sort of given us an idea of what it's going to look like and I think he's done a pretty good job at that. I'm wondering if the Planning Board would want to see something similar to that that would show the entire length of the property; what it is now and what it would look like given the proposed set backs and the number of units on that property. Is that something that...

Jack Meuli: Doesn't that kind of show it?

Sean Conrad: Well, I don't know. I don't know what section necessarily of the property that is. If it's the entire property or not.

Steve Hughes: It sits right across from his house.

Sean Conrad: Is that the entire length?

[Unknown]: No.

Steve Hughes: I don't think so.

Bill Astle: I've got a graph to show you what that is.

Paul Milhous: How many of you have been on the site? Has anybody been on the site out there?

Sean Conrad: I have.

Paul Milhous: The ah, this right here is the lodge. So, if you've been on the site you know where the lodge is. Then this is the next two buildings up and then this is three buildings down, which would be. So, this is the lodge and the other three, when we just put three buildings back over near the curve.

Sean Conrad: Good.

Bill Astle: Graphically it's difficult because of the curve. You can't show it.

Jerry Winkley: You're looking at maybe a third of it.

Yeah.

Yeah.

Paul Milhous: Well, I think there's 17 buildings on the 2400 feet.

Jay Billmeyer: It's the same spacing – about 140' per unit.

Paul Milhous: This is what it will look like along the whole length of the water.

Bill Astle: So it's six out of twenty-three buildings?

Paul Milhous: No, seventeen. Seventeen buildings, excuse me.

Bill Astle: Okay

Lisa Dumontier: So, where is Johnson Creek on that?

Paul Milhous: Say again?

Lisa Dumontier: Where is Johnson Creek?

Paul Milhous: Well, I think Johnson Creek would be over there – well I'm not sure where Johnson Creek would be. It would be right here.

Sue Shannon: You're showing the whole length of the property that's why

Jack Meuli: You can see where Johnson creek comes down on the map there.

Paul Milhous: Right here is where it comes down on the map.

Jack Meuli: And the lodge is up quite a ways from that.

Sean Conrad: I guess what my question is, is it an issue with this board, and if so, would you like some more of this information at hand at that next public meeting when you make a recommendation?

John Fleming: I think all of the information that we can get is a good thing.

Steve Hughes: Actual, not emotional.

Paul Milhous: I think once you stake it, it's going to be so visual at that point of what it's going to look like, what it's going to be. I think that's a good idea. We don't have any problem at all staking it.

Jerry Winkley: I can look at this, I'm used to looking at drawings. But a lot of people look at a map and they can't get any perspective.

Paul Milhous: Well, when you start staking it, you're going to have to move houses this way, that way, here to miss the trees and get it properly, you know. So, we have to stake it and we will probably move the stakes a little bit when we see, no that isn't going to work.

Bob Kormann: What items are there – are they paintings of Charlie Russell's or what are the items?

Paul Milhous: They are in the concrete in the back of this building there is an area that is in real bad condition. I think what would have to happen – all this concrete is just crumbled down and in pieces and stuff like that. But his drawings you know are in like here, here and maybe one or two here. What you would do, no no no, they're in the concrete.

Bob Kormann: Are they murals?

Bill Astle: No, no, no, they are in the concrete. When the concrete was wet they would take a stick to draw figures. Very simple.

Paul Milhous: They are very, very simple. If you go on their web-site, they have one that's an Indian that is on the web-site. What those would have to be would have to be cut out and really preserved in some way because the rest is just in shambles.

Fred Mueller: It's pretty tough to do.

Paul Milhous: Well, fortunately, where those are there's no cracks or crumbles or anything around it. They are in sections about like that and it would be I think very easy to save that.

Fred Mueller: Think so as old as that concrete is?

Bill Astle: I think that someone should make castings of them – cast them before you cut them – just to...

Paul Milhous: Well, I can assure you of one thing. We'd get the very best expert possible to see if that would be possible.

Fred Mueller: I worked a long time in concrete. I know that old concrete is tough to preserve.

Bill Astle: Yeah.

John Fleming: One of our review criteria is the natural environment. Does it effect the natural environment. And then I'm reading in here and this is a question that I think is going to come up. The scenic views and it says pursuant to the Lake County Growth Policy, the term natural environment encompasses a number of things included but not limited to – and one of those things is scenic views. So, when we do the review criteria, where does that fit in? This is definitely going to effect scenic views. Whose scenic view and I'm going to have questions about that. Scenic view to me I guess would be where other people look into this property. It's going to affect the scenic view of people who maybe if you say someone has or owns a house inside this property and now it's going to look completely different, it's going to be an impact. I don't know what my question is but it says we have to... impact the natural environment.

