

**MONDAY, MARCH 10, 2003**

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

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

Present at the March 10, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Fair Director Jay Scott, Assistant Avery, and Clerk Eggum.

General discussion was held relative to concerts for the fair; building; Meridian Road project; events on the grounds this month; summer booked up for events; still organizing spring event; civil action related to vandalism on fair property; no mud bogs this year; horse training income; track use.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: HABEL & DOCKSTADER ZONE CHANGE/HOLT ZONING DISTRICT**

Present at the March 10, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** authorize the publication of a Notice of Public Hearing and authorize the Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**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 Ray and Greg Habel and James Dockstader to change the zoning designation in a portion of the Holt 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 set forth on Exhibit "A".

The proposed change would not change the general 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. The minimum lot size would be reduced 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 County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500.

The public hearing will be held on the **25th day of March, 2003, at 9:00 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 Holt Zoning District.

DATED this 10th day of March, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

Paula Robinson, Clerk

By: /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

Publish on March 13 and March 20, 2003.

**EXHIBIT A**  
**Ray & Greg Habel and James Dockstader**  
**Zone Change/Holt Zoning District**  
**LEGAL DESCRIPTION**

**Location and Legal Description of Property:**

Parcels A and B on Certificate of Survey No. 14310, and Tract 2 of Certificate of Survey No. 11763, P.M.M., Flathead County, Montana

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ARMSTRONG & WALKER ZONE CHANGE/HIGHWAY 93 ZONING DISTRICT**

Present at the March 10, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to authorize the publication of the Notice of Public Hearing and authorize the Chairman to sign. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**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 Jason Armstrong, Betty Lou Armstrong and Jennifer Walker to change the zoning designation in a portion of the Holt 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 set forth on Exhibit "A".

The proposed change would not change the general 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. The minimum lot size would be reduced 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 County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500.

The public hearing will be held on the **24<sup>th</sup> day of March, 2003, 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 Highway 93 North Zoning District.

DATED this 10th day of March, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

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

By: /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

Publish on March 13 and March 20, 2003.

**EXHIBIT A**  
**JASON ARMSTRONG, BETTY LOU ARMSTRONG, & JENNIFER WALKER ZONE CHANGE/HIGHWAY 93**  
**NORTH ZONING DISTRICT**  
**LEGAL DESCRIPTION**

**Location and Legal Description of Property:**

Parcels A, B, and C on Certificate of Survey No. 14669, in Section 7, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana

**RESOLUTION FOR SIGNATURE: DIRECTING TREASURER TO ISSUE TAX DEEDS**

Present at the March 10, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to adopt Resolution No. 1609. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**RESOLUTION NO. 1609**

WHEREAS, Flathead County assessed taxes on the properties listed on Exhibit "A" attached hereto;

WHEREAS, taxes on the properties listed on Exhibit "A" have been delinquent from between 1992 and 1998;

WHEREAS, the Flathead County Clerk and Recorder gave notice to interested parties, pursuant to Section 15-18-212, M.C.A., that a tax deed to the properties could be taken if all delinquencies were not paid on or before November 29, 2002; and

WHEREAS, the taxes on the property listed on Exhibit "A" attached hereto have not been paid and remain delinquent.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby directs the County Treasurer to issue a tax deed to Flathead County for each of the properties listed on Exhibit "A" hereto.

Dated this 10<sup>th</sup> day of March, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

By: /s/Howard W. Gipe  
Howard W. Gipe, Member

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

ATTEST:

Paula Robinson, Clerk

By: /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

**Exhibit A**

0979037

Lots 434 and 435, Happy Valley Homesites Subdivision, in Section 25, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana, according to the map or plat thereof on file and of record in the Office of the Clerk and Recorder, Flathead County, Montana.

0979030

Lot 382, Happy Valley Homesites Subdivision, in Section 25, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana, according to the map or plat thereof on file and of record in the Office of the Clerk and Recorder, Flathead County, Montana.

0979027

Lots 364 and 365, Happy Valley Homesites Subdivision, in Section 25, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana, according to the map or plat thereof on file and of record in the Office of the Clerk and Recorder, Flathead County, Montana.

0979025

Lot 380, Happy Valley Homesites Subdivision, in Section 25, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana, according to the map or plat thereof on file and of record in the Office of the Clerk and Recorder, Flathead County, Montana.

