
MONDAY, JULY 9, 2007

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Brenneman, Commissioners Hall and Lauman, and Clerk Robinson were present.

Chairman Brenneman opened public comment on matters within the Commissions' Jurisdiction, no one present to speak, Chairman Brenneman closed the public comment period.

MONTHLY MEETING W/ JAY SCOTT, FAIRGROUNDS

This meeting was postponed

BI-MONTHLY MEETING W/ KIM CROWLEY, LIBRARY

[9:21:53 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Others present:

Assistant Michael Pence, Library Director Kim Crowley, Clerk Kile

Crowley reported on library statistics within Flathead County that compared 2006 to 2007 usage. She then said that Park Side Federal Credit Union has donated \$6,000 to promote the library summer reading program for the next three years. Also reported was that a consultant was coming in from San Jose, California where several new libraries have been built; to look at facilities in Columbia Falls in regards to better use of their space. Crowley then stated that the Tidyman's building offer may have fallen through, and that the board is once again going back and forth with deciding what would be the best option for the Library.

BI-MONTHLY MEETING W/ KAROLE SOMMERFIELD, 4-H OFFICE

[9:45:38 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Others present:

Assistant Michael Pence, 4-H Director Karole Sommerfield, Wesley Gwaltney, Clerk Kile

Sommerfield reported on her 4-H trip that was taken with kids to Texas. She also stated was that the military project is going well with the robotic software and equipment ready and that Gil Parsons from the I.T. Department is helping with the project. Discussion included camp that will be held at Loon Lake, the new scale at the fairgrounds, getting ready for the fair and the State Conference at Bozeman.

Gwaltney reported that the Conservation District will be helping him with a small farms workshop that will be put on this fall. He then said that he is working with Assistant Director, Jim Knight on a medical grant through the USDA to acquire some telecom equipment. If the grant is approved, the equipment will be tentatively housed at North Valley Hospital. He then said that he has received his pesticide applicator training certificate and will now be able to certify private applicators.

MEETING W/ LIL DUPREE/ N.W. MONTANA HUMAN RESOURCES RE: ANNUAL CSBG COMMUNITY SERVICE BLOCK GRANT

[9:59:13 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Others present:

Assistant Michael Pence, Lil Dupree, Clerk Kile

Lil Dupree reported on budgets prepared for CSBG (Community Service Block Grant) in regards to housing within Flathead, Lake, Lincoln and Sanders counties for 2008-2009. This grant is to help low income families become more self sufficient. Dupree also reported on a community needs assessment survey, annual report for 2006, board member positions, statement of assurance programs and poverty within the four counties.

Commissioner Hall made a **motion** to approve the Community Service Block Grant. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: CLOSING DOCUMENT FOR INTERCAP LOAN/ RSID #142

[10:33:44 AM](#)

Members present:

Chairman Joseph D. Brenneman

Commissioner Gary D. Hall
Commissioner Dale W. Lauman
Others present:
Assistant Michael Pence, County Attorney Jonathan Smith, Clerk Kile

Jonathan Smith reported on the issuance of bonds for RSID #142 in Somers.

Commissioner Hall made a **motion** to approve the document for signature for an Intercap Loan on RSID #142 with Resolution #1971B. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: CLOSING TITLE III CONTRACT MODIFICATION/ AOA

[10:35:11 AM](#)

Members present:
Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman
Others present:
Assistant Michael Pence, Clerk Kile

Commissioner Lauman made a **motion** to approve the contract modification for AOA. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

CONSIDERATION OF ADOPTION OF RESOLUTION: EMS AMBULANCE SERVICE

[10:38:24 AM](#)

Members present:
Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman
Others present:
Assistant Michael Pence, Health Department Director Joe Russell, Clerk Kile

Joe Russell explained the language in the resolution in regards to enforcement, in which it was stated that rules and a process to follow are needed.

Commissioner Lauman made a **motion** to adopt Resolution #2075. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

RESOLUTION NO. 2075

WHEREAS, Sections 7-34-101 through 7-34-104, M.C.A., authorize the Board of Commissioners to establish and/or maintain ambulance services including adopting rules and establishing fees and charges for the furnishing of ambulance services;

WHEREAS, there are approximately 29 organizations in Flathead County which provide pre-hospital response units including ambulances, quick response units and first responder units, most of which are staffed by volunteers;

WHEREAS, the need to coordinate the emergency medical service units in the areas of direction, purchasing equipment, education and certification of the responders, both volunteer and paid, and patient care, has grown with the growing number of responders and the growing number of incidents which require emergency medical response;

WHEREAS, in the election held on November 7, 2000, the voters of Flathead County authorized the levy of up to one mill for the purpose of coordinating the emergency medical service units in Flathead County in the areas of direction, equipment, education and certification of responders and patient care;

WHEREAS, in an election held on June 8, 2004, the voters of Flathead County authorized the levy of up to two additional mills per year for Emergency Medical Services;

WHEREAS, the Flathead City-County Board of Health administers the funds received as special revenue to be used for the purposes of providing emergency medical services;

WHEREAS, the EMS community has identified the importance of the successful development and management of a consolidated, modern dispatch center with interoperability of communication and dispatch systems between all emergency service providers in the county requires that the needs of EMS providers be represented.

WHEREAS, it is desirable that the Flathead City-County Board of Health be authorized to develop a "User Advisory Group" of EMS providers to advise the Board of Health and the medical director on EMS needs, policies, procedures, and other issues affecting emergency medical services in Flathead County including but not limited to:

- Adopting rules for the provision of emergency medical services.
- The creation of response jurisdictions within the "county" district.
- Appoint/contract with a medical director with delegated authority to implement policies, procedures, protocols approved by the Board of Health.
- Authority to define levels of care within each response unit balancing state protocols with local policies and procedures.
- Collaborate with the county planning office to develop standards and an EMS review procedure for development projects.
- Continued authority to manage and distribute funds.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, as follows:

1) That the Flathead City-County Board of Health is authorized to convene members of the EMS system to coordinate and enhance the provision of emergency medical services in Flathead County including but not limited to:

- Development of a "User Advisory Group" of EMS providers to advise the Board of Health and the medical director on EMS needs, policies, procedures, and other issues affecting EMS.
- Initiate and implement the rule making process authorized under Section 7-34-103(1)(d) M.C.A., including but not limited to:
 - Adopting rules for the provision of emergency medical services, subject to approval by the Board of Commissioners.
 - The creation of response jurisdictions within the "county" district.
 - Authority to define levels of care within each response unit balancing state protocols with local policies and procedures.
 - Collaborate with the county planning office to develop standards and an EMS review procedure for development projects.
 - Ensure that the interests of the EMS system are appropriately represented in the development and management of a modern, consolidated dispatch system.
 - Authority to establish administrative and or legal remedies for non-compliance.

2) That the Flathead City-County Board of Health is authorized to establish and enforce policies, protocols, related to the provision of emergency medical services, including but not limited to:

- Appoint/contract for medical direction with delegated authority to implement policies, procedures, protocols approved by the Board of Health.
- Continued authority to manage and distribute public funds.

Dated this 9th day of July, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Joseph D. Brenneman
Joseph D. Brenneman, Chairman

By/s/Gary D. Hall
Gary D. Hall, Member

By/s/Dale W. Lauman
Dale W. Lauman, Member

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

BUDGET WORKSHOP @ COMMISSIONERS MEETING ROOM

10:16:40 AM

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Others present:

Assistant Michael Pence, Clerk & Recorder Paula Robinson, Finance Director Laurel Raymond

Discussion was held relative to the 2007-2008 budget.

1:00 p.m. Planning Workshop @ Justice Center Community Room

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 10, 2007.

TUESDAY, JULY 10, 2007

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Brenneman, Commissioners Hall and Lauman, and Clerk Robinson were present.

Chairman Brenneman opened public comment on matters within the Commissions' Jurisdiction.

