
MONDAY, JUNE 19, 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, no one present to speak, Chairman Watne closed the public comment period.

MONTHLY MEETING W/ JIM ATKINSON, AOA

9:02:34 AM

Members present:

Chairman Robert W. Watne

Commissioner Gary D. Hall

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Clerk Kimberly Moser, Jim Atkinson

Discussion was held relative to the work being done on getting the armory building through surplus and to the appropriations needed for the building. Jim then reviewed the seven percent decrease in dollars for the nutrition program. He stated that the nutrition costs will go up at least twenty percent. Jim then reviewed the loss of funds for other programs that they have. Discussion was then held relative to the contracts with the senior centers. He discussed the request that was made for an increase in funding for the senior centers. Jim stated that they have more of an ability to raise there own funds then the county has the ability to provide them funds. He stated that he felt that the senior centers should be more self sufficient. Discussion was then held relative to the Glacier Park agreement. Jim stated that Robin Boon did not see a problem with it and it is now in the hands of Jonathan Smith. He stated that this is not a contract but is just an agreement. He then stated that the old buses are going down but they do have a couple of new buses coming in. Jim then reviewed the senior home repair programs. He stated that he could see the home repair program diminishing to a large degree.

PUBLIC HEARING: WINDY RIDGE, MARGARITA TRAIL, FIRST LIGHT TRAIL AND DREWRY LANE ROAD NAMING

9:30:57 AM

Members present:

Chairman Robert W. Watne

Commissioner Gary D. Hall

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Clerk Kimberly Moser, Karen Yerian

Chairman Watne opened the public hearing to anyone wishing to speak in favor or opposition

No one present to speak Chairman Watne closed the public hearing.

Commissioner Hall made a **motion** to adopt Resolution 1940, 1941, 1942, 1943. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

RESOLUTION NO. 1941

WHEREAS, Flathead County has proposed to name a private road generally running northerly off Hill Road and located in the SW ¼ of the SE ¼ of Section 17, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on June 19, 2006, concerning the proposal, after publication and mailing of notice thereof on June 5, 2006 and June 12, 2006; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **MARGARITA TRAIL**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running northerly off Hill Road and located in the SW ¼ of the SE ¼ of Section 17, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **MARGARITA TRAIL**.

BE IT FURTHER RESOLVED that the naming of **MARGARITA TRAIL** shall be effective on June 19, 2006.

Dated this 19th day of June, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By /s/Robert W. Watne
Robert W. Watne, Chairman

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

By _____
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk

By /s/Kimberly Moser

Deputy

RESOLUTION NO. 1940

WHEREAS, Flathead County has proposed to name a private road generally running westerly off US Highway 2 and located in the SW ¼ of the SE ¼ of Section 10, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on June 19, 2006, concerning the proposal, after publication and mailing of notice thereof on June 5, 2006 and June 12, 2006; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **WINDY RIDGE**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running westerly off US Highway 2 and located in the SW ¼ of the SE ¼ of Section 10, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **WINDY RIDGE**.

BE IT FURTHER RESOLVED that the naming of **WINDY RIDGE** shall be effective on June 19, 2006.

Dated this 19th day of June, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By /s/Robert W. Watne
Robert W. Watne, Chairman

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

By _____
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk

By /s/Kimberly Moser

Deputy

RESOLUTION NO. 1943

WHEREAS, Flathead County has proposed to name a private road generally running westerly off Witty Lane and located in the NE ¼ of the NE ¼ of Section 36, Township 31 North, Range 21 West, P.M.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on June 19, 2006, concerning the proposal, after publication and mailing of notice thereof on June 5, 2006 and June 12, 2006; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **DREWRY LANE**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running westerly off Witty Lane and located in the NE ¼ of the NE ¼ of Section 36, Township 31 North, Range 21 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **DREWRY LANE**.

BE IT FURTHER RESOLVED that the naming of **DREWRY LANE** shall be effective on June 19, 2006.

Dated this 19th day of June, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By /s/Robert W. Watne
Robert W. Watne, Chairman

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

By _____
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk

By /s/Kimberly Moser

Deputy

RESOLUTION NO. 1942

WHEREAS, Flathead County has proposed to name a private road generally running southwesterly off Glacier Ranch Road and located in the NW ¼ of Section 5, Township 27 North, Range 21 West, P.M.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on June 19, 2006, concerning the proposal, after publication and mailing of notice thereof on June 5, 2006 and June 12, 2006; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **FIRST LIGHT TRAIL**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running southwesterly off Glacier Ranch Road and located in the NW ¼ of Section 5, Township 27 North, Range 21 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **FIRST LIGHT TRAIL**.

BE IT FURTHER RESOLVED that the naming of **FIRST LIGHT TRAIL** shall be effective on June 19, 2006.