Sean Conrad: That's one of the things that – you know, I didn't work on the growth policy, but – apparently that was something that the people of the county wanted to protect. I think it was scenic resources, which are an integral part of our high quality of life and an economic asset. That's what it says in the Growth Policy. What I want from you guys is – do you think, I'm talking about scenic views from maybe the lake and the river, which are public in nature, not necessarily someone else's property. What information do you think you need in order to make, in order to have the information in front of you to make an appropriate finding that it's not going to negatively impact or be detrimental to the scenic views? Is it the photo simulations?

John Fleming: Probably the visitation.

Sean Conrad: Or visitation? Okay.

Steve Hughes: The question I have is, in that same regard, if there are in fact going to save 80% of the trees and put in X number of homes. To me that sounds pretty good. But I'm not a logger so I don't know if that's good or bad, but it would appear that's pretty good.

Jack Meuli: I think scenic views are pretty personal, too.

Steve Hughes: Yeah, I love working my cows and that's why I'm going home. I hate to leave, but I've got – they're calling for me. I can hear them. I'm not leaving because I'm not interested in this project. I'll go make the visit. But I just hear them calling me.

John Fleming: I would like to hear – I don't think it's part of our process – but I was very surprised that the Tribe had something to do with the cultural significance of this area. I keep hearing a little bit of that here & there and Janet did mention there at the end – are we going to get a presentation? Are we going to get some kind of a comment from the tribes next time around? Or are they just – I know you can't answer that, but I'm going to be interested. I'm going to expect that they're going to be here saying something about cultural aspects of this property. I'm hearing that – I didn't know that. I never heard that before until I read the packet, but now I'm hearing it and I'm wondering why they didn't say something tonight and then Janet said a little bit at the end and I'm thinking that we're going to hear something. That might be something you have to deal with.

Jack Meuli: [indiscernible] are in the packet and she's talking to the Salish Elders, so.

Fred Mueller: Any place in western Montana where the tribe has camped is cultural, so...

John Fleming: Right, I'm just saying that we may have to deal with that. You may have to deal with that.

Sean Conrad: And John, just so you know that I believe it was in our incomplete application letter to them, we suggested that they do contact the Tribe. The Growth Policy says that on the reservation the Tribe's cultural department takes precedence but then off the reservations it's the State Historic Preservation office, I believe. But, we requested that they at least fill out a form and send it to the Tribe. I don't know if Dave had done that or not, but we at least request that. We don't have a lot of authority to do that, but we thought it might be a good idea.

John Fleming: I guess I'm saying – maybe I'm saying heads-up for you people.

Fred Mueller: Yeah, but Sean, you know how long it takes to get anything from the cultural committee?

Sean Conrad: I don't Fred. But, and again, it wasn't – it was like could you please, would you please pull one of these out and do it maybe just as a show of good will if nothing else.

Clarence Brazil: I have a question about the historical designation. The gentleman said that you were probably going to lose that because of not putting up log buildings and so forth. But, what's the possibility of going to log buildings so you do preserve that? Log buildings historically don't cost a heck of a lot more than the other ones because you don't have to do anything to the inside. Sheet rock it and insulate it and all that other sort of stuff.

Bill Astle: The, ah, there, ah, we just think the gentleman is mistaken and the standards that he is talking about apply to the structures – historic landmarks – and we intend to restore, rehabilitate is the real word, the historic structures. When new structures are built, they have to be respectful of, and compatible with, and consistent with, but not identical. They don't mirror or replicate. And in fact, historic architects will tell you 'don't do that' because you can't imitate what's real and when you put an imitation next to something real...so. I don't think that the designation... I think that the only way that the designation is at risk is that if those buildings continue to deteriorate. Because the buildings are – while context is important along the lake the view, you talk about the scenic vista that is reflected in this – that's what's featured in all the materials on which the national register does the measurements based. By the way, there's nothing in there about the cultural.

Clarence Brazil: Is there any way of getting an opinion on that from whoever is the designation expert?

Bill Astle: I think we can provide you with a digest of just the standards. I can point out and highlight and show you that is what the standards provide.