Linda Smith the developer for Subdivision 274 spoke in regards to the condition of bringing a portion of Berne Road to paved county standards. She then said that in her pre-application meeting with the Planning Office that she was told there would be no paving requirement; that she specifically talked to them about paving a four lot minor subdivision. Smith then said that she went through the process of application and that she did have other options to create parcels in her neighborhood. She then said that she is being told that she would need to pave approximately 783 feet of Berne Road, with only two other residential lots being affected.

No one else rising to speak, Chairman Brenneman closed the public comment period.

PRELIMINARY PLAT: SUBDIVISION NO. 274

9:01:37 AM

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Others present:

Planner Annie Thompson, Linda Smith, Brian Launius, Clerk Kile

Thompson reviewed the application submitted by Linda Smith with technical assistance from Brian Launius for preliminary plat approval of Subdivision 274; a minor subdivision that will create four single family residential lots on 6.38 acres located on Berne Road. Lots will range in size from 1.21 to 1.97 gross acres and will be served by a multi-user water system and individual septic systems. Also reviewed were traffic counts on the unpaved road.

Thompson then reviewed the summary of findings 1-7. Discussion also included BPA easement's for power lines.

General discussion was held in regards to paving and dust problems with finding 4 being changed to: All lots will be accessing Berne Road and Jensen Road; county roads with significant dust issues. Dust issues are addressed by project specific condition 13.

Commissioner Hall made a **motion** to adopt Staff Report FSR 07-09 as findings of fact as amended. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Commissioner Hall stated that he would not back off from the 50 foot per lot paving requirement, but feels that 800 feet is too much.

Discussion was then held relative to condition 13 and where the paving would be the most effective.

Linda Smith stated that she would like to see the paving where the approach to the property is.

Condition 13 will state: The subdivider will bring a portion of Berne Road, which abuts the proposed lots to paved county standards for 200 feet. Should a RSID be approved and final plans can be provided at the time of final plat; the applicant shall be relieved of this paving requirement.

Commissioner Hall made a **motion** to approve Subdivision 274 with amended conditions. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

PRELIMINARY PLAT FINAL CONDITIONS

1. The applicant shall comply with reasonable fire suppression and access requirements of the applicable fire district. A letter from the fire chief stating that an agreement has been made shall be submitted with the application for Final Plat. [Section 3.20, FCSR]
2. The applicant shall show proof of completed approach permits from the Flathead County Road and Bridge Department indicating the approaches have been built and received final inspection. [Section 3.8(A), FCSR]
3. The applicant shall receive physical addresses and road names in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by the Address Coordinator. [Section 3.9(I)(7), FCSR]
4. The proposed water and septic treatment systems and storm water drainage systems for the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [Section 3.14(A) and 3.15(A), FCSR]
5. New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
6. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. [7-22-2116 MCA and Section 3.12(J), FCSR]
7. The developer shall contact the Superintendent of Schools and, if required, provide and improve a location for the safe loading and unloading of students.
8. The developer shall provide written documentation from the appropriate USPS postmaster, indicating mail delivery requirements have been met. [Section 3.22, FCSR]
9. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All addresses will be visible from the road at the driveway entrance or on the house.
 - b. Lot owners are notified they are living in a rural area of Flathead County and delayed response times may be experienced from emergency service providers.
 - c. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
 - d. Solid waste removal shall be by contract haul.
 - e.

Waiver of Protest

Participation in Special Improvement District

[per County Resolution 503-M]

_____ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes _____ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that _____ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. _____ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for _____ Subdivision.

10. All required improvements shall be completed in place or a Subdivision Improvement Agreement, in accordance with

Chapter 8 of the Flathead County Subdivision Regulations, shall be provided by the subdivider prior to final approval by the County Commissioners. [Chapter 8, FCSR]

11. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]
12. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]

PROJECT-SPECIFIC CONDITIONS

13. The subdivider shall bring 200 feet of Berne Road which abut the proposed lots to paved county standards. A letter from an engineer certifying the road shall be provided for final plat. Should a Rural Special Improvement District be approved and final plans can be provided at the time of final plat, the applicant shall be relieved of this paving requirement.
14. The applicant shall meet with the Bonneville Power Administration and shall receive a limited consent for those structures within the BPA easement. The limited consent shall be provided at the time of final plat.
15. The Bonneville Power Administration easement shall be shown on the face of the final plat. A letter from BPA certifying that the easement is shown correctly shall be provided at the time of final plat.
16. The following statement shall be placed on the face of the final plat applicable to all lots:

The Bonneville Power Administration (BPA) imposes certain conditions on the portions of these lots encumbered by its high voltage transmission line right-of-way. BPA does not allow structures to be built within the right-of-way, nor does it allow access to be blocked to any transmission facilities. Any activity that is to occur within the right-of-way needs to be permitted by BPA prior to installation or construction. Any existing activity also needs to be permitted by BPA to maintain compatibility with the transmission line system. Information regarding the permitting process for proposed and existing uses of the right-of-way may be addressed to BPA Real Estate Field Services at (406) 751-7821.

CONSIDERATION OF ADOPTION OF RESOLUTION: CANCEL TAXES

[9:34:04 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Others present:

Assistant Michael Pence, Treasurer Adele Krantz, Clerk Kile

Krantz reported on the cancellation of taxes that are 5 years or older that total \$655.03.

Commissioner Lauman made a **motion** to approve Resolution #2076. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

RESOLUTION NO. 2076

WHEREAS, Section 15-16-119 M.C.A., requires that the County Treasurer attempt to collect personal property taxes by issuance of writs of execution to the Sheriff's Department to seize and sell personal property which taxes are delinquent;

WHEREAS, Section 15-24-202, M.C.A., requires payment of personal property taxes for mobile homes that are not attached to real property and said taxes, if not paid, can be collected pursuant to the terms of Section 15-16-119, M.C.A.;

WHEREAS, the Treasurer has issued writs and the Sheriff has attempted to collect the taxes on the list attached hereto as Exhibit A but has been unable to locate property to seize and sell in order to collect those taxes; and

WHEREAS, Section 15-16-701 M.C.A., requires that the County Treasurer present to the commissioners a list of delinquent personal property taxes that are five years or more delinquent to make corrections and for cancellation by the Commissioners within 30 days.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the list of personal property taxes shown as due on Exhibit A hereto are hereby declared to be uncollectible and the Treasurer is directed to cancel said taxes.

Dated this 10th day of July, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Joseph D. Brenneman
Joseph D. Brenneman, Chairman

By/s/Gary D. Hall
Gary D. Hall, Member

By/s/Dale W. Lauman
Dale W. Lauman, Member

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD ABANDONMENT #462 (PORTION SOUTH ASHLEY LAKE ROAD)

[9:37:29 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Others present:

Assistant Michael Pence, Clerk Kile

Commissioner Hall made a **motion** to authorize the publication of the Notice of Public Hearing for Road Abandonment #462. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

**NOTICE OF DISCONTINUANCE
OF PUBLIC ROADWAY
NO. 462**

Notice is hereby given that the Board of Viewers have reported favorably to the Board of Flathead County Commissioners on the discontinuance of that certain public roadway in Flathead County, Montana, described as follows:

That portion of South Ashley Lake Road described in Book 460, Page 222 that encumbers Section 7, Township 28 North, Range 23 West, Principal Meridian, Flathead County, Montana as shown on Certificate of Survey No. 17689, Records of Flathead County, Montana.

Notice is hereby given to the petitioners or landowners as disclosed by the last assessment roll of Flathead County, owning land abutting the roadway described above and being considered for abandonment.

