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**MONDAY, JUNE 12, 2006**

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

**Canvass Primary election (till noon)**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 13, 2006.

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**TUESDAY, JUNE 13, 2006**

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

**Chairman Watne opened the public comment on matters within the Commissions' Jurisdiction,**

Willard Oftedal Jr and Caroline Casteal discussed a court order distribution of the Oftedahl property. He stated that when his mother passed away they had the property appraised and it became apparent that they would have to sell part of it to pay the taxes. He stated that after speaking with a surveyor they were told that their options were to have a court order distribution or a subdivision application. He then explained that they went with the court order distribution because it would be quicker than the subdivision process and they have over 400,000 in taxes to pay. He then reviewed the plans for the property that they were preparing to sell.

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

**MONTHLY MEETING W/ JED FISHER, WEED/PARKS/MAINTENANCE**

9:00:15 AM

Members present:

Chairman Robert W. Watne  
Commissioner Gary D. Hall  
Commissioner Joseph D. Brenneman

Others present:

Clerk Kimberly Moser, Jed Fisher

Discussion was held relative to Jed Fisher questioning the plan for mosquitos. He then reviewed the tour that took place from Foy's to Blacktail. He stated that they are trying to rally support to put in a trail system from Herron Park up to Blacktail. Commissioner Hall asked why the county would have to have ownership of the project and why it could not be done by a private group. Jed Fisher stated that it came down to long term maintenance. Jed stated that if the intent was to keep the median in Evergreen green then it needs to be encouraged to start a funding option to pay for the upkeep. Jed then spoke in regards to an agreement attempt being made with Bonneville Power. He stated that after fifteen years there is finally an agreement that Bonneville will pay for the weed under their power. Jed then spoke on a proposed subdivision behind Vetville park and a request made by the neighbors that the county not grant additional easement to the developer. He stated that the Weed and Parks board recommended denial and he expected that the applicant would be coming to the commissioners. Jed then reviewed the list of building maintenance needs that he has prioritized to approximately over \$300,000. Jed then spoke on the lease on the AOA board. He stated that they have put over \$100,000 in improvements into the building. He asked the commissioners to take that into account when they decided what to do with the building.

**MONTHLY MEETING W/ LAURIE REBUCK, JUVENILE DETENTION CENTER**

Discussion was held relative to

**QUARTERLY MEETING W/ KAROLE SOMMERFIELD, 4-H OFFICE**

10:10:19 AM

Members present:

Chairman Robert W. Watne  
Commissioner Gary D. Hall  
Commissioner Joseph D. Brenneman

Others present:

Clerk Kimberly Moser, Karole Sommerfield, Steve Siegelin

Discussion was held relative to the MSU Extension Agent position announcement. Steve explained the differences in this job description compared to the previous one. Karole Sommerfield then presented the commissioners with a tabulation of the walk in traffic for the 4-H office. Karole then stated that feeling that the position is needed she asked the state to put together a more financially feasible finance package. Steve reviewed the financial package stating that this year they would forgive half of the counties financial liability for the position. Steve then presented the commissioners with an MOA that could be reviewed.

**FINAL PLAT: HARBOR VILLAGE AT EAGLE BEND, PHASE 2BA**

10:29:10 AM

Members present:

Chairman Robert W. Watne  
Commissioner Gary D. Hall  
Commissioner Joseph D. Brenneman

Others present:

Clerk Kimberly Moser, Rebecca Shaw, Jeff Harris, Dan Manning Rick Swan, Rick Breckenridge, Charles Meyer

Shaw reviewed the application submitted by Rocky Mountain Recreational Community for final plat approval of Harbor Village Eagle End Phase 2BA, a subdivision creating five residential lots. The subdivision is located on Lake Pointe Drive. Preliminary plat approval was granted on October 18, 2005 subject to 15 conditions. All conditions have been or otherwise addressed.

Commissioner Hall made a **motion** to approve the Subdivision Improvement Agreement and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the final plat of Harbor Village Eagle Bend Phase 2BA. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

#### **FINAL PLAT: SPRUCE SPRINGS**

[10:33:39 AM](#)

Members present:

Chairman Robert W. Watne  
Commissioner Gary D. Hall  
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Rebecca Shaw, Jeff Harris, Rick Breckenridge, Charles Meyer

Holland reviewed the application submitted by Montana Mapping for final plat approval of Spruce Springs, a three-lot residential subdivision on Brown's Meadow road. The subject property is 159.51 acres and unzoned. Preliminary plat was waived on August 17, 2004, subject to seven conditions. All conditions have been met. Staff recommends approval.

