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## MONDAY, JANUARY 14, 2008

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

### 9:00 a.m. Commissioner's Annual Workshop @ Solid Waste District Conference Room (till 3)

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 15, 2008.

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## TUESDAY, JANUARY 15, 2008

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

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

Whitey Boughton with Flathead Citizens for Paved Roads commented on Skyles Lake Road and problems that are going on with it. He then spoke about an article in the Missoulian newspaper about Bear Mountain Subdivision that was created in Lakeside and given approval by the Commission.

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

### MEETING W/ LAD BARNEY/ SMALL BUSINESS DEVELOPMENT CENTER RE: UPDATE

[9:05:26 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Lad Barney, Joe Unterreiner, Clerk Kile

Lad Barney reported that a year ago he came to the county requesting a letter of support for the Kalispell Chamber to host the Small Business Development Center for Northwest Montana for an additional seven year contract. He then stated that the SBDC Network provides free, confidential one-on-one business counseling, business plan assistance, financial assessment, market feasibility and helps the client to locate information and assistance critical to the growth of his or her business. They also provide low cost training in topics that include business start up, marketing, taxes, business plans, cash flow analysis and financial projections. He then presented a report to the Commission on what has been accomplished over the past year, which involved a total of 157 business clients.

### MONTHLY MEETING W/ DEBBIE PIERSON, GRANT WRITER

[9:26:19 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Grant Writer Debbie Pierson, Clerk Kile

Pierson reported that AFG is in the process of reviewing Flathead County's application and she also noted the Brownfield's testing has been postponed until spring.

### BOARD APPOINTMENTS: BIGFORK WATERSHED COMMITTEE

[9:33:14 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, County Attorney Jonathan Smith, Sue Hanson, Elna Darrow, George Darrow, Clerk Kile

Commissioner Brenneman made a **motion** to appoint Elna Darrow, Susan Hanson, Thomas G Lewis, Paul J. Rana and Lamont Kinkade to the Bigfork Watershed Committee. Commissioner Lauman **seconded** the motion. **Aye** – Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Hall stated for the record that he supports Don Loranger.

### BOARD APPOINTMENTS: MISCELLANEOUS

[9:39:48 AM](#)

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

Commissioner Lauman made a **motion** to appoint Pam Gerwe, J. P. Castner and Carol Sorensen to Agency on Aging. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to appoint Debra Moss to the Blankenship Rural Fire District. Commissioner Lauman **seconded** the motion. **Aye** – Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Lauman made a **motion** to appoint Nancy Burns and Dan Soennichsen to the Columbia Falls Rural Fire District. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to appoint Joseph Ruffolo and Susan Letz-Keedy to the Museum Board. Commissioner Lauman **seconded** the motion. **Aye** – Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Lauman made a **motion** to re-appoint William F. Shaw to the Solid Waste Board as a representative of Columbia Falls. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Lauman made a **motion** to appoint to AOA, George Culpepper as a representative of the business community and to re-appoint Doug Gilbertson as a representative of the Whitefish Golden Agers, Judy Johnson as a representative of Experience Works and Deb Wilson and Mac Rugheimer to the Transportation Advisory Board. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Brenneman and Lauman. Motion carried unanimously.

Discussion was held relative to re-advertising the Planning Board positions.

Commissioner Lauman made a **motion** to re-advertise the Planning Board positions. Chairman Hall **seconded** the motion. **Aye** – Hall and Lauman. **Opposed** - Brenneman. Motion carried by quorum.

#### **CONSIDERATION OF EDUCATIONAL ASSISTANCE REQUEST/ MONROE**

[9:49:26 AM](#)  
Members present:  
Chairman Gary D. Hall  
Commissioner Dale W. Lauman  
Members absent:  
Commissioner Joseph D. Brenneman  
Others present:  
Assistant Mike Pence, Clerk Kile

Commissioner Lauman made a **motion** to approve the educational assistance request for Monroe. Chairman Hall **seconded** the motion. **Aye** – Hall and Lauman. Motion carried by quorum.

#### **CONSIDERATION OF ADOPTION OF RESOLUTION: SURPLUS PROPERTY/ PROPERTY & SUPPLY BUREAU**

[9:51:18 AM](#)  
Members present:  
Chairman Gary D. Hall  
Commissioner Dale W. Lauman  
Members absent:  
Commissioner Joseph D. Brenneman  
Others present:  
Assistant Mike Pence, Clerk Kile

Pence reported this document will update names of who can participate in the surplus property program.