The hearing on this petition for abandonment is set for **Wednesday, July 25, 2007, at 10:30 A.M.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 10th day of July, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: /s/Joseph D. Brenneman
Joseph D. Brenneman, Chairman

PAULA ROBINSON,
CLERK AND RECORDER

By: /s/Diana Kile
Diana Kile, Deputy

Publish on **July 14 and July 21, 2007**

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: THE TREE FARM AT WHITEFISH PUD

[9:38:59 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Others present:

Assistant Michael Pence, Clerk Kile

Commissioner Lauman made a **motion** to authorize the publication of the Notice of Public Hearing for a PUD at the Tree Farm at Whitefish. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 3.31.020.4 of the Flathead County Zoning Regulations, that it will hold a public hearing to consider a request by the Bowdish Family Trust, to approve a Planned Unit Development (PUD) in the Highway 93 North Zoning District.

The area proposed to be overlaid with a PUD is zoned in the SAG-5 (Suburban Agricultural) classification and is described as Assessor's Tracts 1C, 2, and 4F in Section 36 of Township 30 North, Range 22 West, P.M.M., Flathead County, Montana. The property is located northwest of the intersection of KM Ranch Road and US Highway 93 North, Whitefish, Montana.

The proposal would overlay approximately 155.95 acres to be developed into 60 developable lots, including 41 single-family units, 16 town house and 3 commercial lots contained on 41.95 acres, with 13.44 acres being reserved for roads and rights of way and the remaining 100.56 acres set aside as forested open space and common area. Open space will be managed as a functional tree farm by the Bowdish family. The deviations from the SAG-5 zoning classification requirements include set-backs from property lines, minimum lot area, permitted lot coverage, and allowance of mixed uses including commercial use and higher density for residential use.

The regulations defining the PUD requirements and the SAG-5 zoning classification are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500. Documents detailing the proposed PUD are available for public inspection at the Office of the County Clerk and Recorder, 800 South Main, Kalispell, Montana, and at the Flathead County Zoning and Planning Office, 1035 1st Avenue West, Kalispell, Montana.

The public hearing will be held on the **1st day of August, 2007, at 10:00 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed PUD overlay in the Highway 93 North Zoning District.

DATED this 10th day of July, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: /s/ Joseph D. Brenneman
Joseph D. Brenneman, Chairman

ATTEST:
Paula Robinson, Clerk

By: /s/ Diana Kile
Diana Kile, Deputy

Publish on July 14 and July 21, 2007.

MONTHLY MEETING W/ LAURIE REBUCK, JUVENILE DETENTION CENTER

This meeting was not held.

MONTHLY MEETING W/ MARCIA SHEFFELS, SUPT OF SCHOOLS

10:03:05 AM

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Others present:

Assistant Michael Pence, Superintendent of Schools Marcia Sheffels, Clerk Kile

Sheffels reported that she is using the office performance measurer's format for her quarterly review with the Commission, in which she reviewed the Superintendent of Schools administrative responsibilities. Sheffels then stated that the district boundary clarifications that she is working on clarifying are with waterways and written descriptions. She then said that GIS is helping to clarify those conflicts that have been overlooked in the past. Also discussed were bus routes that have increased by 300 additional miles.

PRELIMINARY PLAT: WISHER SUBDIVISION

10:22:00 AM

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Others present:

Planner Annie Thompson, Ardis Larsen, Ralph Wisher, Clarice Ryan, Gina Klempel, Clerk Kile

Thompson reviewed the preliminary plat application received from Ralph Wisher with technical assistance from Larsen Surveying for preliminary plat approval of Wisher Subdivision; a major subdivision creating two single family residential lots on 1.67 acres. This property is located at 602 Shadow Lane. Flathead County Planning Board voted unanimously for approval.

Commissioner Hall made a **motion** to adopt Staff Report FPP 07-12 as findings of fact. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Commissioner Hall made a **motion** to approve Wisher Subdivision. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

PRELIMINARY PLAT FINAL CONDITIONS

1. The applicant shall comply with reasonable fire suppression and access requirements of the applicable fire district. A letter from the fire chief stating that an agreement has been made shall be submitted with the application for Final Plat. [Section 3.20, FCSR]
2. The applicant shall show proof of a completed approach permit from the Flathead County Road and Bridge Department indicating the approach has been built and received final inspection. [Section 3.8(A), FCSR]
3. The applicant shall receive physical addresses and road names in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by the Address Coordinator. [Section 3.9(I) (7), FCSR]
4. The applicant shall receive water and sewer service by connection to the Evergreen Water & Sewer District. All storm water, water, and sewer facilities shall be approved by the Flathead City-County Health Department and the Montana Department of Environmental Quality. [Section 3.14(C) FCSR; Section 3.15(C) FCSR; Section 3.12(A) FCSR] The subdivider shall furnish a will serve letter from the Evergreen Water and Sewer District for the use and number of lots proposed.
5. New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
6. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. [7-22-2116 MCA and Section 3.12(J), FCSR]
7. The developer shall contact the Superintendent of Schools and, if required, provide and improve a location for the safe loading and unloading of students.
8. The developer shall provide written documentation from the appropriate USPS postmaster, indicating mail delivery requirements have been met. [Section 3.22, FCSR]
9. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All addresses will be visible from the road at the driveway entrance or on the house.
 - b. Lot owners are notified they are living in a rural area of Flathead County and delayed response times may be

experienced from emergency service providers.

c. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.

d. Waiver of Protest

Participation in Special Improvement District

[per County Resolution 503-M]

_____ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes _____ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that _____ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. _____ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for _____ Subdivision.

e. Solid waste removal shall be by contract haul.

10. All required improvements shall be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, shall be provided by the subdivider prior to final approval by the County Commissioners. [Chapter 8, FCSR]

11. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]

12. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]

MONTHLY MEETING W/ MARK PECK, OES

[10:31:10 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Others present:

Assistant Michael Pence, OES Director Mark Peck, Cindy Mullang, Myron Boulden, Clerk Kile

Peck reported that the Incident Management Team training by FEMA will be held sometime around the first of October. He then reported on the draft for a fire protection plan that will be available soon, the working relationship between agencies, Annual Operating Plan; that has been signed by the Forest Service and DNRC and the Joint Management Plan between Flathead and Lake County in regards to environmental issues on Flathead Lake. Also discussed were fire restrictions, with 39 rural fire calls over the 4th of July. Peck then asked for permission to move to Level One restrictions on the valley floor.

Myron Boulden from the West Valley Fire Department spoke about a problem with training standards. Also discussed were problems with communications.

DOCUMENT FOR SIGNATURE: COOPERATIVE WILDFIRE MANAGEMENT 2007 ANNUAL OPERATING PLAN

[10:43:00 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Others present:

Assistant Michael Pence, OES Director Mark Peck, Cindy Mullang, Myron Boulden, Clerk Kile

Commissioner Hall made a **motion** to approve the Cooperative Wildfire Management 2007 Annual Operating Plan. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

MEETING W/ SHANE STACK/ MDOT RE: BIG MOUNTAIN ROAD MAINTENANCE

[11:02:17 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Others present:

Assistant Michael Pence, Interim Road Dept Superintendent Guy Foy, Mike Murphy, Tom Muri, Shane Stack, Stephen Herzog, Fred Jones, Dave Lawrence, Robert Hayes, Rick Blake, Clerk Kile

Shane Stack explained to the Commission the location of the new highway and stated that two sections of the roadway will no longer be maintained and that they are county easements.

Commissioner Hall questioned why the county would now want to take over the maintenance, when it has been contracted with the resort and Big Mountain in the past.

Shane Stack said that what they have done is to contract with the resort to take care of the secondary highway and the two portions are no longer a secondary highway.

General discussion was then held relative to who was responsible to maintain the road and a solution.

Robert Hayes a property owner at the end of the road stated that he has a proposal to put in a gate at the overlook that would be open for walkers and bikers, and they would then maintain the road since it is their only way out. He then spoke of his concern with the traffic that will be drawn to the area if a gate is not installed.

Chairman Brenneman then said that if the county abandons the road then it would go to the Forest Service.

Tom Muri stated that the Forest Service has a legal basis to oppose the abandonment of the road. He then said that from The Ptarmigan's perspective what they are encouraging the state to do, is to leave the road in decent shape and that they would be willing to do the winter maintenance, and would hope to get compensation from doing so. Also stated was that with it being a county road that the county has an obligation.