Commissioner Hall made a **motion** to adopt Staff Report FWP-06-01 as findings of fact. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the final plat of Spruce Springs Subdivision. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

#### **MEETING W/ GLEN CAMERON / MDOT RE: SPEED STUDY / HIGHWAY 2 (BETWEEN COLUMBIA FALLS & COLUMBIA HEIGHTS)**

[11:05:55 AM](#)

Members present:

Chairman Robert W. Watne  
Commissioner Gary D. Hall  
Commissioner Joseph D. Brenneman

Others present:

Clerk Kimberly Moser, Glen Cameron, Paul Uken

Discussion was held relative to the speed study done between Columbia Falls and Columbia Heights. Glen Cameron stated that the recommendation came out as a sixty mile per hour stretch. He also stated that the forty five mile per hour would be extended to the south end of the bridge. Commissioner Hall stated that this whole area is proposed for subdivision and so he would strongly recommend lowering the speed limit to fifty five miles per hour. Discussion was then held relative to doing a speed study between Somers and Lakeside.

#### **DOCUMENT FOR SIGNATURE: MDOT RAILROAD SIGNAL PROJECT / CORAM STPRP 5(66), [5834]**

[11:15:12 AM](#)

Members present:

Chairman Robert W. Watne  
Commissioner Gary D. Hall  
Commissioner Joseph D. Brenneman

Others present:

Clerk Kimberly Moser

Commissioner Hall made a **motion** to approve the MDOT Railroad Signal Project. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

#### **CONSIDERATION OF HR TRANSMITTAL: TEACHER/JUVENILE DETENTION CENTER**

[11:16:41 AM](#)

Members present:

Chairman Robert W. Watne  
Commissioner Gary D. Hall  
Commissioner Joseph D. Brenneman

Others present:

Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the HR Transmittal form for the Teacher for Juvenile Detention Center. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

#### **AWARDS BID: TELEPHONE SYSTEM**

[11:21:39 AM](#)

Members present:

Chairman Robert W. Watne  
Commissioner Gary D. Hall  
Commissioner Joseph D. Brenneman

Others present:  
Assistant Michael Pence  
Clerk Kimberly Moser, Bill Murray, Mark Pecki

Mike Pence stated that both B&C and Centurytel met the specks but that B&C had the low bid and recommended approving B&C. Bill Murray stated that they could fit with the schedule to be able to execute this project on time and within budget.

Commissioner Hall made a **motion** to approve the bid submitted by B&C. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

**MEETING W/ PETER STEELE / COUNTY ATTORNEY'S OFFICE RE: OFTEDAHL COURT ORDER**

[11:44:58 AM](#)

Members present:  
Chairman Robert W. Watne  
Commissioner Gary D. Hall  
Members absent:  
Commissioner Joseph D. Brenneman  
Others present:  
Clerk Kimberly Moser, Peter Steele, Caroline Casteal

Discussion was held relative to the court order split for the Oftedahl property. Peter stated that he proposed that the county's comments be against the court order split. Commissioner Hall stated that he felt that this was not an evasion of the subdivision and platting act. Peter Steele stated that the court order is now another major loophole to get around subdivision. The commissioners stated that they had had a chance to visit with the applicants and did not feel that they were trying to get away with anything. They informed Peter that they did not have a problem with this survey.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 14, 2006.

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**WEDNESDAY, JUNE 14, 2006**

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

**7:00 a.m. Commissioner Hall, Commissioner Brenneman and Assistant Pence to attend Glacier Bank meeting at Red's**  
**10:00 a.m. Commissioner Brenneman to attend FBC meeting at the White Oak Inn**  
**11:00 a.m. County Attorney meeting at the County Attorney's Office**  
**4:00 p.m. Commissioner Brenneman to attend GPAC meeting at 1<sup>st</sup> Interstate Bank**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 15, 2006.

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**THURSDAY, JUNE 15, 2006**

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

**Chairman Watne opened the public comment on matters within the Commissions' Jurisdiction,**

Clell Hoffman stated that he had been out of town during the two public hearings regarding the Ashley South. He stated that he was concerned that the planning board completely ignored the publics concerns. He stated that his major concern is the road leading to the development. He also stated that Charlie Johnson has recommended that the road be paved. He then stated that it is his feeling that the commission has to find an answer.

Bob Windauer stated that they have a serious dust issue at Ashley Lake and that there are serious safety issues on the road. He did stated that Plum Creek is working with them on the road issues and they do appreciate that. He stated that water management would be a major issue.