Clarence Brazil: Isn't there an expert that determines this? Somebody historically who is...

Bill Astle: There is the State Historic Officer who is the primary interpreter – the Federal Government delegates for private property back to the State Historic Officer. And there's a letter from the ship in your packet.

Dave DeGrandpre: I don't know if you received the letter. It was in the application.

Sean Conrad: There were quotes from it in the report.

Bill Astle: Okay. But we will try to find some additional information.

Clarence Brazil: Yeah, if it's one of only two in the whole of Lake County, it'd sure be nice...

Bill Astle: There are actually three districts, Sean, in the National Register – in the State Register. I can't recall the names here, I have them in the file.

Fred Mueller: The Church in St. Ignatius for one.

Sean Conrad: Fort Quinn.

Fred Mueller: Yeah.

John Fleming: Jerry, did you have something?

Jerry Winkley: Yeah, I wanted to ask a little bit. Ten of these cabins are indicated as remodels, five of them as single family and the rest as duplex. What are you doing to the overall footprint? Are they going to be enlarged?

Bill Astle: Yes.

Dave DeGrandpre: Yes.

Jerry Winkley: How extensive of a remodel are we talking? And the other question relates to the new construction. Are we talking multi-story?

Bill Astle: One- and two-story.

Jerry Winkley: But, what overall height?

Paul Milhous: We look at those buildings that it is going to cost a lot more to restore them than to just get rid of them and start new. I mean, I feel like I am buying the property and buying the buildings and paying for that and then I'm repaying for them because now I got to go restore them and all that.

Jerry Winkley: I am also interested in the new.

Paul Milhous: Okay, on the new.

Jerry Winkley: Traditionally, we've put a 30' cap on the height.

Paul Milhous: This is an accurate portrayal of the height.

Jerry Winkley: Partly for firefighting.

Paul Milhous: This is – those are the two-story buildings – that's the tallest building, new building, that's proposed.

Jerry Winkley: I get nervous when I see 40' & 50' high buildings.

Paul Milhous: No.

Dave DeGrandpre: Let me just say something also about the way this Adirondack camp was set up originally. Typically, they would be set up with a central kitchen area and then sleeping cabins out around. And the sleeping cabins, some of the structures today are just that. I mean, it's a bedroom with maybe a closed and a little powder room, but it doesn't have a kitchen, it doesn't have any office space. They are not functional by today's standards. So, in order to make it a functional living area, it has to be, the footprints have to be expanded to some degree.

Paul Milhous: Some of them are duplexes now and they are being expanded – added to - as duplexes.

Jerry Winkley: I guess what I'm saying is if that footprint could be staked it would be helpful.

Dave DeGrandpre: Okay.

Paul Milhous: We haven't done exact blueprints on the seventeen river buildings yet.

Jerry Winkley: I'm not saying that we're going to hold you to the X number of feet. But, I'm just saying where they are located, how they, what the appearance is on the property. It's a little hard to visualize it. A lot of people have problems visualizing it.

Paul Milhous: We can do that.

Fred Mueller: I'm thinking about wrapping this up.

Dave DeGrandpre: Any other issues?

Tara Harbin: Can I say something real quick? I'm looking at this density calculation that they came up with and they've got Kootenai Woods at 99.97 acres and 92 lots, that's not correct. They might be speaking of the Ridge, 92 lots, but the Ridge has 232 acres. Kootenai Woods has 62.5 acres, 50 lots. That's another calculation that is not right. It's 232 acres in the Ridge, 92 lots.

Dave DeGrandpre: You're right Tara, it was a mistake.

Jay Billmeyer: The area that is included in that area calculation is all the same crosshatch. It probably should have said Kootenai Woods and a portion of Swan Sites.

Tara Harbin: You should include my property, I've got 17 acres. Include that in there. It's an adjacent to the development.

Sue Shannon: We did a whole bunch of calculations regarding the density and we shared it with them and they haven't changed, so I don't know how much more we can work with the developers in that regard.

John Fleming: I think Density's going to be an issue.

Sue Shannon: Umm hmm. And that's why I was kind of trying to encourage some feedback from the Board tonight, but if you'd like to just continue on and have Staff evaluate it, we'll continue on doing it that way.

Dave DeGrandpre: Can I ask the Board a question? What is the issue of density? What does it mean? What is density in a case like this? What sort of things would you recommend? What enters your mind? If you think it's too dense, why?