Commissioner Lauman made a **motion** to adopt the resolution for surplus property and supply bureau. Chairman Hall **seconded** the motion. **Aye** – Hall and Lauman. Motion carried by quorum.

#### **MONTHLY MEETING W/JAY SCOTT, FAIRGROUNDS**

[9:55:28 AM](#)  
Members present:  
Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman  
Commissioner Dale W. Lauman  
Others present:  
Assistant Mike Pence, Fair Director Jay Scott, Clerk Kile

Scott reported the floor in the trade center has turned out very well. He then spoke about repair work being done on the building. Also noted was the front office is being re-modeled at the Fairgrounds.

#### **QUARTERLY MEETING W/ MIKE MEEHAN, SHERIFF**

This meeting was not held.

### **COS REVIEW: TIMMONS**

[10:30:06 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman [10:35:25 AM](#) (Seated)

Others present:

Planner Andrew Hagemeyer, Dawn Marquardt, Debbie Shoemaker, Jeff Timmons, Clerk Kile

Hagemeyer reviewed the chain of title for the property and noted the parcel is located on Splendid Drive west of Creston, and is accessed off Hwy 35.

Chairman Hall questioned the applicant about his intentions with the property.

Jeff Timmons stated that the property was to be given to his daughter.

Commissioner Lauman made a **motion** to approve the COS review for Timmons. Chairman Hall **seconded** the motion. **Aye** – Hall and Lauman. Motion carried by quorum.

### **COS REVIEW: NYVCHIK**

[10:39:11 AM](#)

Members present:

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

Others present:

Planner Andrew Hagemeyer, Dawn Marquardt, Debbie Shoemaker, Nikolay Nyvchik, Clerk Kile

Hagemeyer reviewed the chain of title for the Nyvchik family transfer. The proposal is to create seven parcels out of one, west of Somers on Buffalo Trail.

General discussion was held relative to the law in regards to the 509D Resolution.

Chairman Hall said that they are basically authorizing a subdivision with the proposal as presented.

Commissioner Brenneman noted the request falls outside the scope of criteria used to analyze a family transfer.

Commissioner Brenneman made a **motion** to approve the Nyvchik family transfer. Commissioner Lauman **seconded** the motion. **Aye** –Brenneman and Lauman. **Opposed** – Hall. Motion carried by quorum.

### **MT WEST ECONOMIC DEVELOPMENT PUBLIC HEARING: CDBG/ GLACIER STONE SUPPLY**

[11:06:04 AM](#)

Members present:

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

Others present:

Gary Winship, Charlie Wright, Dave Wilkins, Jeff Hider, Matt Anand, Mike Strotheide, Doug Mason, Ashley Mason, Clerk Kile

Gary Winship, the Director of Lending for Montana West Economic Development reported that they make loans to businesses and administer the CDBG Program for Flathead County, as well as the City of Columbia Falls. He then stated that the meeting is for them to explain and ask the County Commissioners to pass a resolution to request a \$400 thousand dollar CBDG Grant from the State of Montana, for them to administer for the ultimate recipient: Glacier Stone Supply, LLC. The funds will be used in the form of a loan and training. Winship said that Glacier Stone will be using the CDBG funds for dust and sound suppression, improvements on a conveyor systems and other equipment at their plant on Whitefish Stage Road, and their quarries in Northwest Montana.

**Chairman Hall opened the public hearing to anyone wishing to speak.**

Dave Wilkins, Owner of Glacier Stone Supply reported they have been in business for approximately 4-5 years now and have 70 employees. He then added they continue to grow in their production of natural building stone, full stone, landscape material and a thin product that they wish to expand. Wilkins stated that they wish to develop the employee's along with the company and are investing in their development in management or trades. He then reported that the CDBG money would be for noise and sound control, as well as safety; which involves a continued process of making sure they are as safe as technology will allow. He then added they also want to automate the business as much as possible.

Mike Strotheide, President of Montana West Economic Development said that they go out and try to attract business into the area. He then added that the other part of what they do is to help existing industries expand and create opportunities for employment as well as encouraging growth locally. He then stated that this is a premier example of the kind of company they want to see continue to grow.