Douglas Josephson reviewed the problems with Ashley Lake Road. He stated that the increase of traffic would be tremendous from the get go. He also stated that the past two winters the road had to be closed to logging trucks due to the condition of the road. He then stated that it would be to the benefit of the subdivision to have something done to the road. He stated that he hoped something could be done between plum creek and the county.

Tom Days stated that the road is barely passable at this time. He also thanked Plum Creek for the attention they are giving to the people at the lake. He stated that the taxes that they are currently paying are going to the county of which most of the people at the lake are not using so they are not coming back to them in any services. He stated that somebody is going to get killed on that road.

Rob Driscoll stated that he had asked the people at Ashley Lake to get together to speak with Plum Creek. He stated that Strellinger was very receptive to sit down with them in regards to the development. He stated that they are learning that statements have been made to close down the preserve but the devil is in the details. He stated that the roads have been a major discussion and they are looking at the commissioners to tackle the problem. He then stated that they are very grateful for the way that plum creek has responded and now they need to work out all of the details.

Brian Marten stated that one of the concerns is what will happen to the fish and wildlife. He stated that the boat ramp handles about six boats right now. He asked if there was a plan to restock the fish with lake.

Doug Gammen stated that he has sixteen hundred acres that border this project. He stated that he can not be against the project when he sees what the developer is doing. He also stated that he would like to see dust control done on the road and

that the safety issues are tremendous. He then stated that he has appreciated Peter Strellinger attitude in this and he is very willing to listen. He stated that water quality is a concern but that there are solutions out there that can help with that.

Dave Bailey reviewed some statistics of the developed properties in the Little Bitterroot Area. He stated that he feels that a plan needs to be in place for the growth in Marion. He asked the commissioner to send this back to the planning board until they have a plan and a budget.

Anna Marie Bailey stated that the safety of the roads in Marion is a serious concern. She asked the commissioner to do a traffic study. She stated that the developers need to help bring the roads to standard. She asked the commissioners to send this back to the planning board so a traffic study can be done.

Mike Mischke spoke on the Haskell Pass subdivision. He stated that the March and April letters prepared by the health department looked like they may have been overlooked in the environmental assessment. He stated that both letters recommend the paving of the road. He also stated that several things support that recommendation. He then spoke in regards to the high volume of traffic on local roads. He stated that the school has request \$1500 dollars per lot and Plum Creek has offered \$100 and he thinks that they could find a number in the middle.

Ronald Buentemier urged the commissioners to approve the plan.

Pat Arnone spoke in regards to the Cove Creek Subdivision. He asked the commissioners to read the letter submitted by Mr. Mischke. She stated that none of this information was addressed at the preliminary plat meeting with the commissioners. She asked the commissioners to call the subdivision back and address the concerns. She then asked them to take their time to make sure the projects are right before they are approved.

Scott Hineman spoke in regards to the Cove Creek Subdivision. He stated that water issues are a great concern in that area. He also stated that there is a great concern with the sewage in the area. He stated that they hoped to get bigger lots in that area.

Chris Queen stated that a year and a half ago they had to discontinue bus service up Ashley Lake road due to the condition of the road. She stated that the hundred dollars a lot that plum creek agreed to donate was for a new well and that would not cover the cost.

Mike Mischke stated that there is no way to state that the groundwater flows northeast in the Cove Creek Area.

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

#### **PRELIMINARY PLAT: ASHLEY SOUTH**

[9:49:56 AM](#)

Members present:

Chairman Robert W. Watne  
Commissioner Gary D. Hall  
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Kirsten Holland, Jeff Harris, Charlie Johnson, Clell Hoffman, Rob Driscoll, Thomas Bates, Leslie Millspaugh, Camilla Bauska, Jane Seward, Dave Bailey, Mary Ann Dyer, Al Wroblewski, Connie Wroblewski, Gail Thompson, Clay O Thom, John King, David Greer, Nancy Dueker, Marge Erickson, Rose Erickson, Barbara Buentemeier, Ronald Buentemeier, Sally Ramos, Ginny Hoffman, Lyron Wilson, Rebecca Wilson, Bill Burton, Larry Fenster, Pat Arnone, Marcia Sheffels, Edwin Speelman, Kate Dell, Kris Queen, Cristina Miller, Anna Marie Bailey, Jane Eby, peter Strellinger, Rhonda DeBlau, Dave Degrandpre, Harry McAllister, Scott Hineman, Lee C Harris, Bill Windauer, Tony Dawson, Dolores Holland, James Holland, Shawn Rowland, Lind Josephson, ML Meschke, Bob Anderson, Brian Gillkespie, Bryant Martin, Carl Gilimm, Harold Farris, Thomas Larson, Jerri Larson, Diane Moore, Edna Carter, Carmyn Gamma, David Stoick, Douglas Josephson

Holland reviewed the application submitted by Plum Creek Land co & Peter Strellinger for preliminary plat approval of Ashley South, a major subdivision that will create 60 single-family residential lots on 646 acres at the southern end of Ashley Lake, in the Ashley Lake Zoning District. There are 23 attached conditions. Staff recommends approval.