John Fleming: Because of the use of the river there. The use of the water. To me, that means more people who are going to be using this thing at one time in the summer. It's just that many more people that can potentially be there and that is what we heard from these people tonight and that's a concern. That's a real concern.

Dave DeGrandpre: So if we address the dock issue?

John Fleming: Sixty-five families – they could all be there at one time. That's going to be the issue, I think.

Dave DeGrandpre: But if we address the dock issue and come up with a proposal that meets Lake County Standards – if we address storm water runoff, setbacks, environmental degradation, I mean if we address all of the primary review criteria is there still a density issue?

Jerry Winkley: I think there is.

Dave DeGrandpre: What's that based on?

Jerry Winkley: My thoughts – you're I don't know quite how to put it in words, but traditionally the Board has opposed off-site sewage systems. We like to see them on site and of course you put that many buildings on there you don't really have any place for them. If you were to scale the number back – I know it doesn't necessarily make economic sense – but there is the possibility for on-site systems. I have a problem with adding that to lot 4 in the Ridge subdivision and then still considering development on that lot for other buildings. I have a little problem with that. We relied on that 92 number.

Dave DeGrandpre: It still exists.

Jerry Winkley: When we...

Dave DeGrandpre: No one's taken that away.

Jerry Winkley: But we're adding a lot of effluent into that area in addition.

Dave DeGrandpre: Would you rather have 40 – I mean, would it be preferable to chop this up into forty one-acre lots or thirty-five one-acre lots and have individual drain fields? I mean, that's a real, a real possibility.

Jack Meuli: I don't want to argue with the Board, but I prefer the off-site. It looks to me like that's the best way to get the sewage taken care of rather than having septic tanks and drain fields.

Jay Billmeyer: There's not enough soil on site, I don't believe. The water table, you know, you got Johnson Creek. You've got some gravelly places...

Jerry Winkley: I just think that place is getting awfully busy.

Jay Billmeyer: Yeah, you're right.

Jerry Winkley: Particularly for an additional housing development. If it's equivalent to 27, that's different than 65. There's still, that's three times nine.

Ken Miller: I have a question about what the total development percentage is of this property. What's going to be impervious surface under roof and under road. It's looking to me like we're approaching quite a bit of development on this.

Dave DeGrandpre: I think it's 25/75. 25 impervious, I believe, 75 not.

Jerry Winkley: Where do we draw the line? 29? On a lot of the subdivision here, they ah...

Dave DeGrandpre: In the zoning districts?

Sue Shannon: Yeah. We usually excluded set-back area and that type of thing. Now we're looking at the whole area so we haven't calculated the exclusion of any set-backs.

Dave DeGrandpre: What do you mean, buildable?

Sue Shannon: Usually you take out the 50' buffer from the lake, the 20' from the side property lines, any zoning we look at impervious surface area in a zoning district. It's 29% of the buildable area.

Dave DeGrandpre: Depending on how the zoning regs are written.

Sue Shannon: Yeah, well.

Jerry Winkley: We had one last month at 43%.

John Fleming: I was a little concerned about Johnson Creek just because I don't know if I read it well. Is that – is everything going to be 50' back from the creek itself? A 50' setback? Correct?

Indiscernible

John Fleming: It said something about or a hundred – I don't remember what it was.

Ken Miller: That was Scott Rumsey from Fish, Wildlife & Parks who recommended 100.

John Fleming: Oh, he recommended 100.

Ken Miller: He recommended 100' or to do a 100 year floodplain boundary

John Fleming: Right, that's what it way. I had said.

Ken Miller: I don't disagree with that either.

John Fleming: It's probably a wildlife corridor if it's like any other creek.

Ken Miller: I don't know.

Jerry Winkley: That whole area is I think.

John Fleming: I guess so.

Sue Shannon: Okay, maybe we could continue this discussion when we do a site visit.

John Fleming: Yeah, good idea.

Sean Conrad: Sue, would you like us to notify or just give you calls and we can try to set up a time at the end of March?

Sue Shannon: Yeah, we were thinking the last week March.

Jack Meuli: I would hope the end of March or the very first of April.

Jerry Winkley: No sooner than a week before the meeting, so you could allow a few days to digest.

John Fleming: Okay, can we close this part of the meeting? Thank you, thank you, everybody.

Dave DeGrandpre: One more housekeeping detail. Would you like us to leave you a copy of the drawings?