Dated this 19th day of June, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By /s/Robert W. Watne
Robert W. Watne, Chairman

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

By _____
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk

By /s/Kimberly Moser
Deputy

PRELIMINARY PLAT: GOOSE MEADOWS, RESUBDIVISION OF LOT 6

[9:47:12 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Clerk Kimberly Moser, Traci Sears-Tull, Olaf Ervin, Jeff Harris

Sears-Tull reviewed the application submitted by Kathryn B Edwards for preliminary plat approval of the Resubdivision of Lot 6 of Goose Meadows subdivision. This proposal will create four residential lots, east of Farm Road. The subdivision is proposed on 29.95 acres, is unzoned, and located south of Manning Road. There are 17 attached conditions. Staff recommends approval.

Commissioner Hall made a **motion** to adopt Staff Report FPP-06-10 as findings of fact. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Olaf Ervin stated that it seems excessive when they are going to be paving internal subdivision road. He stated that the felt this was a condition to mitigate for other subdivision that have already been approved in the area.

Commissioner Hall made a **motion** to approve the preliminary plat of the Resubdivision of lot 6 of Goose Meadows subdivision subject to 17 conditions. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONDITIONS

1. The applicant shall obtain a variance to the road length [Table 3, Section 3.9, Minor Street Standards, FCSR] for the subdivision based on the attached findings of fact in staff report #FPP-06-10.
2. Roads and driveways will conform, in all locations, to maximum grade standards [Section 3.6(E) and 3.9, Table 2, FCSR]
3. 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]
4. The developer will dedicate a 15-foot bike/pedestrian easement on Farm Road frontage. [Section 3.18(A), FCSR]
5. Lot owners of Lots 2 and 3 will participate in the existing Road Users' Agreement or Property Owners Association for Goose Lane, the existing internal subdivision road, which will require each property owner to bear his or her pro-rata share for maintenance of the private. [Section 3.9(J)(3), FCSR]
6. The applicant will obtain and show proof of a completed approach permit from the Flathead County Road Department for access onto Farm Road, indicating the approach has been built and received final inspection. [Section 3.8(A), FCSR]
7. 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]
8. 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]
9. The applicant will comply with reasonable fire suppression and access requirements of the Somers/Lakeside Rural Fire District. A letter from the 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. 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. 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.
 - e. 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.
 - 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.
 - f.

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.

- g. All residential building will adhere to the 100 foot setback from the edge of the jurisdictional wetland area.

13. The applicant shall not fill in the slough and shall have a 100-foot setback from the edge of the wetlands for any outbuilding to protect the seasonal use of this area by wildlife. This area shall be designated as a no build area on the final plat.
14. The applicant shall work with the Army Corp. of Engineers and the Flathead Conservation District concerning the proposed vegetation and grasses.
15. 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]
16. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]
17. The applicant shall pave Farm Road along the entire western property line.

CONSIDERATION OF ASHLEY HILLS ESTATES

[9:56:17 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Clerk Kimberly Moser, BJ Grieve, Jeff Harris

Grieve stated that he did not see how they can move forward with this subdivision. He stated that based on the regulations the subdivision is expired but if they want to they can approve an extension.

Commissioner Hall made a **motion** to enter into the record that the preliminary plat of Ashley Hills Estates has died for lack of action. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

ELECT BY ACCLAMATION: PRECINCTS / ELECTION DEPARTMENT

[9:35:48 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Clerk Kimberly Moser

Commissioner Hall made a **motion** to approve the election by acclamation of the precinct committee people. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: VOLUNTARY DENTAL PLAN

[9:34:32 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall

Members absent:
Commissioner Joseph D. Brenneman
Others present:
Clerk Kimberly Moser

Commissioner Hall made a **motion** to approve the voluntary dental plan document and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: STOP LOSS APPLICATION

[9:36:30 AM](#)
Members present:
Chairman Robert W. Watne
Commissioner Gary D. Hall
Members absent:
Commissioner Joseph D. Brenneman
Others present:
Assistant Michael Pence
Clerk Kimberly Moser, Raeann Campbell

Raeann Campbell explained that they were switching stop loss carriers due to the increase in cost with the current carrier.

Commissioner Hall made a **motion** to approve the stop loss application and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

MEETING W/ DICK WHITAKER, ET AL, RE: CHAPMAN HILL ROAD

[10:32:27 AM](#)
Members present:
Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman [10:42:28 AM](#) seated
Others present:
Clerk Kimberly Moser, Robert m. Clithero, Richard Whiteker, Warren Hogue, Vernona Hogue, Bob Hoene, George Darrow, Lois Robinson, Pat Whitaker, James McCabe

Discussion was held relative to the condition of Chapman Hill Road. He reviewed the various paving that has been done on the road. He stated that they are looking at less than half a mile of gravel road with heavy truck traffic sometimes as often as seven days a week that is creating a dust bowl. He reviewed a request that had been made by the county road department at one point to widen the road. He also stated that Lois Robinson had been told that the county had set aside funds to pave the road but the funds were used elsewhere.

Commissioner Hall asked how many people were located on Chapman Hill Road. Dick Whitaker reviewed the number of residents currently on the road and the planned subdivisions being planned in the area. Bob Hoene stated that last year they had a terrible problem with dust. He reviewed the number of trucks that use the road.

George Darrow stated that this is not just a gravel road that runs off and then quits. He stated that this is a major arterial road. He reviewed the additional homesites that are in process of being built on and developed that could be utilizing Chapman Hill Road.