Jeff Harris stated that the standard in the statutes is a reasonable cause. He reviewed the most recent traffic count data and how they came up with there recommended paving of the road. He stated that he felt it would be appropriate to have the developer pave 2/3 of the road.

Commissioner Watne stated that he has some real concerns with the road and thought that there should be more than one helipad.

Kirsten reviewed the cul-de-sacs that could be utilized as additional helipads.

Commissioner Watne also stated that he had concerns with the boat ramp.

Commissioner Hall stated that he was not sure if they could condition it but that it might have to be on a volunteer basis.

Peter Strellinger stated that they do agree with all of the conditions recommended by staff. He then addressed condition #11 reviewing the work they have done on the preserve and parkland issues. He then went into condition 15N asking for an addition to allow for changes in the 150 setbacks if it is allowed in the conservation district and to also allow for a walking or trail path.

Discussion was held relative to having the condition state that with the exception of future designation of a public walking path as allowed in a conservation and habitat plan or approved by a conservation district.

Peter Strellinger stated that they have agreed to pave additional 6300 feet of road outside of their project. He stated that the Ashley Lake group did not feel that the road needed to be built to county standard but they were concerned with dust issues. He proposed a 24 foot wide road with good site and drainage. He stated that they strongly believe that the road paving condition is above and beyond what is required. He then challenged the three hundred vehicle trips per day that has been calculated. He

stated that he figures it is at least twice that. He then reviewed the subdivision regulations which allow for requiring 50 feet of paving per lot. He stated that he did not believe that paving 2/3 of Ashley Lake road is reasonable.

Dave Degrandpre reviewed road building requirements in the subdivision regulations. He also reviewed the estimated vehicle trips per day. He stated that for them to say that the developer is responsible for 2/3 of the traffic on the road is not fair. He stated that they are trying to do model projects.

Commissioner Hall stated that he has spent hours on this and knows the condition of the road. He stated that with the current condition of the road, even though this is an excellent project, this is one factor that would cause him to want this denied. He also reviewed the traffic that would be caused do to just doing the build out of the project. He stated that he has a figure of 4.8 miles that they are allowed to require on Ashley Lake Road and that is what he would like to propose. He then stated that they need a condition requiring dust abatement on the entire Ashley Lake Road during build out.

Commissioner Brenneman questioned the Plum Creek representatives on Plum Creek land and how it was acquired. He stated that it seems that Plum Creek is making some changes that will affect the community in a lot of ways. He asked what Plum Creeks plan for the future is in providing employment for the area.

Peter Strellinger questioned the relevance of the questions.

Commissioner Brenneman stated that as commissioners they have an obligation to look at the economic development of the county. He stated that he is trying to figure out in the best interest of the county what is the best thing for them to consider.

Peter Strellinger stated that he could not comment on the timber activities. He then stated that he could show numerous reports that show that developments do pay back. He also reviewed the history of the land incentives given to companies to help build the railroad.

Commissioner Hall stated that they need to mitigate concerns on the road.

Commissioner Brenneman then reviewed the environmental assessment concerning road issues. He stated that they have a preliminary plat that has a lot of potential but that there are some loose ends that need to be tied up. He stated that they need to see the conservation plan, need a waiver of annexation into the fire district, and issues on the preserve need to be addressed.

Commissioner Brenneman made a **motion** to deny the preliminary plat unless a request for a sixty day extension request is received from the applicant to address the concerns on the road. Motion fails for lack of a second.

Peter Strellinger stated that the conservation habitat plan is volunteered not required so asked why they are being conditioned on it. He then stated that the preserve is another volunteered project and if they are going to be conditioned on it then they will just take that piece of property off of the project and just not do the preserve. He then spoke in regards to late comers agreements asking if the county had ever done one. He also stated that in a discussion with the neighbors they talked about getting together with the county to discuss mechanism's. He stated that they cold not agree to paving the additional amount of road and that condition would kill the project unless the county could come up with a way to create a road improvement district.