Chairman Brenneman asked Robert Hayes if he would be willing to sign an agreement in regards to maintaining the road.

Robert Hayes then said that he would like the county to keep the road and to have an agreement with him in regards to maintaining the road and installing a gate.

Discussion was then held relative to Mr. Hayes maintaining the upper portion and the possibility of signing an agreement with The Ptarmigan Village Homeowners Association, that they would be responsible for maintenance and upkeep of that road.

Commissioner Hall then said that an un-maintained county road has to be maintained by those living on them; with the county not having the resources to maintain the roads.

Tom Muri then said that the road is considered a county road, but they also know that the winter maintenance will fall on their shoulders; his hope is that they will receive some sort of compensation for maintaining the road. Muri then said if the road is going to be dumped in their laps they would like the road to be in as good of shape as possible, with the reality being that they know they are going to be stuck with it.

Chairman Brenneman then asked how the county is responsible for the road, when it was their impression that this is a state secondary road; due to the process.

Tom Muri then said that it is unfortunate that the USFS was not at the meeting, with them telling him that one of the two governmental entities has to retain jurisdiction.

Guy Foy said that if the county abandoned the road, it would go back to a USFS road.

Tom Muri said that two governmental agencies cannot walk away from the road.

Chairman Brenneman said that the county could walk away from the road with Forest Service land all around it.

Steve Herzog said that from the standpoint of confusion, whether it is a state secondary road or not that back in 2000 when the state took over the secondary road, that they did not get any funds to maintain them.

Robert Hayes said that if they have to maintain the road that it would be unfair to them to have to provide for tourists that are using the road.

Chairman Brenneman then suggested that Robert Hayes make a proposal and present it to the County Attorney for addressing the road issue.

MEETING W/ DISTRICT COURT JUDGES & BONNIE OLSON RE: ADDITIONAL JUDGE

11:36:26 AM

Members present:

- Chairman Joseph D. Brenneman
- Commissioner Gary D. Hall
- Commissioner Dale W. Lauman

Others present:

- Assistant Michael Pence, Judge Stu Statler, Judge Kitty Curtis, District Court Bonnie Olson, Clerk Kile

Bonnie Olson reported that the proposal that is being brought forth to the Commission today is basically to familiarize them with the work load assessment study that was done for District Court; with Flathead County coming up with the second highest need in the state. Olson then said that they have looked at the practices and procedures in District Court and have determined that an additional judge would be appropriate, with three staff members to support the Judge as well as a Special Master; whom has limited powers in hearing certain types of cases. It was then stated that they are planning early and looking for support from the Commission.

- 12:00 p.m. Commissioner Lauman to speak at Kalispell Lion's @ Elk's Club**
- 1:15 p.m. 911 meeting @ Justice Center**
- 4:00 p.m. Long Range Planning Task Force Affordable Housing Committee meeting @ Glacier Bank Conference Room**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 11, 2007.

WEDNESDAY, JULY 11, 2007

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Brenneman, Commissioners Hall and Lauman, and Clerk Robinson were present.

7:30 a.m. Commissioner Hall to Glacier Bank Breakfast re: Subdivision Regulations Discussion
11:00 a.m. County Attorney meeting @ Co. Atty's Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 12, 2007.

THURSDAY, JULY 12, 2007

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Brenneman, Commissioners Hall and Lauman, and Clerk Robinson were present.

Chairman Brenneman opened public comment on matters within the Commissions' Jurisdiction.

Mayre Flowers with Citizens for a Better Flathead, 35 4th Street West, Kalispell, commented that the concerns she is bringing forth today have come to her attention just in the last couple of days. Flowers then said that they were operating under the assumption that the Planning Office had taken the state regulations and implemented them to make the document compliant with them, and what they have found is that there is a number of places where that is not the case. She then asked that they reconsider the draft Interim Regulations to avoid future confusion as to what information should be submitted as part of a preliminary plat subdivision, and also help avoid needless potential litigation against the county by a developer who was not properly advised as to what he needed to provide.

No one else rising to speak, Chairman Brenneman closed the public comment period.

MONTHLY MEETING W/ JEFF HARRIS, PLANNING & ZONING OFFICE

[9:09:29 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Others present:

Assistant Michael Pence, Planning & Zoning Director Jeff Harris, Mayre Flowers, Clerk Kile

Harris reviewed the Flathead County Transportation Study, Phase I Report put together by Pecca & Associates. He then presented a yearly activity report from the Planning & Zoning Office from July 1, 2006, through June 20, 2007, in which time the overall applications have been reduced by approximately 20 percent from 2006. Discussion also included a tentative agenda for the Flathead County Planning Board's workshop meetings to be held in regards to Subdivision Regulations, and a comparison study done on preliminary plat applications in regards to Planning Boards recommendations vs. the Commissions decisions of approval or denial.

PRESENTATION OF PRELIMINARY BUDGET

[9:33:21 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Others present:

Assistant Michael Pence, Clerk & Recorder Paula Robinson, Finance Director Laurel Raymond, Miral Gamradt, Clerk Kile

Miral Gamradt reported that the budget document does a lot of different things; in that it provides the county with improved financial planning and a mechanism to monitor the performance of departments in terms of what they feel is the most important thing they should be working on, and also provides data in regards to workload indicators. He then stated that the document provides the public with information regarding what county government does and shows a high level of professionalism.

Laurel Raymond said that the document would assist her analysis in regards to Financial Statements for the following year. She then stated that she is planning on applying for the Government Office Finance Association Certificate.

Mike Pence stated that they are proposing to approve the preliminary budget with a disclaimer that they would likely make adjustments between now and final approval based on things they are still working on. He then stated that on August 22, 2007, authorization to notice the Notice of Public Hearing for final budget is on the Commissions agenda for publication approval with the hearing on September 6, 2007.

Paula Robinson said that before any large purchases come into play between now and tax collections in November that Laurel Raymond needs to look at the cash carry over to make sure the department will have enough to carry through until November.

Commissioner Hall made a **motion** to approve the County Administrator's budget recommendation as the preliminary FY2008 budget for Flathead County, subject to continued Commissioner approved adjustments and the impact of the actual assessed valuation certification; to be provided no later than August 6, 2007. The summary of revenue, expenditures and other financing sources/uses include a projected beginning balance July 1, 2007, of \$36,691,646.00, total estimated revenues of

\$58,496,036.00, total estimated budgeted expenditures of \$57, 815,790.00 and a projected ending balance June 30, 2008, of \$37,371,892.00, as per page B-1 of the County Administrator's budget document. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

PRELIMINARY PLAT: VIKING MOUNTAIN RANCH

[10:04:45 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Others present:

Planning & Zoning Director Jeff Harris, Planner Kirsten Holland, Erica Wirtala, Linda Knutson, Mayre Flowers, Denise Smith, Clerk Kile

Holland review the application submitted by Linda Knutson with technical assistance from Sands Surveying for preliminary plat approval of Vikings Mountain Subdivision; a minor subdivision that would create five residential lots southwest of Foothills Road on 19.72 acres, with lots sizes ranging from three to five acres.

Holland then reviewed the Planning Boards Summary of Findings 1-7.

Commissioner Hall made a **motion** to adopt findings of fact. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Discussion was held in regards to proposed alternative wording for conditions 4,5,10 and 11.

Linda Knutson spoke in regards to FWP comments on wildlife.

- Language on 10 (b) and 10 (l) will be changed from "not allowed" to "discouraged".
- Condition 4 in regards to paving will be changed to: Vikings Mountain Road shall be built and paved to County standards, from the end of the existing pavement for a distance of 250 feet. The developer will enter into a latecomer's agreement for the remainder of the paving of Vikings Mountain Road, should there be any additional development on said road.
- Late comer's agreement language will be added to condition 5.

Discussion also included the southern boundary property road that will be gravel with the spur paved.

Holland stated that language that is specific to dust abatement will be included in conditions also.