Lois Robinson reviewed the history of the road route. She spoke in regards to the trouble that the double tandem trucks cause. She stated that Charlie Johnson told her they had allocated the money to pave the road but then it had been used somewhere else.

James McCabe stated that they use this road an average of two to four times a day and it is like taking your life into your own hands. He stated that it is a public safety problem.

Warren Hogue stated that he agreed with what James McCabe stated. He stated that Chapman Hill has a very steep grade and some work will need to be done on the road. He also reviewed the water problems on the road.

Dick Whitaker stated that Warren is a retired road engineer from the forest service and knows what he is talking about.

CONSIDERATION OF RELEASE OF COLLATERAL: JEWEL BASIN PLAZA

[10:15:07 AM](#)
Members present:
Chairman Robert W. Watne
Commissioner Gary D. Hall
Members absent:
Commissioner Joseph D. Brenneman
Others present:
Clerk Kimberly Moser

Commissioner Hall made a **motion** to approve the release of collateral for Jewel Basin Plaza. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

BUDGET AMENDMENT: GIS

[9:43:29 AM](#)
Members present:
Chairman Robert W. Watne
Commissioner Gary D. Hall

Members absent:
 Commissioner Joseph D. Brenneman
 Others present:
 Clerk Kimberly Moser

Commissioner Hall made a **motion** to adopt Resolution 1944. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**BUDGET AMENDMENT RESOLUTION
 RESOLUTION NO. 1944**

WHEREAS, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2005-2006, are required, and;

WHEREAS, Section 7-6-4031, M.C.A. and Budget Resolution No. 1689, allow budget transfers to be made between items in the same fund.

NOW, THEREFORE, BE IT RESOLVED, that the attached list of transfers and revisions shall be made in the budget for Flathead County for Fiscal Year 2005-2006; and

BE IT FURTHER RESOLVED, that this Resolution and the attached list of transfers and revisions shall be entered into the minutes of the Board of Commissioners.

DATED this 19th day of June, 2006.

BOARD OF COUNTY COMMISSIONERS
 Flathead County, Montana

By: /s/Robert W. Watne
 Robert W. Watne, Chairman

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

By: _____
 Joseph D. Brenneman, Member

ATTEST:
 Paula Robinson, Clerk

By: /s/Kimberly Moser
 Kimberly Moser, Deputy

**COUNTY OF
 FLATHEAD**

**COUNTY OF FLATHEAD
 GENERAL JOURNAL VOUCHER
 BUDGET AMENDMENT - FY2006**

DATE ISSUED:		Resolution # 1944		VOUCHER NO.: 0606-52	
DATE OF RECORD:				Entered by:	Gary
MCA 7-6-4006		ACCOUNTING COPY	"B" Entry		
Account Number	Object	Description	Line	Debit	Credit
2859-0206-341046		GIS-Mt Land Information Act	1	\$ 1,233.00	
2859-172000		Revenue Control	2		\$ 1,233.00
2859-0206-411410	110	Salaries	3		\$ 1,046.00
2859-0206-411410	141	Unemployment	4		\$ 3.00
2859-0206-411410	142	Work-Comp	5		\$ 31.00
2859-0206-411410	144	FICA	6		\$ 65.00
2859-0206-411410	145	PERS	7		\$ 72.00
2859-0206-411410	147	Medicare	8		\$ 16.00
2859-242000		Expense Control	9	\$ 1,233.00	
			10		
			11		
			12		
			13		
			14		
			15		
			16		
			17		
			18		

			19		
			20		
			21		
			22		
			23		
			24		
			25		
			26		
			27		
			28		
			29		
			30		
			31		
			32		
			33		
			34		
			35		
<u>Explanation</u>			Total	\$ 2,466.00	\$ 2,466.00
To establish GIS payroll budget for pay period 13 for expenses related to Peter Wessel as funded thru the Montana Land Information Act- The current balance to be transferred from 1000-0202-341046 to 2859-0206-341046 is \$37,123.50 (attached)				Approved by: _____ Date: _____	

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

[9:41:52 AM](#)

Members present:

Chairman Robert W. Watne
 Commissioner Gary D. Hall

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Clerk Kimberly Moser

Commissioner Hall made a **motion** to approve the N.W. Montana Human Resources Emergency Shelter Grant plan and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

9:00 a.m. Commissioner Brenneman to attend Mosquito Board meeting at the Earl Bennett Building.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 20, 2006.

TUESDAY, JUNE 20, 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.

NO MEETINGS SCHEDULED.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 21, 2006.

WEDNESDAY, JUNE 21, 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.

9:15 a.m. RSVP meeting at Windward Place
11:00 a.m. County Attorney Meeting at the County Attorney's Office
11:30 a.m. Long range Planning Task Force Education & Outreach Committee meeting at the Earl Bennett Building
12:00 p.m. Commissioner Brenneman to attend DUI Task Force meeting at The Summit
4:00 p.m. Commissioner Transportation Committee meeting at the Kalispell Chamber of Commerce

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 22, 2006.