Discussion was held relative to condition #2. Jeff Harris reviewed how they came up with the figures for the amount of road that would have to be paved stating that the six miles requested to be paved is 2/3 of the road.

Discussion was held relative to making condition #2 stated that the applicant shall pave and build to county standards 6 miles of Ashley Lake Road from the western edge of lot 2.

Commissioner Hall then questioned what they could do in regards to the boat ramp issue.

Commissioner Hall made a **motion** to adopt Staff Report FPP-06-05 as findings of fact. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Peter Strellinger stated that with the conditions as they are with the 6 miles of road being requested to be paved this project would not be financially feasible. He stated that they are not sure where they would go from here and they would possibly request a traffic study being done on the road.

Commissioner Brenneman stated that the purpose of his motion was to give Plum Creek a chance to make the paving fair and equitable.

Commissioner Hall made a **motion** to approve the preliminary plat of Ashley South subdivision as amended. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. **Opposed**- Brenneman. Motion carried by quorum.

**CONDITIONS:**

1. A variance shall be granted by the Flathead County Board of Commissioners to Section 3.9 Table 3 for Engelmann Road. [Section 7.1, Flathead County Subdivision Regulations]
2. The applicant shall pave and build to County standards Ashley Lake Road six miles, as measured from the western boundary of Lot 60 towards U.S. Highway 2. [Flathead County Road Department Recommendation and Commission determination, as allowed under Section 76-3-510, MCA]
3. All internal subdivision roads will consist of a 60-foot easement, minimum 20-foot paved travel surface, and 60-foot radius cul-de-sacs and be designed and built by a licensed professional engineer. [Flathead County Road Department Recommendation, as allowed under Section 76-3-510, MCA]
4. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626. Addresses and road names shall appear on the final plat. [Section 3.9(I)(7), 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 water, septic, and storm water drainage systems will 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]

~~7. The applicant shall seek annexation into the Marion or Smith Valley Rural Fire Districts. [Agency Comment, 3/27/04]~~

8. The applicant shall comply with reasonable fire suppression and access requirements of the Flathead Fire Services Area and Montana DNRC, or the appropriate fire district if annexation takes place. A letter from the Director or Chief stating requirements have been met shall be submitted with the application for Final Plat. [Section 3.20, FCSR]
9. All areas disturbed during development of the subdivision will be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. [7-22-2116 MCA, Section 3.12(J), FCSR]
10. If required by the local Postmaster, the developer shall provide a common mailbox facility in accordance with the Flathead County Subdivision Regulations. A letter from the Postmaster shall be submitted outlining mail delivery requirements. [Section 3.22, FCSR]
11. The applicant will comply with the 11 recommendations set forth in the 1/20/06 letter from the Montana Department of Fish, Wildlife, and Parks and agreed to by the applicant in the 2/14/06 response, including the additional agreement regarding prohibition of motorized vehicle access and public parking and the inclusion of on-site signage. Plum Creek will form an advisory committee to make recommendations for the preservation of Park 1 prior to final plat.
12. The applicant's offer to make a one-time \$2,000 donation to FWP's Loon Ranger program shall be tendered at final plat approval. The annual \$1,000 donation from the Ashley Lake South Homeowner's Association shall be stated on the face of the final plat and be required as long as the Loon Ranger program is active on Ashley Lake.
13. Information shall be submitted to Flathead County Planning and Zoning and the Montana Department of Fish, Wildlife, and Parks regarding the applicant's general development plans for review and potential incorporation into the County Growth Policy. [Staff recommendation to mitigate impacts to wildlife and habitat and plan for urban/rural interface issues]
14. The central solid waste collection facility at "Park 2" shall be completely bear-proofed, as defined by the Montana Department of Fish, Wildlife, and Parks. [Agency Comment to protect public health and safety, 4/4/06]
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. Lots shall not be further subdivided.
  - d. Designated park areas shall be permanently protected and not further subdivided.
  - e. Defensible Space Standards shall be incorporated around all structures.
  - f. Only Class A and B roofing materials are permitted.
  - g. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
  - h. Lot owners are notified this subdivision is located a significant distance from emergency services. Delayed response times may be experienced when requesting assistance from fire, medical, or public safety services.
  - i. Lots (as enumerated) may be subject to steep terrain. Driveways shall be approved by the local Fire Marshal or Fire Chief as suitable access prior to the commencement of construction.
  - j. Lots over 20 acres in size have not been reviewed or approved for individual sewer or water facilities or for building site placement.
  - k. If archaeological, historical, or paleontological sites are discovered during residential construction, all work will cease and the lot owner will contact Flathead County and the Montana State Historic Preservation Office to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate.
  - l. The Ashley Lake South Homeowner's Association shall make an annual donation of \$1,000 to the Montana Department of Fish, Wildlife, and Parks Loon Ranger program to protect critical habitat on the lake as long as the Loon Ranger program is active on Ashley Lake.
  - m. 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:
    - i. Keeping dogs under owner control at all times.
    - ii. Using bear-proof garbage containers, stored inside garages or other secure facilities.
    - 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 out of reach of deer and other big game.
  - n. Ashley and Bernard Creeks shall be protected by 150-foot setbacks as delineated on the face of the final plat. These areas are "no-build" zones with the exception of a designated walking path and no vegetation shall be removed, unless as allowed in an approved conservation and habitat plan.
  - o. 310 permits shall be obtained from the Flathead Conservation District for all stream crossings.
  - p. 

