

**FLATHEAD COUNTY BOARD OF COMMISSIONERS ADDENDUM**  
**SUBDIVISION REPORT (#FPP-12-02)**  
**ROSEWATER PRELIMINARY PLAT**  
**APRIL 10, 2013**

The Flathead County Board of Commissioners reviewed this proposal and the recommendations of the Planning Board on March 25, 2013. Commissioners present included Pamela Holmquist, Gary Krueger, and Calvin Scott.

Staff summarized the subdivision staff report, reviewing the 34 draft findings of fact and 30 draft conditions specific to the subdivision request which were forwarded as a recommendation by the Planning Board from their February 13, 2013 public hearing on the proposed subdivision. Staff recognized supplemental information regarding the proposed lake and its potential impacts which had been provided by the applicant after the original staff report was written and at the Planning Board's February 13, 2013 public hearing. Staff also recognized information which had been submitted by members of the public to the Commission in regard to both the proposed Rosewater PUD and Rosewater Subdivision via emails and written comments following the Planning Board's February 13, 2013 public hearing. It was discussed that pursuant to Section 4.4.6 of the Flathead County Subdivision Regulations, new and additional information presented following the Planning Boards' public hearing may require the need for a subsequent public hearing if determined to be 'new information' by the Commission.

Following staff's presentation, the Commission then held broad discussion on the proposed subdivision and details related to the proposed lake, including concerns pertaining to potential leaking, the proposed contingency plan for response/repair to leaking, long-term monitoring and maintenance, the question of County liability and long-term financial responsibility for monitoring and maintenance of the lake, and potential noise impacts from the proposed waterskiing use of the lake. Further discussion addressed the concept of 'new information', and the Commission acknowledged having received valuable comments pertaining to the topics of discussion during the same day's previous Rosewater PUD public hearing and within emails and written comments received subsequent to the February 13, 2013 Planning Board public hearing on the Rosewater subdivision. The published minutes of this agenda item include a transcription of the specific verbatim discussion dialogue of the Commissioners.

**Commission Action**

1. After lengthy discussion Commissioner Krueger made an initial motion to approve FPP 12-02 with an additional condition with the condition regarding two monitoring wells changed to six and that it states in there clearly that we need to have a maintenance plan that clearly cares for the pond for the life of the pond. Subsequent discussion identified the motion hadn't followed accepted procedure which would first address Findings of Fact, and Chairman Holmquist noted the motion had not been seconded.
2. Commissioner Krueger made a motion to strike his previous motion. Commissioner Scott seconded the motion.  
✓ Motion passed unanimously 3-0
3. Commissioner Krueger made a motion to take a 30-minute recess. Chairman Holmquist seconded the motion.  
✓ Motion passed unanimously 3-0

### **Adoption of Findings of Fact:**

Commissioner Krueger motioned to adopt the Findings of Fact as recommended by the Planning Board and Chairman Holmquist seconded for discussion.

There was subsequent lengthy discussion stemming from consideration of Finding of Fact #27, particularly focused on potential for leaking of the lake liner and need for an adequate plan for long-term monitoring and maintenance of the lake. Discussion continued on topics ranging from noise impacts to concerns of the public who had presented comment and information related to potential impacts to the neighborhood attributable to the proposed subdivision and use of its proposed lake for waterskiing. The Commissioners discussed their views that comments and information pertaining to these topics and received after the February 13, 2013 Planning Board public hearing on the subdivision constituted 'new information' they felt was valuable and worthy of consideration in adopting findings and conclusions they would rely on to make a decision on the proposed subdivision. Detailed content of this discussion is contained in the published Commissioner's minutes of the March 25, 2013 agenda item.

The following subsidiary motions were made:

1. Commissioner Krueger motioned and Commissioner Scott seconded to table the motion and send it back to the Planning Board because of new information.  
✓ Motion passed unanimously 3-0

**The main motion to adopt findings of fact as recommended by the Planning Board has been 'tabled', or suspended. Pursuant to Section 4.4.6(b)(ii) of the Flathead County Subdivision Regulations (FCSR), the Commission has directed the Planning Board to schedule a subsequent public hearing for consideration of relevant new and credible information pertaining only to the specific matters of the proposed lake liner system and its potential for leaking, long-term maintenance and repair of the lake, and potential noise impacts associated with the proposed waterskiing use. Pursuant to Section 4.4.7 FCSR, the subsequent public hearing by the Planning Board is scheduled for May 8, 2013 and the Commission shall not consider any information regarding the major subdivision application that is presented after the subsequent hearing when making its decision to approve, conditionally approve, or deny the proposed major subdivision.**