Charlie Wright, Regional Development Officer with Montana Department of Commerce noted that he was there to endorse and support the project. He then said that he has toured the site and had the opportunity to see their financials and business plan. Wright said that the Department of Commerce considers this an excellent project and encouraged the approval of it.

Jeff Hider, Operating Officer for Glacier Stone Supply said that his goal with the company is to make their plant as safe as possible. He then said they are in the process of developing a conveyor system to minimize bending and lifting issues, and are working through dust and noise suppression issues on a daily basis.

Matt Anand, Financial Officer for Glacier Stone Supply reported that they have been in business since July 2003, and have been growing fairly rapidly for the last 4 ½ years. He then added that these types of programs are very helpful for them to be able to compete against other countries.

**No one else rising to speak Chairman Hall closed the public hearing.**

Commissioner Brenneman made a **motion** to adopt Resolution #2120 in support of the CDBG Grant. Commissioner Lauman **seconded** the motion. **Aye** – Hall, Brenneman and Lauman. Motion carried unanimously.

RESOLUTION No. 2120

RESOLUTION TO AUTHORIZE APPLICATION

WHEREAS, Flathead County is applying to the Montana Department of Commerce for a Community Development Block Grant - Economic Development Program (CDBG-ED) for Glacier Stone Supply, LLC, to finance dust and sound suppression, and other equipment including conveyor systems at Glacier Stone's plant on Whitefish Stage Road and their quarries in Northwest Montana;

WHEREAS, Flathead County has the legal jurisdiction and authority to administer such a grant for Glacier Stone Supply, LLC; and

WHEREAS, Flathead County agrees to conform with the regulations, statutes, terms and conditions described in the CDBG Certifications for Application.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Flathead County, Montana, that Flathead County agrees to conform with the regulations, statutes, terms and conditions described in the CDBG Certifications for Application.

BE IT FURTHER RESOLVED that Gary D. Hall, Chairman of the Flathead County Board of Commissioners, is authorized to submit this application to the Montana Department of Commerce and to provide such additional information as may be required.

Dated this 15<sup>th</sup> day of January, 2008.

BOARD OF COMMISSIONERS  
Flathead County, Montana

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

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

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

ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Diana Kile, Deputy

**EGAN SLOUGH PLANNING & ZONING COMMITTEE ANNUAL MEETING**

11:31:19 AM

Members present:

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

Others present:

Planning & Zoning Director Jeff Harris, Clerk & Recorder Paula Robinson, Treasurer Adele Krantz, Myron Mast, Amy Waller, Charles Jacquette, Ashley Mason, Doug Mason, Clerk Kile

The Egan Slough Planning & Zoning Committee's Annual Meeting was called to order by Myron Mast.

Roll call was taken by Adele Krantz.

A **motion** to approve the minutes from last year was approved. **Aye** – Hall, Lauman, Brenneman, Robinson, Krantz, Mast and Jacquette. Motion carried unanimously.

Call for old business.

Call for new business.

Charles Jacquette reported that Charles Hanson would like to put in a grass air strip for landing his personal aircraft.

General discussion was then held in regards to laws and by-laws.

Paula Robinson stated that she would like to see the request for the air strip in writing, outlining the details for their records.

General discussion was also held relative to dissolving the Egan Slough Planning & Zoning District, in which they will meet again in February to continue discussion.

Chairman Hall made a **motion** to continue with officers as stated: Myron Mast as Chairman, Paula Robinson as Vice Chair and Adele Krantz as Secretary. **Aye** – Hall, Lauman, Brenneman, Robinson, Krantz, Mast and Jacquette. Motion carried unanimously.

**1:00 p.m. Commissioner Hall to DNRC meeting @ DNRC Office**  
**4:00 p.m. Long Range Planning Task Force Land Use Committee meeting @ Solid Waste District Conference Room**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 16, 2008.

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### **WEDNESDAY, JANUARY 16, 2008**

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

#### **Chairman Hall opened public comment on matters within the Commissions' Jurisdiction.**

Ron Thibert, 3795 Hwy 2 West stated that he came to speak about happenings at the Fairgrounds in regards to horse racing. He then presented an article that was printed in the Inter Lake in regards to horse racing that he wrote. He then said that he understands they are considering tearing out the track and horse barns on the back side. Thibert then said they are in the process of getting starting on this year's races, and would like to either lease or rent 20 stalls at a guarantee of \$50.00 a stall, which would be approximately \$1,000 a month for 4 months. He then added that it would be quite an expense to the Turf Club. He then stated that he would like the Commission to step up and take charge or at least be on their side to keep the Fair as it is, so they can have training and possibly in future years get horse racing back. It was then noted that the Fair is losing money by not having horse races with the money going elsewhere.