THURSDAY, JUNE 22, 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,

[9:16:47 AM](#)

Shirley Anderson reviewed the 500 acres on the Helena Flathead Neighborhood Plan. She submitted a letter showing the number of lots in the different densities. She stated that they did the one acre density because there were already three subdivisions in the area with that density. She stated that they are concerned about the aquifers and that the lots in the Rosewood Acres are all on individual septic systems. She then reviewed the lots that have recently been created in the area not through subdivisions. She stated that she felt that the aquifer is being threatened more by the family transfers than by the well planned subdivisions. She stated that she did support the subdivision.

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

PUBLIC HEARING: ROAD ABANDONMENT #449 (PORTION ASHLEY LAKE ROAD)

[9:33:24 AM](#)

Members present:

Commissioner Gary D. Hall PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Clerk Kimberly Moser

Commissioner Hall PT opened the public hearing to anyone wishing to speak in favor or opposition

No one present to speak Commissioner Hall PT closed the public hearing.

Commissioner Brenneman made a **motion** to approve Road Abandonment #449. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

DISCUSSION W/ JED FISHER / JUSTICE CENTER HOT WATER HEATER

[9:48:12 AM](#)

Members present:

Commissioner Gary D. Hall PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Clerk Kimberly Moser, Jed Fisher

Jed Fisher spoke in regards to the hot water heater breakdown at the Justice Center. He stated that five to seven thousands dollars is the cost for replacement and asked if they new where they could find the money. The commissioner stated that it needs to be replaced and they have contingency money that they can look at using. They advised Jed Fisher to move forward with purchasing a new hot water heater.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: HOGAN ZONE CHANGE / CHERRY HILL ZONING DISTRICT

[9:51:04 AM](#)

Members present:

Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the notice of public hearing and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Dan Hogan to change the zoning designation on property located in the Cherry Hill Zoning District from R-2 (One-Family Limited Residential) to R-4 (Two-Family Residential).

The boundaries of the area proposed to be changed from R-2 to R-4 are set forth on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to the property from providing for large tract residential development in suburban areas, beyond sanitary sewer and/or water lines, to providing residential lot areas for urban development, requiring all public utilities and all community facilities, and allowing duplexes. Minimum lots sizes would decrease from the 20,000 square feet required in the R-2 zone to 6,000 square feet for single family dwellings and 7,500 square feet for duplexes in the R-4 zone.

The regulations defining the R-2 and R-4 Zones 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. 9327013500.

The public hearing will be held on the **11th day of July, 2006, 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 change in the regulations for the described portion of the Cherry Hill Zoning District.

DATED this 22nd day of June, 2006.

ATTEST:
Paula Robinson, Clerk

By/s/Gary D. Hall PT
Robert W. Watne, Chairman

By/s/Kimberly Moser

Deputy

Publish on June 28 and July 5, 2006.

**DAN HOGAN
ZONE CHANGE FROM R-2 to R-4
STAFF REPORT #FZC 06-06
May 17, 2006**

Location and Legal Description of Property:

Two tracts of land situated, lying and being in Government Lot 3, and the NE ¼ SW ¼ of Section Six (6), Township Twenty-six (26) North, Range Twenty (20) West, P.M.M., Flathead County, Montana, and more particularly described as follows to wit:

Tract 1:

Commencing at the SW Corner of said Section 6, which is an iron pin; thence North 89°45'44" East, along the South boundary of said Section 6, a distance of 2,626.26 feet; thence North, leaving said South boundary, a distance of 1,363.87 feet to a found 2" pipe on the West boundary of Gov't. Lot 3, which is the True Point of Beginning of the tract of land herein described; thence North 89°57'07" West, a distance of 233.51 feet to a found ½" Rebar; thence North 00°00'19" West, a distance of 114.71 feet to a found ½" Rebar; thence North 89°58'28" West, a distance of 254.73 feet to the Easterly R/W of US Hwy. No. 93, which point is on a 2,934.87 foot radius curve concave Westerly, having a radial bearing of North 89°30'43" West; thence Northerly, along said R/W curve, thru a central angle of 4°56'39", an arc length of 253.25 feet to a found concrete R/W monument and the P.T. of said curve; thence continuing along said R/W North 04°27'22" West, a distance of 278.97 feet; thence South 89°58'18" East, leaving said R/W, a distance of 518.69 feet to a found 2" pipe on the West boundary of said Gov't. Lot 3: thence South a distance of 646.07 feet to the Place of Beginning.

Tract 2:

Commencing at the SW Corner of said Section 6, which is an iron pin; thence North 89°45'44" East, along the South boundary of said Section 6, a distance of 2,626.26 feet; thence North, leaving said South boundary, a distance of 1,333.31 feet to ½" Rebar at the SE Corner of the NE ¼ SW ¼ of said Section 6, which is the True Point of Beginning of the tract of land herein described; thence South 89°57'41" West, a distance of 493.13 feet to the Easterly R/W of U.S. Hwy. No. 93, which point is on a 2,934.87 foot radius curve concave Westerly, having a radial bearing of North 86°39'41" West; thence Northeasterly, along said R/W curve, through a central angle of 00°36'03", an arc length of 30.78 feet; thence North 89°55'13" East, leaving said R/W, a distance of 257.98 feet to a found ½" Rebar; thence South 89°57'07" East, a distance of 233.51 feet to a found 2" pipe on the East boundary of said NW ¼ SW ¼; thence South, a distance of 30.56 feet to the Place of Beginning.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: TREWEEK FAMILY PARTNERSHIP ZONE CHANGE / EVERGREEN & VICINITY ZONING DISTRICT

[9:51:50 AM](#)

Members present:

Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the notice of public hearing and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Treweek Family Partnership to change the zoning designation on property located in the Evergreen and Vicinity Zoning District from R-1 (Suburban Residential) to B-2 (General Business).