Commissioner Hall made a **motion** to approve Vikings Mountain Subdivision with amended conditions. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

PRELIMINARY PLAT FINAL CONDITIONS

1. The subdivider shall receive physical addresses and road names in accordance with Flathead County Resolution #1626. The addresses shall appear on the final plat. [Section 3.9(I)(7), FCSR]
2. New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
3. Legal and physical secondary access as required in Section 3.8 shall be secured prior to final plat. Proof shall be furnished indicating legal access for the specific subject parcel (existing Tract 3AA) and its proposed level of usage.
4. Vikings Mountain Road shall be built and paved to County standards from the end of the existing pavement for a distance of 250 feet. The developer will enter into a latecomer's agreement for the remainder of the paving of Vikings Mountain Road, should there be any additional development on said road.
5. The unnamed 60-foot private road and utility easement located at the northeast corner of the subject property shall be built and paved to County standards and include an approved turn-around, as outlined in the Flathead County Subdivision Regulations. The road shall meet all requirements of Section 3.9, FCSR. The developer will enter into a latecomer's agreement for the remainder of the paving of Viking's Mountain Road, should there be any additional development on said road.
6. The lots within the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality for individual sewer and water and storm water management. [Sections 3.14 and 3.15, FCSR]
7. The subdivider shall comply with reasonable access requirements of the Creston Fire Department. A letter from the fire chief stating requirements have been met shall be submitted with the application for Final Plat. [Section 3.20, FCSR]
8. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. [7-22-2116 MCA and Section 3.12(J), FCSR]
9. The developer shall provide written approval of mail delivery type and location from the appropriate USPS postmaster. This letter shall include the postmaster's certification of the installed mail delivery unit, indicating the unit or boxes have been installed prior to final plat. [Section 3.22, FCSR]
10. The following language shall be placed on the face of the final plat and clearly marked:

The Montana Department of Fish, Wildlife, and Parks has established guidelines for safely living near wildlife for this area, which is prime bear and lion habitat:

- i. Homeowners must be aware of the potential for vegetation damage by wildlife, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs, and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant nonpalatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Landscape plantings of certain species of native vegetation is less likely to suffer extensive feeding damage by deer.
- ii. Gardens, fruit trees, or orchards attract wildlife such as bear and deer. Fruit-bearing trees and shrubs are discouraged in this subdivision because they can regularly attract bears in the late summer/fall. Keep produce and any fruit, such as strawberries, picked and off the ground. Ripe or rotting fruit or vegetable material can attract bears, deer, skunks, and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller or electric fences utilized.
- iii. Garbage must be stored either in secure, bear-resistant containers or indoors to avoid attracting wildlife such as bears. If stored indoors, garbage cans may not be set out until the morning of garbage pickup and must be brought in no later than that same evening. Commercial lots shall use bear-resistant dumpsters if needs cannot be serviced by household-sized containers. If sites are occupied seasonally or if the occupants are to be away from the household for 7 days or more, garbage from the home, other buildings, or containers must be removed from the property prior to their departure.
- iv. Do not feed wildlife or offer supplements (such as salt or mineral blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that can lead to overuse of vegetation, disease transmission, and other adverse effects to wildlife (such as foundering of deer). Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might attract mountain lions to the area.
- v. Birdseed is an attractant to bears and deer. Use of bird feeders is not recommended from April 1 through November 30. If used, bird feeders must: a) be suspended a minimum of 10 feet above ground level (measured from bottom of catch plate), b) be at least 4 feet from any support poles or points, and c) be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds. Hummingbird feeders will follow the same criteria.
- vi. Pets must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of the owner, and not allowed to roam, as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hoofed game animals, and the owner may also be held accountable (MCA 87-3-124). Keeping pets confined also helps protect them from predatory wildlife.
- vii. Pet food must be stored indoors, in closed sheds, or in bear-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, and other wildlife. When feeding pets, do not leave food out overnight. Pets must be fed indoors or inside kennels so that wild animals do not learn to associate food with your home.
- viii. Barbecue grills must be stored indoors, and permanent outdoor barbecue grills shall not be allowed in this subdivision. Keep all portions of the barbecues routinely clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- ix. Fencing of lot boundaries is discouraged. If used, rail or smooth wire fences will be erected that are no higher than 48" at the top rail/wire and no lower than 18" at the bottom rail in order to facilitate wildlife movement and help avoid animals becoming ensnared and killed by the fence or injuring themselves when trying to jump the fence.
- x. Compost piles can attract bears and skunks and may not be used.
- xi. Beehives can attract bears in this area and are not allowed in this subdivision.
- xii. Livestock or domestic animals, such as horses, cattle, pigs, sheep, goats, llama, poultry, etc. (including those kept as 4H projects), are discouraged in this subdivision because they can attract bears, mountain lions, coyotes, and wolves

11. The following statements shall be placed on the face of the final plat applicable to all lots:

- a. All addresses will be visible from the road, and at the driveway entrance or on the house.
- b. All utilities will be extended underground.
- c. Lots shall be served by contract haul of solid waste.
- d. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
- e.
 - Waiver of Protest
Participation in Special Improvement District

_____ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes _____ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that _____ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. _____ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for _____ Subdivision.

- f. Only Class A and B roofing materials are permitted.
- g. Defensible space standards as outlined in Appendix G of the Flathead County Subdivision Regulations shall be incorporated around all structures.
- h. No lot shall be further subdivided.

- i. Lot owners will participate in a Road User's Agreement for maintenance of the internal subdivision road. The road will be maintained, including necessary repairs, snow removal, and dust mitigation, to ensure safe all-weather travel for two-way traffic and to reduce negative impacts on air quality.
12. All required improvements shall be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, shall be provided by the subdivider prior to final approval by the County Commissioners. [Chapter 8, FCSR]
 13. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]
 14. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]

CONSIDERATION OF ADOPTION OF RESOLUTION: INTERIM SUBDIVISION REGULATIONS

[10:45:39 AM](#)

Members present:

Chairman Joseph D. Brenneman
 Commissioner Gary D. Hall
 Commissioner Dale W. Lauman

Others present:

Planning & Zoning Director Jeff Harris, Planner Kirsten Holland, County Attorney Peter Steele, Mayre Flowers, Marc Leichti, Rick Breckenridge, Clarice Ryan, Charles Lapp, Denise Smith, Charles Jacquette, Clerk Kile

Chairman Brenneman stated that the Commissioners have read and considered all the public comments and are to the point of consideration of "Adoption of Interim Subdivision Regulations". Also stated was that some portions of this document have been sent back to the Planning Board after public scrutiny.

Discussion then included disclosure requirements in regards to 20 acre lots or less, in which Peter Steele said that 4.7.23 states that sewage treatment systems must meet the minimum standards of the Flathead County Health Department and DEQ.

Jeff Harris then stated that they did have a few modifications that they needed to go over.

- Page 4-10 4.2.3 Parkland dedication for minors was included back in and in October it will be taken out.
- Page 4-21 4.4.8 (a) For a proposed major subdivision that will create lots containing less than 20 acres; the Commission may require approval by the Montana Department of Environmental Quality as a condition of approval of final plat.

Will replace "may" with "shall"
- Page 4-12 4.2.8 (a) For a proposed first minor subdivision that will create one or more lots containing less than 20 acres; the Commission may require approval by the Montana Department of Environmental Quality as a condition of approval of final plat.

Will replace "may" with "shall"
- Page 4-48 4.7.12 (d) In areas where seasonally high groundwater is within eight feet of the surface lots shall be a minimum size of five acres, if not connecting to municipal or public sewer system, or unless scientific evidence demonstrates that a different density is appropriate.