Sean Conrad: Sure, I appreciate that.

John Fleming: The next item on our agenda is the Density Meeting progress report.

Sue Shannon: Well, you guys got the minutes from the last two meetings so...

John Fleming: What's the density proposal for this area?

Sue Shannon: One and a half acres. There hasn't been a lot to report on it. The next one is the 16<sup>th</sup> next Wednesday in Ronan. It'll be a good one, a lively one. If you like that kind of thing.

John Fleming: You know, I was - Hi, you're doing a great job. Does everybody know you?

Gehrand Bouchard: I don't think so.

Sue Shannon: This is Gehrand Bouchard and he is Chairing the Density Map steering committee. He's been at all the meetings. He's been doing a great job in facilitating keeping the comments rolling and not letting it get too angry or anything like that.

John Fleming: You know, one thing I saw was just at Arlee and up here I heard a lot of philosophy and not so much ideas about how to do it. I would hope that we could keep encouraging them to say, 'What do you want' not do you want Density or the map or not, but 'what do you want on the map?' Maybe I'm wrong, maybe I'm assuming something there, but...

Gehrand Bouchard: I don't think they really know what they want.

Jack Meuli: I think their light is on, but I don't think anybody's in it.

John Fleming: No, probably not.

Jerry Winkley: There's a lot of ways to do nothing with 80 acres.

John Fleming: Yeah, I went up there to Arlee and I don't really know what the Arlee people want because there was one guy there that you had the back and forth with constantly ...

Gehrand Bouchard: Larry Murray, yeah.

John Fleming: ...and all he was doing was his philosophy and I didn't learn much from the Arlee people.

Sue Shannon: I was frustrated about that, too.

John Fleming: Was it that way in Pablo?

Jerry Winkley: Well, you got the guy that doesn't want to have anybody have any say on what he does on his property.

John Fleming: It was tough. You had to deal with him and you did a great job, but I didn't learn anything. Because the Arlee people.

Gehrand Bouchard: These meetings, I think, are just to satisfy their request to be heard. It's difficult for them to put their thoughts together because they haven't experienced a phenomena like this – so much growth in Montana and how it affects them. And they haven't taken any time to go to any other areas like California or Florida to see what a disastrous effect it can have without a plan.

Jerry Winkley: I don't think they realize the pressure that we are really under.

Gehrand Bouchard: They do not and if you try to tell them, they get very angry. But I would hope that we would go ahead with these hearings, let them say what they have to say and that will get some steam off of them and then I hope the Commissioners pass...pass the Density Act. If not, this woman here and the rest of you have very little legs to stand on. And that is not how to run a county in this type of economic and growth phenomena. Can't do it.

Jack Meuli: In defense of the vocal land owners, who I don't agree with but I'll defend them because they don't know what they want. We don't know for sure what's coming down the line.

Gehrand Bouchard: Well, we're not disputing that. But the buyers and the developers coming here know what they want. And people like this are going to spend hundreds of thousands on getting it.

Jack Meuli: Well, when you're out there and just on the verge of going broke or going out of business because you're too small and you're hanging on the edge of your couch and trying to get the most out of your land.

Gehrand Bouchard: But that doesn't help the County's situation.

Jack Meuli: I'm explaining why people are as vocal as what they are.

Gehrand Bouchard: Right. But we've been trying to explain to them, in fact I've been reading to them every evening the policy where they have latitudes of coming in and explaining their problems and there is help here for them. If they can genuinely show that they are having economic problems or health problems and there's no other recourse. I mean, it's a great plan you have. 'Course most of them haven't read it but they've heard some very negative rhetoric from a couple of people that just want to sell their property and be done with it. And they are trying to get all these people on board to help them achieve that.

John Fleming: You know a sad, I thought kind of a sad, I know you saw that too. There's a guy that had ten acres of something and he was hoping that he could rent it or some darn thing. I mean, the minute he bought it, there's no way the County's ever going to let him do it and he's been sitting on that all this time thinking that he could do something with it that he can't do. I'm not so sure that the Density Map would help, but for some reason I thought at the time it would have. But this poor guy didn't know what he was getting.

Sue Shannon: I ran into him at the gas station. And he told me he had seen this Kootenai Lodge proposal on TV and he was like, "I bet you they wish they had the density map." I think he saw the light – like something clicked like, huh, you know? And he was kind of like, can you imagine? And I was like yeah, 65 units on the 40 acres next to you, how would you feel about that and he was like, yeah, you know? So, I think he kind of saw what something like that being proposed in Lake County and then what we had just discussed I think he was kind of like, oh, well, maybe we need to consider something. So...