Tab Young, 685 Hoffman Draw stated that he totally supported Ron Thibert and horse racing. He then added that he and his wife have 23 horses this year that they will run. Young then said that last year they went to Boise to train, but had planned on staying here in Kalispell because he was told by Fair Board members that nothing would be done with the track for at least two years; so their plans were changed to stay in Kalispell to train. He then spoke about a gaming sport in Missoula.

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

#### **AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: TAYLOR & SPITLER ZONE CHANGE/ BIGFORK ZONING DISTRICT**

10:05:53 AM

Members present:

Chairman Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Lauman made a **motion** to authorize the publication of the Notice of Public Hearing for the Taylor and Spidler Zone Change/ Bigfork Zoning District and authorized the Chairman to sign. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. 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 Michael Sara Taylor and Jack and Barbara Spidler, to change the zoning designation in a portion of the Bigfork Area Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural).

The boundaries of the area proposed to be amended from SAG-10 to SAG-5 are the boundaries of Tracts 5A and 5AB in Section 17, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana located on the Southwest corner of Mud Lake Road and Echo Lake Road at 1314 McCaffery Road containing 25.54 (Taylor – 12.8 and Spidler – 13.46) acres.

The proposed change would change the character of the zoning regulations applicable to the property which, in both SAG-10 and SAG-5 districts, are intended to protect and preserve agricultural land for the performance of limited agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential friction of uses will be minimized, and providing for estate type residential development, by reducing the minimum lot size from 10 acres to five acres.

The regulations defining the SAG-10 and SAG-5 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, and at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana. Documents related to the proposed zone change are also on file for public inspection at the Office of the Clerk and Recorder and the Flathead County Planning and Zoning Office.

The public hearing will be held on the **4<sup>th</sup> day of February, 2008, 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 Bigfork Area Zoning District.

Written comments are encouraged and will be reviewed by the Commissioners prior to the hearing if received by the Flathead County Commissioners' Office at least three business days prior to the hearing.

DATED this 16<sup>th</sup> day of January, 2008.

ATTEST:  
Paula Robinson, Clerk

By: /s/Diana Kile  
Diana Kile, Deputy

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

Publish on January 21 and January 28, 2008.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: BOARD ZONE CHANGE/ LOWER VALLEY ZONING DISTRICT**

[10:06:09 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Lauman made a **motion** to authorize the publication of the Notice of Public Hearing for the Board Zone Change/ Lower Valley Zoning District and authorized the Chairman to sign. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. 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 David and Alaina Board, to change the zoning designation in a portion of the Lower Valley Zoning District from AG-80 (Agricultural) to AG-20 (Agricultural).

The boundaries of the area proposed to be amended from AG-80 to AG-20 are set forth on Exhibit "A".

The proposed change would not change the general character of the zoning regulations applicable to the property, which are designed to protect and preserve agricultural land for the performance of a wide range of agricultural functions and intended to control the scattered intrusion of uses not compatible with an agricultural environment, including but not limited to residential development. However, the minimum lot size would be reduced from 80 acres to 20 acres.

The regulations defining the AG-80 and AG-20 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, and at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana. Documents related to the proposed zone change are also on file for public inspection at the Office of the Clerk and Recorder and the Flathead County Planning and Zoning Office.

The public hearing will be held on the **4<sup>th</sup> day of February, 2008, at 10:30 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 in the regulations for the described portion of the Lower Valley Zoning District.

Written comments are encouraged and will be reviewed by the Commissioners prior to the hearing if received by the Flathead County Commissioners' Office at least three business days prior to the hearing.

DATED this 16<sup>th</sup> day of January, 2008.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

By: /s/Diana Kile  
Diana Kile, Deputy

Publish on January 21 and January 28, 2008.

BOARD ZONE CHANGE  
EXHIBIT "A"

The property is located on Lower Valley Road and is legally described as follows: Parcel B of COS 14268 and Parcel A and B of COS 13766 in Section 35, Township 28 North, Range 21 West, P.M., Flathead County, Montana.