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. The applicant has volunteered to donate \$100 per approved lot to the Marion School District. This donation shall be submitted upon filing of the final plat with the Flathead County Clerk and Recorder.
17. A school bus stop shall be established and constructed in a location approved by the Superintendent of Schools and the Child Transportation Committee. This location shall be indicated on the face of the final plat. [Agency Referral, Superintendent of Schools]
18. Documentation shall be submitted regarding road use and existing agreements with the Flathead National Forest for Bernard Creek Road No. 10234. [Agency referral, Flathead National Forest, 4/3/06]
19. 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 applicant prior to final approval by the County Commissioners. [Chapter 8, FCSR]
20. 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]
21. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]
22. The applicant shall dedicate 8.7 acres of parkland, excluding Parks 1 and 2, in perpetuity.
23. The 5.2 acre Park 2 shall be re-designated as a solid waste and drainfield area.
24. During construction and prior to development, the applicant shall provide dust mitigation onsite and on all gravel portions of Ashley Lake Road. [County Resolution 1374]

#### **PRELIMINARY PLAT: HASKELL'S PASS SUBDIVISION**

[11:46:42 AM](#)

Members present:

Chairman Robert W. Watne  
Commissioner Gary D. Hall  
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Kirsten Holland, Jeff Harris, Charlie Johnson, Clell Hoffman, Rob Driscoll, Thomas Bates, Leslie Millsbaugh, Camilla Bauska, Jane Seward, Dave Bailey, Mary Ann Dyer, Al Wroblewski, Connie Wroblewski, Gail Thompson, Clay O Thom, John King, David Greer, Nancy Dueker, Marge Erickson, Rose Erickson, Barbara Buentemeier, Ronald Buentemeier, Sally Ramos, Ginny Hoffman, Lyron Wilson, Rebecca Wilson, Bill Burton, Larry Fenster, Pat Arnone, Marcia Sheffels, Edwin Speelman, Kate Dell, Kris Queen, Cristina Miller, Anna Marie Bailey, Jane Eby, peter Strellinger, Rhonda DeBlau, Dave Degrandpre, Harry McAllister, Scott Hineman, Lee C Harris, Bill Windauer, Tony Dawson, Dolores Holland, James Holland, Shawn Rowland, Lind Josephson, ML Meschke, Bob Anderson, Brian Gillkespie, Bryant Martin, Carl Gilimm, Harold Farris, Thomas Larson, Jerri Larson, Diane Moore, Edna Carter, Carmyn Gamma, David Stoick, Douglas Josephson, Rich Lapp, Tom Ritzdorf, Jim Bachorner, P.C. Musgrove

Holland reviewed the application submitted by Plum Creek Land Co & Peter Strellinger for preliminary plat approval of Haskell's Pass, a major subdivision that will create 78 single-family residential lots on 851.2 acres north of Little Bitterroot Lake, in the Little Bitterroot Lake Zoning District. There are 24 attached conditions. Staff recommends approval.

Discussion was held relative to condition 24 adding that the breakaway gates would not be used during construction.

Commissioner Hall reviewed condition 2 asking that it be added that they pave more.

Charlie Johnson stated that they would not like to get rid of the original easement that the county has but did not use for Pleasant Valley road until he takes a look at it.

Jeff Harris stated that if the county has not secured the easement and only has a prescriptive easement than they can only maintain it in its existing condition and can not improve it.

Rick Strellinger stated that they are asking for a lot of paving to access eight lots. He also reviewed the legal access issues. He also stated that they have again gone above and beyond what the county regulations require and had volunteered to pave more than required.