Fred Mueller: Wait until VanVoast brings his in here.

Sue Shannon: That will probably be next week. [laughter] I mean, the way we're going, it's like major subdivision, major subdivision, major subdivision.

Jack Meuli: Will that be as controversial?

Sue Shannon: What?

Jack Meuli: Will that one be as controversial?

Sue Shannon: Van Voast?

Jack Meuli: Yeah. Course it's not in a lakeside protection area.

Sue Shannon: I have no idea what he is proposing. Do you know?

John Fleming: By Sunny Slope?

Sue Shannon: Yeah, you know, behind the campground.

John Fleming: Oh, right. The KOA? Ah, that won't be ...

Sue Shannon: By the shooting range.

John Fleming: Ah, that won't be hard to push that at all.

Sue Shannon: I heard Dave sent a letter to the Commissioners imploring them to please adopt something. He was meeting with somebody in St. Ignatius on 25 or 30 acres they wanted to do 25 units.

Unknown: Oh, shit.

Sue Shannon: You know, I mean, and it was over near um

Sean Conrad: It was on the west side wasn't it?

Sue Shannon: Yes, the west side. The Creek – lower crossing?

John Fleming: Lower Crossing? Was it Scott?

Sean Conrad: No. Because I asked him that.

John Fleming: Could be anybody. Oh, man.

Sue Shannon: This is a planning nightmare. I mean, it's surrounded by zoning and we still are struggling with the Density.

John Fleming: Yeah.

Jamie Ludwig: The thing about ...

Justin Troy: Can I ask the Board something?

John Fleming: Sure. We're going to adjourn here in a minute aren't we?

Justin Troy: My name is Justin Troy. Across from my place, you know, they were talking the Kootenai Woods subdivision. Now, that was 62 acres with 50 lots. Now, is there any precedence beside the historical approach encroaching...you know, we're talking 65 units on 40 acres? I mean, is there any kind of standard based on...you know, and there's no water way or anything in that Kootenai Woods which wasn't a factor. But, I'm just wondering what precedence or what standard is set as far as to determine where the developers – they always shoot for the high mark and then there's the underlying compromise.

John Fleming: And there is, isn't there? I mean there's a level...

Justin Troy: Every time.

Sue Shannon: They haven't been backing down as far as, you know...

John Fleming: But there is. Don't we. The subdivision has to be in some way in the ball park of what's around it? No? I think I read that in...

Sean Conrad: I think that is what we continue to try to work with. That isn't something that we can't absolutely deny them with. It has to be under the primary review criteria.

Sue Shannon: In my mind, you know, we've afforded everybody in that area about a two-acre per lot, you know, or per-lot, or per-acre, I'm sorry I'm too tired. But you know and then you look at the road impacts, the sewer and water, I mean all the things we discussed tonight and they are putting in a system and we told this from the pre-application meeting. They're putting in this on-site sewer system, making it public, that's great, they're going to have extra capacity. But, you know, really, could you look at anything less than one-acre? I don't know. And when we told them that from the get-go, it...

Jerry Winkley: I just wonder what it's going to cost to hook up to their system.

Sue Shannon: Oh, I don't know.

Jerry Winkley: And who can afford it.

Clarence Brazil: What about the fact that the County approved that subdivision that they want to put the sewer in. They approved it for houses only.

Jack Meuli: [referring to the lateness of the hour] I quit.

Clarence Brazil: They didn't approve it for a sewer treatment plant.

Jerry Winkley: In addition to houses.

Ken Miller: Yeah, in addition to houses and a fire station.

Jerry Winkley: Yeah.

John Fleming: I think that's going to be a hang up.

Jerry Winkley: How many volunteers are you going to get.

Ken Miller: I'm the only one who lives up there. That covenant...

Jerry Winkley: The volunteer fire department

Sue Shannon: They want to break up that lot 4 into 9 more tracts [indiscernible]

Gehrand Bouchard: Paul Milhous doesn't have a history of backing off.

Jerry Winkley: Good luck. Just make sure you stay there [indiscernible]

John Fleming: Can we have a motion to adjourn?

Jack Meuli: I move.

Lisa Dumontier: Second.

John Fleming: Meeting is adjourned, thank you.