**DOCUMENT FOR SIGNATURE: HOSPITAL PROVIDER AGREEMENT/ PATHWAYS**

[10:06:45 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Clerk Kile

Pence reported this is the yearly agreement with Pathways, which is a 4% increase in their daily rate.

Commissioner Lauman made a **motion** to approve the agreement with Pathways. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

#### **PRELIMINARY PLAT: GLACIER HAVEN INN RV PARK**

[10:15:02 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Planning and Zoning Director Jeff Harris, Planner Eric Giles, Sue McMillian, Ed McMillian, Julie McMillian, Randy McMillian, Andrew McMillian, Haven McMillian, Clerk Kile

Giles entered into record Staff Report FPP 07-34. He then reviewed the application submitted by Randy McMillian with technical assistance from NCI Engineering for preliminary plat approval of Glacier Haven Inn RV Park; a proposal to create 19 RV spaces off of Hwy 2 East, between West Glacier and Essex. The RV Park is proposed on 9.5 acres and is zoned under the Canyon Area Land Use Regulatory System (C.A.L.U.R.S.). The Flathead County Planning Board held a public hearing on December 19, 2007, at which time unanimous approval was recommended to the Commission.

Commissioner Lauman made a **motion** to adopt Staff Report FPP 07-34 as Findings of Fact. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to approve preliminary plat of Glacier Haven Inn RV Park. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

#### **CONDITIONS**

1. The applicant shall comply with reasonable fire suppression and access requirements of the applicable West Glacier/Coram Fire District. A letter from the fire chief stating that an agreement has been made shall be submitted to the Flathead County Planning and Zoning Office. [Section 3.20, FCSR]
2. The applicant shall submit proof of a completed approach permit from the Montana Department of Transportation indicating the approaches have been built and received final inspection to the Flathead County Planning and Zoning Office. [Section 3.8(A), FCSR]
3. The proposed water and septic treatment systems and stormwater drainage systems for the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. A copy of the approvals shall be submitted the Flathead County Planning and Zoning Office. [Section 3.14(A) and 3.15(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. A copy of an approved weed management plan shall be submitted to the Flathead County Planning and Zoning Office. [7-22-2116 MCA and Section 3.12(J), FCSR]
6. The developer shall provide written documentation from the appropriate USPS postmaster, indicating mail delivery requirements have been met. [Section 3.22, FCSR]

#### **PROJECT-SPECIFIC CONDITIONS**

7. The developer shall adhere to the following statements:
  - a. Due 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. [76-3-608, MCA]
8. The entire approach from Hwy 2 must be built to Montana Department of Transportation standards and paved from the highway to the property line.
9. The applicant shall file a revised preliminary plat with the Flathead County Planning and Zoning Office.
10. A minimum 30 ft. natural landscape buffer shall be maintained along Hwy 2.

## PRELIMINARY PLAT: DESERT MOUNTAIN VIEW SUBDIVISION

[10:30:32 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Planning and Zoning Director Jeff Harris, Planner Andrew Hagemeyer, Norma Clanton, Mike Clanton, Donna Pridmore, Clerk Kile

Hagemeyer reviewed the application submitted by Michael and Norma Clanton with technical assistance from F&H Land Surveying for preliminary plat approval of Desert Mountain View Subdivision; a subsequent minor subdivision that will create 3 residential lots. This subdivision is proposed on 20.46 acres, approximately 1.5 miles northeast of Coram on Kuzmic Lane. The Flathead County Planning Board held a public hearing on December 12, 2007, and amended the Findings of Fact and Conditions, but the recommendation of approval failed. The Flathead County Planning Board did not forward a recommendation to the Commission.

Hagemeyer further reviewed the issues pertaining to the subdivision which included, a pedestrian access easement not shown on any plats, the driveway doesn't stay within the 30 foot flag area, it is not consistent with 3 policies of the Canyon Plan, health and safety issues in regards to the grade of the driveway, the area is in a major wildlife corridor, effects on local services and paving of Kuzmic Lane.

General discussion was held in regards to calculating paving requirements.

Harris stated the 50 feet per lot was in the old subdivision regulations and is entirely gone now.

Hagemeyer then explained the formula used for the new subdivision regulations and then reviewed the variance required for the road, in which they do meet all the criteria for. He then reviewed the Planning Boards action in which they amended Findings of Fact and conditions.

Commissioner Hall questioned why the Planning Board made a motion to amend all the Findings of Fact.