Discussion was held relative to dust abatement on the road.

Charlie Johnson stated that he had asked about the right of way issue in the area and it was never mentioned. He stated that they should have addressed the right of way issue before it had come to this point.

Commissioner Brenneman asked how they go about deciding how many lots they are going to create. He stated that he was disappointed in the lay out of the lots.

Peter Strellinger stated that they design lots that meet the marketplace.

Commissioner Hall reviewed the number of lots that are platted in the valley that are undeveloped.

Jeff Harris stated that the planning department did not recommend to pave to the west end of the subdivision. He stated that the planning office recommended paving to the entrance and the applicant agreed to pave farther up to Griffin. He stated that the planning department is not equipped to understand if the road is on an easement or not.

Commissioner Watne asked if Plum Creek would consider an extension to get the right of way issues figured out.

Rick Strellinger stated that no they would like to move forward on the project.

Commissioner Hall then reviewed condition number 2 and asked for language that would state that the section from Griffin Creek road to the end of the subdivision be brought up to county standard and mitigated for dust during the build out of the subdivision.

Jeff Harris stated that the applicant shall improve Pleasant valley Road to standard from Griffin Creek road to the Western boundary of lot 35.

Rick Strellinger stated that they would like to take off the table lots 32-37 and parks 1,2 and 3 and designate lot 16 as parkland.

Jane Eby reviewed how they could split up a lot for parkland and for disposal solid waste site.

Rick Strellinger asked that they just condition that they meet the parkland requirement.

Jeff Harris reviewed the access to lot 31.

Kirsten Holland stated that they would add a condition 25 that lots 32-37 and parks 1,2, and 3 will be removed from the plat, and then a condition 26 that the applicant shall meet parkland requirements.

Commissioner Watne questioned the paving on Griffin Creek Road asking if they would be willing to pave up to the north western boundary of lot 21.

Rick Strellinger stated that he would then have just increased the value of the adjoining property owners property and that they just gave up the development potential of eight lots so he felt that this was going above and beyond.

Commissioner Hall made a **motion** to adopt Staff Report FPP-06-06 as findings of fact. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. **Opposed** - Brenneman. Motion carried by quorum.

Commissioner Hall made a **motion** to approve the preliminary plat of Haskell's Pass subdivision as amended. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. **Opposed** - Brenneman. Motion carried by quorum.

#### **CONDITIONS**

1. A variance shall be granted by the Flathead County Board of Commissioners to Section 3.6(B) for Lots 17-21. [Section 7.1, Flathead County Subdivision Regulations]
2. The applicant shall extend the paved portion, including construction to County standards, of Pleasant Valley Road to the northernmost boundary of Lot 21. [Flathead County Commission decision after consideration of Road Department recommendation, as allowed under Section 76-3-510, MCA]
3. All internal subdivision roads will consist of a 60-foot easement, minimum 20-foot paved travel surface, and 60-foot radius cul-de-sacs and be designed and built by a licensed professional engineer. [Section 3.9, FCSR and Flathead County Fire Services Area Recommendation]
4. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626. Addresses and road names shall appear on the final plat. [Section 3.9(I)(7), FCSR]
5. The applicant will furnish proof of legal access for emergency ingress/egress across adjacent private property on "Devil's Elbow Road" and "Old Tote Road." The applicant shall post "emergency access only"/"no through road" signs at the cul-de-sacs on Devil's Elbow and Old Tote Roads. Signs shall also be posted at the access points on Lodgepole Drive. [Section 3.8, 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 water, septic, and storm water drainage systems will 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]
8. The applicant shall seek annexation into the Marion Rural Fire District. [Agency Comment, 3/27/04]
9. The applicant shall comply with reasonable fire suppression and access requirements of the Flathead Fire Services Area, or the Marion Fire District when annexation takes place. A letter from the Director or Chief stating requirements have been met shall be submitted with the application for Final Plat.[Section 3.20, FCSR]
10. All areas disturbed during development of the subdivision will be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. [7-22-2116 MCA, Section 3.12(J), FCSR]
11. If required by the local Postmaster, the developer shall provide a common mailbox facility in accordance with the Flathead County Subdivision Regulations. A letter from the Postmaster shall be submitted outlining mail delivery requirements.[Section 3.22, FCSR]
12. Information shall be submitted to Flathead County Planning and Zoning and the Montana Department of Fish, Wildlife, and Parks regarding the applicant's general development plans for review and potential incorporation into the County Growth Policy. [Staff recommendation to mitigate impacts to wildlife and habitat and plan for urban/rural interface issues]
13. The applicant will collaborate with the Flathead County Parks Department and the Montana Department of Fish, Wildlife, and Parks to identify ways to address the needs of 78 additional residential lots and related impacts to park and public access facilities. [Agency comments and staff recommendation to mitigate impacts to local services]