The boundaries of the area proposed to be changed from R-1 to B-2 are set forth on Exhibit "A".

The proposed change would change the general character of the zoning regulations applicable to the property from an area intended to provide estate type development normally located in rural areas away from concentrated urban development, or in areas where it is desirable to permit only low density development, e.g., extreme topography, areas adjacent to flood plains, airport runway alignment extension, etc., to an area intended to provide for those retail sales and service functions and businesses whose operations are typically characterized by outdoor display, storage and/or sale of merchandise, by major repair of motor vehicles, by outdoor commercial amusement and recreational activities and by businesses serving the general needs of the tourist and traveler.

The regulations defining the R-1 and B-2 Zones 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. 9327013500.

The public hearing will be held on the **11th day of July, 2006, at 10:15 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 change in the regulations for the described portion of the Evergreen and Vicinity Zoning District.

DATED this 22nd day of June, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Gary D. Hall PT
Robert W. Watne, Chairman

ATTEST:
Paula Robinson, Clerk

By/s/Kimberly Moser
Deputy

Publish on June 28 and July 5, 2006.

**TREWEEK PTNSP
ZONE CHANGE FROM R-1 TO B-2
STAFF REPORT #FZC-06-03**

Location and Legal Description of Property:

The property can further be described as Tract 1H in the Southeast Quarter Northwest Quarter (SE ¼ NW ¼) of Section 4, township 28 North, Range 21 West, P.M.M., Flathead County, Montana. Shown as "Remainder" on certificate of Survey No. 7145.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: GRAVEL EXTRACTION TEXT AMENDMENT / FLATHEAD COUNTY ZONING REGULATIONS

[10:03:17 AM](#)

Members present:
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman
Members absent:
Chairman Robert W. Watne
Others present:
Clerk Kimberly Moser

[11:22:57 AM](#)

Members present:
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman
Members absent:
Chairman Robert W. Watne
Others present:
Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Hall stated that he would entertain a motion to deny the notice of public hearing due to lack of support by staff. Commissioner Brenneman stated that he refused to make a motion to approve the notice of public hearing until the groups could get together to come up with an agreement. Jeff Harris stated that if the attorney's felt this was okay he was okay with it but that the zoning regulations state that the commissioner will hold a public hearing. The commissioner decided to confer with the county attorney's office more in depth about refusing to publish the notice of public hearing.

[11:23:10 AM](#)

Commissioner Hall made a **motion** to approve the notice of public hearing and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a change to the text of the Flathead County Zoning Regulations proposed by Flathead Citizens For Quality Growth and the Flathead County Planning and Zoning Office.

The proposed amendment would add Sections 3.34.100 and 3.34.110 to the West Valley zoning classification regulation, to define Gravel Extraction to exclude processing gravel into asphalt, cement or other end products, and to add Gravel Extraction Performance Standards in the West Valley zoning classification, limiting the number of permits per landowner and the size of gravel pits.

The Flathead County Zoning Regulations are on file for public inspection at the Office of the Clerk and Recorder in Permanent File number 93270 13500. The proposed amendment is on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana and the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana.

The public hearing will be held on the **10th day of July, 2006 at 9:30 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 change to the text of the Flathead County Zoning Regulations.

DATED this 22nd day of June, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Gary D. Hall PT
Robert W. Watne, Chairman

ATTEST:
Paula Robinson, Clerk

By/s/Kimberly Moser
Deputy

Publish on June 28 and July 5, 2006.

PUBLIC HEARING: ROAD ABANDONMENT #450 (OFF OF LOST CREEK DR)

[10:09:44 AM](#)

Members present:

Commissioner Gary D. Hall PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Clerk Kimberly Moser

Commissioner Hall PT opened the public hearing to anyone wishing to speak in favor or opposition

No one rising to speak Commissioner Hall PT closed the public hearing.

Commissioner Brenneman made a **motion** to approve Road Abandonment #450. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

PRELIMINARY PLAT: COLUMBIA RANGE

[10:17:00 AM](#)

Members present:

Commissioner Gary D. Hall PT
Commissioner Joseph D. Brenneman
Chairman Robert W. Watne [10:19:25 AM](#) seated

Others present:

Clerk Kimberly Moser, Eric Giles, Jeff Harris, Nicole Lopez-Stickney, Shirley Anderson, Joe Kauffman, Carol Duval

Giles reviewed the application submitted by John T. Van and Seek-A-Way, Inc for preliminary plat approval of Columbia Range, a major subdivision that will create 16 residential lots. The subdivision is proposed on 21.15 acres and will be served by a neighborhood water system and individual septic systems. The property is unzoned. There are 22 attached conditions. Staff recommends approval.