Hagemeyer stated that Kim Fleming had not seen the statement in the summary of Findings of Fact before that state: "These will be addressed by the imposition of unique conditions."

Harris then added that the Planning Board felt uncomfortable saying conditions can mitigate findings; they felt more comfortable saying this condition attempts to mitigate.

Discussion was held relative to condition #11 that addresses Kuzmic Lane.

Commissioner Lauman made a **motion** to adopt Staff Report FPP 07-27 as Finding of Fact as amended by the Planning Board. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Donna Pridmore reviewed the development of the original subdivision and noted the growth that has taken place with the property.

Norma Clanton stated that they had a problem with the condition in regards to paving requirements, with it being outrageously expensive for only 20 trips per day. She then noted where they are being asked to pave that no one would benefit from the paving, with no homes close to the road. Clanton stated that they are complying with everything they have been asked to do and can afford to do.

Commissioner Hall then said that the hardship of paving is something they hear about a lot. He then noted the paving requirements are in the subdivision regulations to help the county get some of the roads paved. Hall then said if they want to pave in front of their home they could pave their instead of at the beginning of the road. He then further stated that he truly understand their concern in having to pay for the paving.

Harris added that it is a difficult situation when they are in an area that presently doesn't have a lot of vehicle trips per day. That the formula was designed to be fair and equitable in a proportional ratio model to identify the impacts caused by development. He then added that anytime you add trips to a road you are going to be paving a greater distance.

Chairman Hall said that he feels there should be some paving there and stated that he was compassionate to their concern, but feels that they need to do at least 700 feet.

Commissioner Lauman made a **motion** to change condition #20 to states: The applicant must pave 700 feet. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Commissioner Lauman then noted his concern in regards to the slash piles being in a wildfire hazard area.

Norma Clanton stated that arrangements have been made to bring in equipment to burn the piles. She then questioned the timeline for paving requirements.

General discussion was held in regards to an SIA and selling the lots before final plat.

Harris noted that the final plat is what creates the lot, so any type of land transfer cannot take place until the lot is created.

Donna Pridmore noted that she lives in Troutbeck Rise and has watched the subdivision go in right next door to her. She then noted that one of the conditions for this subdivision was that Grayling Road be paved, which they have not done. Pridmore stated that she wants the Planning Board and Commission to realize the hardship they are putting on tax paying citizens that are in-state residents.

Commissioner Lauman made a **motion** to approve preliminary plat of Desert Mountain Subdivision. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

**Conditions**

1. The applicant shall receive physical addresses and road names in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by the Address Coordinator. [Section 4.7.17(iv), FCSR]
2. The applicant shall show proof of a completed approach permit from the Flathead County Road Department (or the Montana Department of Transportation), indicating the approach has been built and received final inspection. [Section 4.7.17, FCSR]
3. Except for sewer and water lines, underground utilities (if placed in the road right-of-way or easement) shall be located between the roadway and the right of way or easement line to simplify location and repair of lines. These underground facilities shall be installed after the road has been brought to grade and before it is surfaced. Utility lines shall be designed by utility firms in cooperation with the subdivider, subject to all applicable laws and all rules and regulations of any appropriate regulatory authority having jurisdiction over such facilities. At the time of final plat, letters shall be provided from the appropriate utilities stating that the lines constructed meet these requirements and any of their additional requirements. [Section 4.7.24, FCSR]
4. Utility easements shall be 10 feet wide unless otherwise specified by the utility company. These easements shall be shown on the face of the final plat. [Section 4.7.24(c), FCSR]
5. The proposed water and sewage treatment systems and storm drainage systems for the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [Sections 4.7.21 and 4.7.22, FCSR]
6. The applicant shall submit to the Flathead County Planning and Zoning Office an approved Storm Water Pollution Prevention Plan from the MT DEQ – Water Protection Bureau prior to any construction activity. [Section 4.7.13, FCSR; 75-5-101, MCA]
7. The applicant shall comply with reasonable fire suppression and access requirements of the applicable fire district. A letter from the fire chief stating that an agreement has been made shall be submitted with the application for Final Plat. [Section 4.7.27, FCSR]
8. The applicant shall provide an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved and implemented. The Weed Control Plan shall be implemented prior to final plat application. The County Weed Supervisor may charge a fee to inspect the subdivision and approve the implementation. [Section 4.7.26, FCSR]
9. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the applicant has met their requirements shall be included with the application for final plat. [Section 4.7.29, FCSR]
10. The developer shall contact the Superintendent of Schools and, if required, provide and improve a location for the safe loading and unloading of students. [Section 4.7.30, FCSR]
11. The following statements shall be placed on the face of the final plat applicable to all lots:
  - a. Address numbers shall be posted at the commencement of construction and be clearly visible at all times thereafter. Numbers shall be placed in the driveway entrance and at any subsequent divergent points of access for shared driveways. All address numbers shall be displayed on a contrasting background using a minimum four-inch numeral height. [Section 4.7.27(c), FCSR]
  - b. All utilities shall be placed underground. [Section 4.7.24, FCSR]
  - c. Lot owners are notified they are living in a rural area of Flathead County and delayed response times may be experienced from emergency service providers.
  - d. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed.
  - e. 