14. Park 4 (excluding Park 4 which shall be designated as a "Central Solid Waste Collection Facility) shall conform to the open space standards set forth in Section 3.33 of the Flathead County Zoning Regulations. [Section 3.33.060, FCZR]
15. The Central Solid Waste Collection Facility shall be completely bear-proofed, as defined by the Montana Department of Fish, Wildlife, and Parks. [Agency Comment to protect public health and safety, 4/4/06]
16. The following statements shall be placed on the face of the final plat applicable to all lots:
  - q. All addresses will be visible from the road, and at the driveway entrance or on the house.
  - r. All utilities will be extended underground.
  - s. No lot shall be further subdivided.
  - t. 13.1 acres of designated park areas shall be dedicated as open space in perpetuity and not further subdivided.
  - u. Defensible Space Standards shall be incorporated around all structures.
  - v. Only Class A and B roofing materials are permitted.
  - w. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
  - x. Lot owners are notified this subdivision is located a significant distance from emergency services. Delayed response times may be experienced when requesting assistance from fire, medical, or public safety services.
  - y. Lots (as enumerated) may be subject to steep terrain. Driveways shall be approved by the local Fire Marshal or Fire Chief as suitable access prior to the commencement of construction.
  - z. Lots 18 and 30 have not been reviewed or approved for individual sewer or water facilities or for building site placement.
  - aa. If archaeological, historical, or paleontological sites are discovered during residential construction, all work will cease and the lot owner will contact Flathead County and the Montana State Historic Preservation Office to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate.
  - bb. 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:
    - i. Keeping dogs under owner control at all times.
    - ii. Using bear-proof garbage containers, stored inside garages or other secure facilities.
    - 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 out of reach of deer and other big game.
  - cc. Designated wetlands and streams shall be protected by setbacks as delineated on the face of the final plat. These areas are "no-build" zones and no vegetation shall be removed.
  - dd. The owner of Lot 18 is authorized to seek a 310 permit from the Flathead Conservation District for crossing of Herrig Creek.
  - ee.
 

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.
17. The applicant has volunteered to donate \$100 per approved lot to the Marion School District. This donation shall be submitted upon filing of the final plat with the Flathead County Clerk and Recorder.
18. A school bus stop shall be established and constructed in a location approved by the Superintendent of Schools and the Child Transportation Committee. This location shall be indicated on the face of the final plat. [Agency Referral, Superintendent of Schools]
19. 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 applicant prior to final approval by the County Commissioners. [Chapter 8, FCSR]
20. 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]
21. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]
22. The applicant shall receive all necessary approach permits for access onto Pleasant Valley Road and Lodgepole Drive. Approaches shall be constructed and approved prior to final plat approval.
23. The applicant shall dedicate a 15-foot bicycle/pedestrian easement abutting the southwest right of way of Pleasant Valley Road.
24. Break-away/Crash gates shall be posted at the cul-de-sacs on Devil's Elbow and Old Tote Roads as shown on the preliminary plat and at the access points to Lodgepole Drive to prevent inadvertent trespass. The two adjacent landowners across whose land the emergency access roads cross shall have keys to the respective gate locks. Emergency ingress/egress routes shall not be used during construction or for any use other than emergency ingress/egress.

25. Lots 32 through 37 and Parks 1 through 3 shall be removed from the project. The final plat shall reflect this change.
26. The applicant shall meet the parkland dedication requirement under Section 3.19 of the Flathead County Subdivision Regulations. Park 4, as designated on the face of the preliminary plat, shall be reserved for centralized solid waste collection.

**1:30 p.m. Commissioner Brenneman meeting w/ Bigfork Sewer re: Park**  
**2:00 p.m. Commissioner Watne Health Board meeting at Earl Bennett Building**  
**3:00 p.m. Commissioner Brenneman to attend Flathead Business & Education Council at FVCC**  
**4:00 p.m. Roadless Rule Task Force meeting at the Commissioners' Meeting Room**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 16, 2006.

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**FRIDAY, JUNE 16, 2006**

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

**10:00 a.m. Commissioner Brenneman to attend Mental Health Board & CDC meetings at Kalispell CDC Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 19, 2006.