Commissioner Watne made a **motion** to adopt Staff Report FPP-06-15 as findings of fact. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Joe Kauffman questioned the condition on Ekelberry Drive. He asked if it would be the counties responsibility to maintain the road.

Commissioner Brenneman questioned condition 22 regarding not encroaching on approved drain fields.

Joe Kauffman stated that this condition should be put on the face of the final plat to inform future landowners that they can don't build on the drain fields.

Commissioner Watne made a **motion** to approve the preliminary plat of Columbia Range subject to 24 conditions. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

CONDITIONS

1. The internal subdivision road will be certified by a licensed engineer and constructed within a minimum 60-foot right-of-way, a 20-foot travel surface in accordance with Section 3.9 of the Flathead County Subdivision Regulations.
2. The internal subdivision road shall be paved to County standards. [Section 3.9(a)(1) FCSR]
3. The subdivider will pave Ekelberry Drive to County standards from MT Highway 206 to the eastern edge of the property line.
4. The subdivider will pave from MT Highway 206 through Black Gold Tract's Subdivision to the internal subdivision road.
5. The subdivider will install a stop sign and road identification sign at the intersection of Ekelberry Drive and the subdivision access road in accordance with Section 3.9(l)(8) of the Flathead County Subdivision Regulations and in compliance with Montana Department of Transportation requirements.
6. The subdivider will meet all requirements from the Montana Department of Transportation and the Flathead County Subdivision Regulations for the possible extension and use of the existing frontage road.
7. The subdivider will obtain and show proof of access through Black Gold Tracts Subdivision.
8. The subdivider shall pay a parkland fee equivalent to the value of 2.87 acres of the unimproved, unsubdivided land. The subdivider shall provide a current appraisal from a certified MAI appraiser no sooner than six months prior to the final plat application to set the value of the parkland cash donation.
9. A letter from an engineer licensed in the state of Montana shall certify that all improvements have been installed to specifications. This certification shall include all roadways, drainage systems, and sidewalks. [Appendix C (III)(F) FCSR]
10. A Road Maintenance Agreement shall be formed which will require each property owner to bear his/her pro-rata share for road maintenance of the internal subdivision roads and designated pedestrian walkways. [Section 3.9(J)(3) FCSR]
11. The subdivider shall receive physical addresses and name all roads in accordance with Flathead County Resolution #1626. The addresses and road names shall appear on the final plat. [Section 3.9(I)(7) FCSR]

12. 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]
13. All storm water, water and sewer facilities and drainage plans 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]
14. A letter shall be obtained from the Badrock Fire District stating that the fire access and suppression system has been reviewed, approved and installed in accordance with its requirements.
15. All utilities shall be placed underground to abut and be available to each lot, in accordance with a plan approved by the utility companies. Utilities and easements shall comply with Section 3.17 and 3.18 of the Flathead County Subdivision Regulations.
16. The subdivider shall provide a common off-street mail pick-up facility and vehicular pull-off in compliance with Section 3.22 of the Flathead County Subdivision Regulations.
17. The following statements shall be placed on the face of the final plat:
 - a. All address numbers shall be visible from the road, either at the driveway entrance or on the house.
 - b. The Road Maintenance Agreement shall be responsible for maintenance of the private roadways and Common Areas. Roads shall be maintained, including necessary repairs and snow removal, to ensure safe all-weather travel for two-way traffic.
 - c. All utilities shall be installed underground.
 - d. Lot owners are bound by the soil disturbance and weed management plan to which the subdivider 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. Lot owners shall provide a designated pedestrian walkway on the portion of their property abutting the internal subdivision road.
 - g. No structure may be constructed over an approved drain field or well location identified on the DEQ site plan.
18. 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]
19. 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]
20. The preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6) FCSR]
21. The size of the subdivision necessitates an area to designated as a bus stop. The subdivider shall provide a letter from the school district approving a bus stop location.
22. All lot owners must build in such a way as to not encroach on approved drain fields and well locations as shown on the approved lot layout.

PRELIMINARY PLAT: ROSEWOOD ACRES SUBDIVISION

[10:40:10 AM](#)

Members present:

Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Clerk Kimberly Moser, Nicole Lopez-Stickney, Jeff Harris, Eric Giles, Tom Sands, Shirley Anderson, Bryan Long, Dennis Pewitt

Lopez-Stickney reviewed the application submitted by Justin Sheeran, Kirk Swanson, Dennis Pewitt for preliminary plat approval of Rosewood Acres Subdivision, a major subdivision that will create 22 lots. The subdivision is proposed on 22.00 acres and will be served by a community public water system and individual septic system. The property is unzoned. There are 25 attached conditions. Staff recommends approval.

Commissioner Brenneman questioned if there was a condition that states that it will be a community well. It was recommended that they add a condition that there will be a public water system. He also asked that a condition be added that the emergency roadways will not be used during construction. He then asked if the concerns with groundwater had been adequately addressed with the layout of the subdivision. He stated that they can note for the record that they can not guarantee they will have a place on each lot where the groundwater will not be too high for a home.