Will be changed to: In areas where seasonally high groundwater is within eight feet of the surface lots shall be a minimum size of five acres if not connecting to municipal, community or public sewer systems, or unless scientific evidence demonstrates that a different density is appropriate.
- Page 4-51 4.7.18 (b) Roadway Improvements - An unpaved road (private or county) that provides access from the subdivision to the paved County or State roadway and the combined Average Daily Trips (ADT) volume is 200 daily trips or more will be paved per the methodology identified in Section 4.7.9, and improvements made pursuant to needed improvements identified in the Traffic Impact Study.

Will be changed from 200 to 100 vehicles per day
- Page 4-53 4.7.18 (f) Roadway Improvements - Subdivisions which will contribute 200 or more vehicle trips per day to the county road system shall have a Traffic Impact Study completed by a licensed professional engineer. The study shall indicate the expected increase in traffic movements on the existing roadways and adjacent major intersections serving the development, and shall determine the existing conditions on roadways and major intersections likely to be impacted by the proposed subdivision.

Will be changed from 200 to 100 vehicles per day
- Page 4-A3 Part 1 (e) When applicable, a Fire Prevention and Control Plan for subdivisions in High or Extreme Fire Hazard Area, pursuant to Section 4.7.29.

Should be changed to Section 4.7.28
- Page 4-41 4.7.7 (g) Where portions of a subdivision lot abut a river, stream or lake, all abutting areas which contain slopes of 30 percent or greater, shall be protected via the placement of a conservation easement or restrictive covenant. The construction of any dwellings, building or other structures, road work or major vegetative clearance shall be prohibited.

Will be changed to: Where portions of a subdivision lot abut a river, stream or lake, all abutting areas which contain slopes of 30 percent or greater, the Commission may require that the applicant place into a conservation

easement or deed restriction. The construction of any dwellings, building or other structures, road work or major vegetative clearance shall be prohibited.

Commissioner Hall made a **motion** to adopt Interim Subdivision Regulations Resolution #2077. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

RESOLUTION NO. 2077

WHEREAS, the Board of Commissioners has the authority under Section 76-3-501, MCA, to adopt subdivision regulations in conformance with the requirements of the Montana Subdivision and Platting Act;

WHEREAS, the Board of Commissioners of Flathead County, Montana, has previously adopted and enforced subdivision regulations pursuant to that Section;

WHEREAS, the Flathead County Planning and Zoning Office, over a period of several months, conducted weekly meetings with local area surveyors, professional engineers, planning board members and anyone else who wanted to attend for the purpose of drafting Subdivision Regulations (Chapter 4), General Provisions (Chapter 1) and Definitions (Chapter 2) of the Flathead County Development Code;

WHEREAS, proposed Subdivision Regulations (Chapter 4), General Provisions (Chapter 1) and Definitions (Chapter 2) of the Flathead County Development Code were made available for public inspection at the Office of the Clerk and Recorder, at the Flathead County Planning and Zoning Office, and on-line at the Flathead County Planning and Zoning Office's page on the Flathead County website;

WHEREAS, in accordance with Section 76-3-503, MCA, the Board of Commissioners of Flathead County, following publication of legal notice on March 4 and March 11, 2007, held a public hearing on March 28, 2007 to consider the proposed Subdivision Regulations (Chapter 4), General Provisions (Chapter 1) and Definitions (Chapter 2) of the Flathead County Development Code;

WHEREAS, the Board of Commissioners of Flathead County, following publication of legal notice on April 28 and May 5, 2007, held a public hearing on May 15, 2007 to consider the proposed Subdivision Regulations (Chapter 4), General Provisions (Chapter 1) and Definitions (Chapter 2) of the Flathead County Development Code;

WHEREAS, the Board of Commissioners of Flathead County held workshops on April 11, May 29, June 6, and June 28, 2007 to consider comments submitted and to make changes to the proposed Subdivision Regulations (Chapter 4), General Provisions (Chapter 1), and Definitions (Chapter 2) of the Flathead County Development Code;

WHEREAS, the Board of Commissioners of Flathead County has considered the proposed Subdivision Regulations (Chapter 4), General Provisions (Chapter 1) and Definitions (Chapter 2) of the Flathead County Development Code, the public testimony given at the hearings and submitted written comments.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Flathead County, Montana, that the proposed revision of the Flathead County Subdivision Regulations is hereby adopted and that the Subdivision Regulations (Chapter 4), General Provisions (Chapter 1) and Definitions (Chapter 2) of the Flathead County Development Code attached hereto shall take effect on August 1, 2007 and shall replace the Flathead County Subdivision Regulations previously adopted by Flathead County.

DATED this 12th day of July, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Joseph D. Brenneman
Joseph D. Brenneman, Chairman

By/s/Gary D. Hall
Gary D. Hall, Member

By/s/Dale W. Lauman
Dale W. Lauman, Member

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #07-07-4-11-044-0

[11:29:03 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Others present:

Assistant Michael Pence, Clerk Kile

Commissioner Lauman made a **motion** to approve DPHHS Contract #07-07-4-11-044-0 and authorized the Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: DEQ CONTRACT #506033

[11:29:18 AM](#)

Members present:

Chairman Joseph D. Brenneman

Commissioner Gary D. Hall
Commissioner Dale W. Lauman
Others present:
Assistant Michael Pence, Clerk Kile

Commissioner Hall made a **motion** to approve DEQ Contract #506033 and authorized the Chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: N.W. MONTANA HUMAN RESOURCES EMERGENCY SHELTER GRANT

[11:29:53 AM](#)
Members present:
Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman
Others present:
Assistant Michael Pence, Clerk Kile

Commissioner Lauman made a **motion** to approve the N. W. Montana Human Resources Emergency Shelter Grant and authorized the Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

TAX REFUND: KIZER

[11:30:17 AM](#)
Members present:
Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman
Others present:
Assistant Michael Pence, Clerk Kile

Commissioner Lauman made a **motion** to defer the tax refund request for Kizer to Friday, July 13, 2007. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

CONSIDERATION OF EMPLOYEE WAIVER

[11:28:12 AM](#)
Members present:
Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman
Others present:
HR Director Raeann Campbell, Clerk Kile

Commissioner Hall made a **motion** to approve the waiver request. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

PRELIMINARY PLAT: COOK SUBDIVISION

[11:31:23 AM](#)
Members present:
Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman
Others present:
Planner Annie Thompson, Marc Leichti, Bob Cook, Clerk Kile

Thompson reviewed the application submitted by Ron Tripett with technical assistance from APEC for preliminary plat approval of Cook Subdivision; a minor subdivision that will create three single family residential lots on 15 acres in Rhodes Draw. These lots will range in size from 2.09 to 9.39 acres and will be served by individual water and septic systems.

Thompson then reviewed the Summary of Findings.

Commissioner Hall made a **motion** to adopt summary of findings as findings of fact. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Commissioner Hall made a **motion** to approve preliminary plat of Cook Subdivision. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

PRELIMINARY PLAT FINAL CONDITIONS

1. The applicant shall obtain and show proof of completed approach permits from the Flathead County Road Department, indicating the approaches have been built and received final inspection. [Section 3.8(A), FCSR]
2. All water and septic systems shall receive final approval from the Flathead City-County Health Department and the Montana Department of Environmental Quality. [Section 3.14(A) and 3.15(A), FCSR]
3. Applicant shall include a storm drainage plan approved by the Flathead City-County Health Department and the Montana Department of Environmental Quality.