Waiver of Protest  
Participation in Special Improvement District  
[per County Resolution 503-M]

\_\_\_\_\_ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes \_\_\_\_\_ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that \_\_\_\_\_ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. \_\_\_\_\_ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for \_\_\_\_\_ Subdivision.
12. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.4.27 (for major subdivisions) or Section 4.2.19 (for minor subdivisions), FCSR]
13. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 4.4.23 FCSR]
14. Preliminary plat approval is valid for three years. [Section 4.4.20 (for major subdivisions) or Section 4.2.13 (for minor subdivisions), FCSR]
15. The applicant shall either provide a letter from the solid waste district waiving them from the requirement to have contract haul or, if solid waste district will not waive the requirement, place the following statement on the face of the Final Plat: "All solid waste removal shall be by contract haul." [Section 3.16, FCSR]
16. The following statements shall be placed on the face of the final plat applicable to all lots:
  - a. No further subdivision is allowed for all lots in Desert Mountain View.
  - b. To minimize risk of human-grizzly conflicts, all lot owners shall:
    - i. Use bear-proof garbage containers, stored inside garages or other secure facilities.
    - ii. Removing obvious sources of food.
    - iii. Securing compost piles with electrical fencing.
    - iv. Place bird feeders out of reach of bears and other big game
  - c. 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. Feeding pets indoors or bringing food dishes in at night.
  - d. Landowners are notified that this subdivision is approved for single family residential use. Any changes that materially alter any portion of the approved subdivision plat, its land divisions or improvements, or that will modify the approved use of land within

the subdivision, must be made by filing an amended plat showing all alterations per the Flathead County Development Code. [Section 4.2.18/4.4.26, FCSR]

- 17. All easements must be shown on the final plat. [Appendix E (g.), FCSR]
- 18. For approval of final plat, the applicant must provide acceptable proof such as a driveway profile that access to Lots 1 and 3 will make grade as stated in Section 4.7.7 e.
- 19. The applicant must receive approval for driveways by the local Fire Marshal or Fire Chief as suitable access prior to final plat. [Section 4.7.7 (g.), FCSR]
- 20. The applicant must pave 700 feet of Kuzmic Lane starting from the intersection of Old Highway 2 heading eastward. [Section 4,718 (b) and Section 4.7.9 (b.), FCSR]
- 21. On the final plat no lots shall be divided by an access easement. [Section 4.7.7 (b.), FCSR]
- 22. All slash piles shall be removed before final plat approval [Section 4.7.27 (d.), FCSR]
- 23. A variance from Section 4.7.7 (c) must be granted for final plat approval.

**Commissioner Brenneman to DEQ 319 Grant Application meeting in Helena re: Bigfork Storm Water Project**

**9:15 a.m.      RSVP Board meeting @ Heritage Place**  
**11:00 a.m.      County Attorney meeting @ Co. Atty's Office**  
**12:00 p.m.      DUI Task Force meeting @ The Summit**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 17, 2008.

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**THURSDAY, JANUARY 17, 2008**

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

**1:30 p.m.      Commissioner Brenneman to LEPC Executive Committee meeting @ OES Office**  
**2:00 p.m.      Commissioner Brenneman to Health Board meeting @ Earl Bennett Bldg.**  
**7:30 p.m.      Fair Board meeting @ Fair Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 18, 2008.

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**FRIDAY, JANUARY 18, 2008**

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Hall, Commissioners Brenneman and Lauman, 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 January 21, 2008.

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