Commissioner Hall asked about the parkland condition asking why there was no reason that they asked for a community park. ‘

Jeff Harris stated that this is adjacent to the school and typically the parks department has asked for cash in lieu.

Commissioner Hall made a **motion** to adopt Staff Report #FPP-06-11 as findings of fact. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Bryan Long asked to discuss the level II system. He stated that the level II is a nitrate reduction. He stated that everything is well within the limits for nitrates. He stated that Level II is a nitrate reducing and they are already well within the limits. He stated that the community water system would have to be monitored so they would find out if there was ever a nitrate problem. He stated that by having this requirement it would be a substantial cost to the lots owners.

Commissioner Brenneman stated that the well is in lot 9 and all of the mixing zones are downgrade from that and questioned how that would test the nitrates in the system.

Bryan Long stated that they could install some monitoring pipes.

Commissioner Brenneman asked how Bryan Long thought it would be more acceptable to pay for a system up front and replace it if there is a problem.

Commissioner Hall stated that he was not all interested in changing that condition.

Commissioner Hall made a **motion** to approve the preliminary plat of Rosewood Acres subdivision subject to 25 attached conditions. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

CONDITIONS

1. A variance shall be granted by the Flathead County Board of Commissioners to Section 3.9 Table 3. [Section 7.1, Flathead County Subdivision Regulations]
2. The private, internal subdivision road system shall consist of a 60-foot right-of-way, minimum 24-foot paved driving surface, and a 55-foot radius cul-de-sacs, and shall be designed and certified by a licensed, professional engineer. [Section 3.9, FCSR]
3. Sidewalks of five (5) feet in width shall be installed abutting each lot in the subdivision. [Section 3.11(B)(3) & Section 3.11(C)(1)]
4. The subdivider shall install a minimum five (5) foot paved pedestrian walkway within the proposed emergency access easement extending from the southeastern cul-de-sac of Rosewood Court to the eastern property boundary of Lot 15. The walkway shall be situated off-centerline. [Section 3.11(B)(3) & Section 3.11(C)(1)]
5. The subdivider shall secure and improve a forty (40) foot secondary emergency access easement extending along portions of Lots 15 and 16 from the southeastern cul-de-sac of Rosewood Court, through the adjacent property to the east and accessing Rose Crossing Road. The emergency access shall have a hard gravel surface of twenty (20) feet in width improved to county standards. Bollards shall be installed at the points of ingress/egress to the emergency access at its intersection with the Rosewood Court cul-de-sac and its intersection with the adjacent property to the east in order to ensure emergency use only and pedestrian safety. At no time shall the secondary emergency access be used for motorized travel except in the even of an emergency [Section 3.8(E) FCSR].
6. The subdivider shall furnish proof of legal access for the construction and use of the emergency secondary access [Section 3.9(J)(2) FCSR]
7. The subdivider 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. [Section 3.9(I)(7), FCSR]
8. The subdivider shall install street signs and traffic control devices, of the size, shape and height as approved by Flathead County, at all intersections. [Section 3.9(I)(8) FCSR]
9. The subdivider shall obtain and show proof of an approved approach permit from the Flathead County Road and Bridge Department.
10. Lot owners within the subdivision will participate in a Road User's Agreement or Property Owners Association for the internal subdivision road and sidewalks, which will require each property owner to bear his or her pro-rata share for maintenance of the private road and sidewalks. [Section 3.9(J)(3), FCSR]
11. 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]
12. The subdivider shall install a 10,000 gallon underground water supply/storage tank with a dry hydrant according to the specifications of the Evergreen Volunteer 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]
13. The subdivider shall pay a parkland fee equivalent to the value of 1.3855 acres of the unimproved, undivided land. The subdivider shall provide a current appraisal from a certified MAI appraiser no sooner than six months prior to the final plat application to set the baseline value of the parkland cash donation. [Section 3.19(C)(2)(a); Section 3.19 (D)(1), FCSR]
14. The subdivider shall preserve the natural terrain and natural drainage to the extent possible. No significant modifications to the natural drainage swales shall be made. [Section 3.2, FCSR].
15. A no-build easement shall be place on the wetland area located on Lots 12 and 13, and shall extend twenty (20) feet from the

wetland in all directions within the subject property.

16. All storm water drainage, the community water system, and septic system plans shall be approved by the Flathead County Health Department and the Montana Department of Environmental Quality. [Section 3.14(A) FCSR; Section 3.15(A) FCSR; Section 3.12(A) FCSR]
17. All areas disturbed during development of the subdivision will be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. [Section 3.12(J) FCSR]
18. If required by the local postmaster, the subdivider shall provide a common off-street mail pick-up facility and vehicular pull-off in compliance with Section 3.22 of the Flathead County Subdivision Regulations.
19. The following statements shall be placed on the face of the final plat:
 - a. All address numbers shall be visible from the road, either at the driveway entrance or on the house.
 - b. The Road Maintenance Agreement shall be responsible for maintenance of the private roadways, sidewalks, and Common Areas. Roads shall be maintained, including necessary repairs and snow removal, to ensure safe all-weather travel for two-way traffic.
 - c. All utilities shall be installed underground.
 - d. Lot owners are bound by the soil disturbance and weed management plan to which the subdivider and the Flathead County Weed Department agreed.
 - e. The undersigned hereby grants unto each and every person, firm or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair, and removal of their lines and other facilities, in, over, under, and across each area designated on this plat as "Utility Easement"
 - f.