4. An approved Soil Disturbance and Weed Management Plan shall be provided at final plat application. [Agency Comment]
5. Electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the utility companies.
6. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626. Street addressing shall be assigned by the Address Coordinator. [Section 3.9(l)(7), FCSR]
7. The developer shall dedicate a 15-foot bike/pedestrian easement along Rhodes Draw. [Section 3.11(A), FCSR]
8. The developer shall provide written documentation from the appropriate USPS postmaster, indicating mail delivery requirements have been met. [Section 3.22, FCSR]
9. The following statements shall be placed on the face of the final plat:
 - a. Lot owners should be aware they are living in a rural area of Flathead County and delayed response times may be experienced from emergency service providers.
 - b. All addresses shall be visible from the road, at the driveway entrance or on the house.
 - c. Buyers shall incorporate Defensible Space Standards around all habitable structures.
 - d. Lot owners are alerted to the presence of large and potentially dangerous wildlife in the area and are reminded that feeding big game is illegal, as it not only has negative impacts on the animals themselves, it increases the presence of dangerous predatory animals. They are encouraged to contact the Montana Department of Fish, Wildlife, and Parks to obtain information on safely living near wildlife and minimizing habitat impact, including:
 15. Keeping dogs under owner control at all times.
 16. Using bear-proof garbage containers, stored inside garages or other secure facilities.
 17. Removing obvious sources of food.
 18. Securing compost piles with electrical fencing.
 19. Feeding pets indoors or bringing food dishes in at night.
 20. Placing bird feeders out of reach of deer and other big game.
 - e. Lot owners are bound by the Soil Disturbance and Weed Management plan to which the developer and the Flathead County Weed Department agreed.
 - f. All lot owners shall utilize contract haul of solid waste.
 - g. This subdivision is located in a silvicultural/agricultural area and potential nuisances such as noise, dust, odors, and irregular hours of operation are commonplace. As such, the right to farm on adjoining properties shall not be restricted as a result of the development or occupancy of this subdivision.
 - h.

Waiver of Protest

Participation in Special Improvement District

_____ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes _____ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that _____ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. _____ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for _____ Subdivision.
10. All required improvements shall be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, shall be provided by the sub-divider prior to final approval by the County Commissioners. [Chapter 8, FCSR]
11. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]
12. Preliminary plat approval is valid for three years. [Section 2.5(D)(6), FCSR]

PROJECT-SPECIFIC CONDITIONS

13. The applicant shall provide proof that the entirety of the subdivision lies within the West Valley Fire District. The applicant shall comply with reasonable fire suppression and access requirements of the West Valley Fire District. A letter from the fire chief stating requirements have been met shall be submitted with the application for final plat. [Section 3.21 of FCSR]

PRELIMINARY PLAT: SCENIC TRACTS, AMENDED PLAT OF LOT 5, BLOCK 2

11:49:29 AM

Members present:

Chairman Joseph D. Brenneman
 Commissioner Gary D. Hall
 Commissioner Dale W. Lauman

Others present:

Planner Eric Giles, Narda Wilson, Keith Mitton, Clerk Kile

Giles reviewed the application submitted by Three Mile Development with technical assistance from Sands Surveying and Narda Wilson for preliminary plat approval of Scenic Tracts, Amended Lot 5; a major subdivision that would create seven residential lots in Evergreen on approximately 4.786 acres. These lots will utilize public sewer and utilities.

Summary of Findings were then reviewed.

Commissioner Hall made a **motion** to adopt Staff Report FPP 07-17 as amended by the Planning Board as findings of fact. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Discussion was held relative to the proposed changes by Planning Staff that included condition 2 being deleted, condition 16 was amended and condition 17 was added for a bike path easement along Scenic Drive.

Commissioner Hall made a **motion** to approve Scenic Tracts, Amended Plat of Lot 5, Block 2 with amended conditions. Commissioner Lauman **seconded** the motion.

Discussion was then held in regards to condition 2 with lightning, in which it was added back in per the Planning Boards recommendation.

Aye - Brenneman, Hall and Lauman. Motion carried unanimously.

PRELIMINARY PLAT FINAL CONDITIONS

1. The applicant shall receive physical addresses and road names in accordance with Flathead County Resolution #1626. The addresses and road names shall appear on the final plat. Street addressing shall be assigned by the Address Coordinator. [Section 3.9(I)(7), FCSR]
2. Any street lighting shall be located within the subdivision and shall be shielded so that it does not intrude onto adjoining properties. [Section 3.9 J. 5., FCSR]
3. Street or road signs and traffic control devices of the size, shape and height as approved by Flathead County shall be placed at all intersections by the developer. Traffic control devices shall be consistent with the latest edition of the "Manual of Uniform Control Devices" available from the Montana Department of Transportation [Section 3.9(I)(8), FCSR]
4. The applicant shall meet all requirements of the Flathead County Road and Bridge Department for access onto Scenic Drive, including mitigation requirements and encroachment permits. A letter shall be submitted with final plat stating the department's requirements have been met. [Section 3.8(A), FCSR]
5. Lot owners within the subdivision shall participate in a Road Users Agreement or Property Owners Association for the internal subdivision roads, which shall require each property owner to bear his or her pro-rata share for maintenance of the private road. [Section 3.9(J)(3), FCSR]
6. New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
7. All storm water drainage, water and sewage treatment systems shall receive final approval from the Flathead City-County Health Department and the Montana Department of Environmental Quality. [Section 3.14(A, B & C) and 3.15(A), FCSR]
8. The applicant shall comply with reasonable fire suppression and access requirements of the Evergreen Volunteer Fire District. A letter from the fire chief stating that an agreement has been made shall be submitted with the application for Final Plat. [Section 3.20, FCSR]
9. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. [7-22-2116 MCA and Section 3.12(J), FCSR]
10. The applicant shall require lot owners to have a contract with a solid waste hauler. [Section 3.16(A)]
11. The applicant shall provide written documentation from the appropriate USPS postmaster, indicating mail delivery requirements have been met. [Section 3.22, FCSR]
12. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All addresses will be visible from the road, and at the driveway entrance or on the house.
 - b. All utilities will be extended underground.
 - c. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
 - d. Lots in the subdivision shall be served by a contract hauler for disposal of solid waste.
 - e.

Waiver of Protest
Participation in Special Improvement District

_____ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes _____ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that _____ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. _____ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for _____ Subdivision.

13. All required improvements shall be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, shall be provided by the subdivider prior to final approval by the County Commissioners. [Chapter 8, FCSR]
14. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]
15. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]

UNIQUE CONDITIONS

16. The private, internal subdivision road will consist of a 60-foot right-of-way, minimum 24-foot driving surface, and a 55-foot radius cul-de-sac and be designed and certified by a licensed, professional engineer. [Section 3.9, FCSR]
17. The subdivider shall pay a parkland fee equivalent to the value of .35 acres of the unimproved, undivided land. The subdivider shall provide a current appraisal from Montana licensed certified general appraiser no sooner than six months

prior to the final plat application to set the final amount of the parkland [Section 3.19(D)]

18. All lots in the subdivision shall have access off the internal subdivision road.

PRELIMINARY PLAT: SPURWING CREEKSIDE

11:41:46 AM

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Others present:

Assistant Planning & Zoning Director B J Grieve, Jeff Larsen, Ardis Larsen, Narda Wilson, Shelby Nash-Hunter,
Clerk Kile

Grieve reviewed the application submitted by Shelby Nash-Hunter with technical assistance from Larsen Surveying and Narda Wilson for preliminary plat approval of Spurwing Creek; a major residential subdivision that would create 47 residential lots in an unzoned area. The application proposes 35 single family lots and 6 duplex/townhouse lots on approximately 23.68 acres near Lakeside, adjacent to Stoner Creek.

Grieve then reviewed the original conditions and addendum.

Commissioner Hall made a **motion** to adopt findings of fact. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Chairman Brenneman clarified that when the findings of fact were adopted that they included the finding of Lakeside Community Council's vote of approval.