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.
 - g. All new septic systems shall be Level II systems
20. A letter from an engineer licensed in the state of Montana shall certify that all improvements have been installed to specifications. This certification shall include all roadways and drainage systems. [Appendix C (III)(F) FCSR]
21. 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]
22. 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]
23. The preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6) FCSR]
24. The developer shall contact the Child Transportation Committee and, if required, provide and improve a location for the safe loading and unloading of students.
25. All new septic systems shall be Level II systems.

PRELIMINARY PLAT: SUBDIVISION NO. 271

[11:10:06 AM](#)

Members present:

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

Others present:

Clerk Kimberly Moser, Eric Giles, Jeff Harris, Tom Sands, Evalyn Allison, BJ Grieve, Jonathan Smith

Holland reviewed the application submitted by Evalyn C. Allison for preliminary plat approval of Subdivision No. 271, a minor subdivision that will create one residential lot and a remainder. The lot is located on County Highway 206 and will be served by individual water and septic systems. The property unzoned. There are 10 attached conditions.

Commissioner Hall made a **motion** to adopt Staff Report FSR-06-10 as findings of fact. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Tom Sands stated that they are not sure if they are going to access from Highway 206 or Mooring Road. He asked that they change condition two to state that they get an approach permit for Highway 206 or Mooring Road.

Commissioner Hall made a **motion** to approve the preliminary plat of Subdivision No. 271 subject to 10 conditions. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Tom Sands reviewed the time that had been spent on this minor subdivision when they could have done a family transfer if it would not have been for the fact that it was a grandmother doing the transfer.

CONDITIONS

1. The subdivider shall receive a physical address in accordance with Flathead County Resolution #1626. The address shall appear on the final plat. [Section 3.9(I)(7), FCSR]
2. The subdivider will obtain and show proof of a completed approach permit from the Montana Department of Transportation for access onto MT Highway 206 or the Flathead County Road Department for access onto Mooring Road, indicating the approach has been built and received final inspection. [Section 3.8(A), FCSR]
3. The subdivider will dedicate a 15-foot bicycle/pedestrian easement on the lot along MT Highway 206 and Mooring Road. [Section 3.18(A), FCSR]
4. 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]
5. 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]
6. The subdivider 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]
7. 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. This plat has not been reviewed or approved for individual sewer or water facilities or for building site placement.
 - 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.
8. 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]
9. 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]
10. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]

MEETING W/ B.J. GRIEVE / PLANNING & ZONING OFFICE RE: GROWTH POLICY SCHEDULE OF EVENTS

11:22:05 AM

Members present:

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

Others present:

Clerk Kimberly Moser, BJ Grieve, Jeff Harris, Jonathan Smith

Discussion was held relative to the finished event schedule for the growth policy and the information received and given during that time. Grieve stated that they finished the draft growth policy last night. He then stated that they would be submitting the draft to the public in on week. He then reviewed the upcoming even schedule of meetings and workshops. Commissioner Hall thanked the staff for all of the work they have done on this project. Jeff Harris stated that they want everyone to comment so they can consider those comments and include them in the final document for approval. He stated that they have received disputes about people commenting on the comments. He stated that they did not want that to happen. Commissioner Hall stated that he did feel that the commissioners should have one final public comment period before it is approved.

DOCUMENT FOR SIGNATURE: DUI TASK FORCE PLAN FY 07

11:17:44 AM

Members present:

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

Others present:

Clerk Kimberly Moser, Jonathan Smith

Commissioner Brenneman made a **motion** to approve the DUI Task force Plan for Fiscal Year 2007. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: DEQ CONTRACT 507010

[11:19:41 AM](#)

Members present:

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

Others present:

Clerk Kimberly Moser, Jonathan Smith

Commissioner Hall made a **motion** to approve DEQ Contract 507010 and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: MDOT TITLE III CONTRACT – 5TH MODIFICATION / AOA

[11:20:24 AM](#)

Members present:

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

Others present:

Clerk Kimberly Moser, Jonathan Smith

Commissioner Hall made a **motion** to approve the MDOT Title III contract – 5th modification for AOA and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: STOLTZ CONTRACT / HERRON PARK DISEASED TREES

[11:18:28 AM](#)

Members present:

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

Others present:

Clerk Kimberly Moser, Jonathon Smith

Commissioner Hall made a **motion** to approve the Stoltz contract for the Herron Park Diseased Trees and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

4:00 p.m. Long Range Planning Task Force meeting at the Earl Bennett Building.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 23, 2006.

FRIDAY, JUNE 23, 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.

NO MEETINGS SCHEDULED

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 26, 2006.