Commissioner Lauman made a **motion** to approve Spurwing Creek Subdivision with condition 20 added. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

PRELIMINARY PLAT FINAL CONDITIONS

1. Fire hydrants shall be placed every 500 feet within the subdivision. Road right of way shall be cleared of slash as described in Appendix G of the Flathead County Subdivision Regulations.
2. The internal roadway (Crystal View Loop) shall consist of a 60-foot right of way, minimum 20-foot paved driving surface. The road shall meet all requirements of Section 3.9 of the Flathead County Subdivision Regulations. The primary access roads (Spurwing Loop and Crystal View Court) shall consist of a 60-foot right of way, minimum 24-foot paved driving surface and safely connect into county roads, with all necessary safety improvements proposed in the preliminary plat. (Section 3.9(K)(1)(c) and Table 1, FCSR).
3. The subdivider shall receive physical addresses in accordance with Flathead County Resolution #1626. All addresses and roadway names shall appear on the final plat. Street addressing shall be assigned by the Address Coordinator. [Section 3.9(I)(7), FCSR]
4. Proof of specific permission to connect 47 dwelling units to the Lakeside Sewer and Water District must be submitted with application for final plat. Copies of all necessary permits from the Flathead City-County Environmental Health Department and the Montana Department of Environmental Quality shall be submitted with the application for final plat. (Section 3.14 and 3.15, FCSR)
5. New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
6. The applicant shall submit a Storm Water Drainage Plan certified by a licensed Professional Engineer that shall be approved and reviewed by the Flathead County City-County Environmental Health Department and the Montana Department of Environmental Quality (Section 3.12, FCSR).
7. The applicant shall submit a copy of the Storm Water Pollution Prevention Plan and subsequent permit from MT DEQ that was obtained prior to construction of infrastructure (Section 3.13, FCSR).
8. The subdivider will obtain and show proof of a completed approach permit from the Flathead County Road Department for access to 47 (in addition to those approved for Spurwing Subdivision) dwelling units from Stoner Creek Road, Adams Street, and Bower Road.[Section 3.8(A), FCSR]
9. A road identification sign and stop sign shall be installed at the intersections of all internal subdivision roads. [Section 3.9(I)(8), FCSR]
10. The applicant will submit proof of legal right to utilize a 60 foot primary road easement across Lots 2, 3 and 4 of Crystal View Estates and Spurwing Subdivision (Section 3.8 (A) and 3.9(J)(2), FCSR).
11. A five-foot pedestrian/bicycle "lane" shall be added to the shoulder of Bower Road in areas adjacent to Spurwing Creekside.
12. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. The property shall be sprayed as often as needed during construction and prior to sale of lots to control noxious weeds. Weeds covering a significant portion of disturbed terrain shall be grounds for not approving final plat. Spray shall not be used within 100 feet of Stoner Creek. [7-22-2116 MCA and Section 3.12(J), FCSR]
13. The applicant will obtain a letter from the local postmaster, indicating the applicant has met the postal service's requirements for mail delivery in accordance with the Flathead County Subdivision Regulations. [Section 3.22, FCSR]
14. The riparian water quality protection area/park space adjacent to Stoner Creek shall be set aside in perpetuity and proof of this restriction shall be submitted with final plat. The applicant shall also develop a small, usable walking trail in the park for use by all residents. The walking trail should be constructed so as to not impact the natural riparian functions of the area. (Section 3.19, FCSR).

15. The following statements shall be placed on the face of the final plat applicable to all lots:
- a. All addresses will be visible from the road, and at the driveway entrance or on the house.
 - b. All utilities will be extended underground.
 - c. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
 - d. Defensible space standards and *Firewise* principles shall be incorporated around all structures.
 - e. Class A or B roofing materials are required on all structures.
 - f. Lot owners are alerted to the presence of large and potentially dangerous wildlife in the area and are reminded that feeding big game is illegal, as it not only has negative impacts on wildlife, but also increases the presence of dangerous predatory animals. They are encouraged to contact the Montana Department of Fish, Wildlife, and Parks to obtain information on safely living near wildlife and minimizing habitat impact, including:
 - i. Keeping dogs under owner control at all times.
 - ii. Using bear-proof garbage containers.
 - iii. Removing obvious sources of food.
 - iv. Securing compost piles with electrical fencing.
 - v. Feeding pets indoors or bringing food dishes in at night.
 - vi. Placing bird feeders well out of reach of deer and other large game species.

g. Waiver of Protest
Participation in Special Improvement District

_____ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes _____ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that _____ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. _____ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for _____ Subdivision.

- 16. All required improvements shall be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, shall be provided by the subdivider prior to final approval by the County Commissioners. [Chapter 8, FCSR]
- 17. Conditions, Covenants and Restrictions for Spurwing Creekside shall address maintenance of all common areas. A copy of the final signed and recorded CC and R's (including amendments made by Lapp during sufficiency review) demonstrating the mechanisms for maintenance will be submitted for final plat approval. (Appendix A (II)(B), FCSR)
- 18. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]
- 19. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]
- 20. No further subdivision of any lot shall occur.

- 12:00 p.m. Commissioner Brenneman to Bigfork Steering Committee Public Forum @ Bethany Lutheran Church**
- 1:00 p.m. Commissioner Hall and Commissioner Lauman to: GNP Transit System Grand Opening @ Apgar Transit Center**
- 2:00 p.m. AOA Board meeting @ Kalispell Sr. Center**
- 4:00 p.m. Long Range Planning Task Force Land Use Committee meeting @ Solid Waste District Conference Room**
- 6:00 p.m. Fair Board meeting @ Fair Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 13, 2007.

FRIDAY, JULY 13, 2007

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Brenneman, Commissioners Hall and Lauman, and Clerk Robinson were present.

DOCUMENT FOR SIGNATURE: INTERCAP LOAN DOCUMENT #142

10:05:15 AM

Members present:

- Chairman Joseph D. Brenneman
- Commissioner Gary D. Hall
- Commissioner Dale W. Lauman

Others present:

- Assistant Michael Pence, County Attorney Jonathan Smith, Debbie Boreson, Clerk Kile

Commissioner Hall made a **motion** to authorize the Chairman to sign the Officer's Certificate, Certificate as to Organization, Certificate of Bond Registrar, County Treasurer's Certificate, RSID Bond #142, IRS Form 8038-G and the Specimen Bond for the Intercap Loan on RSID #142. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Commissioner Lauman made a **motion** to approve the engineer contract and construction contract. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the contract with DA Davidson for Resthaven and authorized the Chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

CONFERENCE CALL W/ DON BENNETT RE: PORT AUTHORITY

[10:25:36 AM](#)

Members present:

Chairman Joseph D. Brenneman (10:50) dismissed
Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Others present:

Assistant Michael Pence, County Attorney Jonathan Smith, County Attorney Peter Steele, Clerk Kile

Conference Call:

Don Bennett, Mike Strodheid

Commissioner Hall said that a floor manufacturing company out of Europe is considering moving to the Industrial Park in Columbia Falls.

Don Bennett said that an agreement was entered into with Montana West Economic Development Center (Jobs Now) for an option to purchase the Industrial Park and to assign those options to the Port Authority. He then said that the reason they entered into the agreement was that they wanted to go out into the market place and find potential clients for the Industrial Park. Bennett then said that a floor manufacturing company out of Germany is pushing for a site to locate a plant that would be their North American distribution center. He then said that this company needs to be located next to a high quality MDF facility, which Plum Creek is.

Discussion then included different options for purchasing the property.

Commissioner Hall made a **motion** in support of the Port Authorities efforts. Commissioner Lauman **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

CONSIDERATION OF HR TRANSMITTAL: DEPUTY/ SHERIFF'S OFFICE

[10:16:50 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Others present:

Assistant Michael Pence, County Attorney Peter Steele, Clerk Kile

Discussion was held relative to the HR Transmittal to hire two Deputies in July and two more in January 2008.

Commissioner Hall made a **motion** to approve the HR Transmittal to hire Deputies. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

CONTINUATION TAX REFUND: KIZER

[10:17:59 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Others present:

Assistant Michael Pence, Clerk Kile

Commissioner Lauman made a **motion** to approve the tax refund for Kizer. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: STAGE III WILDLAND FIRE IMPLEMENTATION PLAN/ FOOL CREEK FIRE

[12:12:39 PM](#)

Members present:

Commissioner Gary D. Hall PT
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Philip Chrisman, Clerk Kile

Philip Chrisman reported on management action plans for the fire burning in Choteau County.

Commissioner Hall PT made a **motion** to approve the cooperative review document. Commissioner Lauman **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 16, 2007.