0979036

Lot 432, Happy Valley Homesites Subdivision, in Section 25, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana, according to the map or plat thereof on file and of record in the Office of the Clerk and Recorder, Flathead County, Montana.

0979202

Lot 402, Happy Valley Homesites Subdivision, in Section 25, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana, according to the map or plat thereof on file and of record in the Office of the Clerk and Recorder, Flathead County, Montana.

0979024

Lot 433, Happy Valley Homesites Subdivision, in Section 25, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana, according to the map or plat thereof on file and of record in the Office of the Clerk and Recorder, Flathead County, Montana.

0979023

Lot 401, Happy Valley Homesites Subdivision, in Section 25, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana, according to the map or plat thereof on file and of record in the Office of the Clerk and Recorder, Flathead County, Montana.

0516950

Tract 3DD in HES 822, in Section 16, Township 30 North, Range 16 West, P.M.M., Flathead County, Montana.

Tract 3DD in HES, 822, in Section 17, Township 30 North, Range 16 West, P.M.M., Flathead County, Montana.

Tract 3DD in HES, 822, in Section 21, Township 30 North, Range 16 West, P.M.M., Flathead County, Montana.

0981200

Lot 1, Robbin Subdivision, Section 26, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana, according to the map or plat thereof on file and of record in the Office of the Clerk and Recorder, Flathead County, Montana.

0588148

Tract 5 in the NW  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , Section 18, Township 27 North, Range 22 West, P.M.M., Flathead County, Montana.

0498210

IMP 406 on Assembly of God land, Lot 6, Block 41, Section 6, Township 30 North, Range 19 West, P.M.M., Flathead County, Montana, according to the map or plat thereof on file and of record in the Office of the Clerk and Recorder, Flathead County, Montana.

0485425

IMP 262 on State land in Government Lot 8, Section 5, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana, according to the map or plat thereof on file and of record in the Office of the Clerk and Recorder, Flathead County, Montana.

0973459

A portion of Lot 65 of Eagle Bend Amd Sub Amd a Subdivision in Section 26, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana, according to the map or plat thereof on file and of record in the Office of the Clerk and Recorder, Flathead County, Montana.

0935645

IMP 297 on Forest land in Lot 3, Block B, Section 14, Township 29 North, Range 16 West, P.M.M., Flathead County, Montana, according to the map or plat thereof on file and of record in the Office of the Clerk and Recorder, Flathead County, Montana.

0980245

IMP 91 on Sliters land in Section 25, Township 27 North, Range 21 West, P.M.M., Flathead County, Montana, according to the map or plat thereof on file and of record in the Office of the Clerk and Recorder, Flathead County, Montana.

0572758

Tract 5E in Lot 12, Section 6, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana.

0982882

Lot 8 excepting lots 8A and 8B of Block 4, Ashley Subdivision, in Section 18, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana, according to the map or plat thereof on file and of record in the Office of the Clerk and Recorder, Flathead County, Montana.

0979029

Lot 381, Happy Valley Homesites Subdivision, in Section 25, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana, according to the map or plat thereof on file and of record in the Office of the Clerk and Recorder, Flathead County, Montana.

0981307

Tract 2DC in Lot 1, Section 1, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana.

0878255

IMP 564 on Leased land in Lot 10 in the SW $\frac{1}{4}$ , NW $\frac{1}{4}$ , of Section 16, Township 27 North, Range 23 West, P.M.M., Flathead County, Montana, according to the map or plat thereof on file and of record in the Office of the Clerk and Recorder, Flathead County, Montana.

0196570

Lot 10, Block 3 of Potters Add Martin City Subdivision, in Section 4, Township 30 North, Range 19 West, P.M.M., Flathead County, Montana according to the map or plat thereof on file and of record in the Office of the Clerk and Recorder, Flathead County, Montana.

0981530

Lot B in Hungry Horse City Amd Lots 6,7,8 Block 4 in Section 5, Township 30 North, Range 19 West, P.M.M., Flathead County, Montana, according to the map or plat thereof on file and of record in the Office of the Clerk and Recorder, Flathead County, Montana.

0982998

Tract 3J in the NE $\frac{1}{4}$ , SE $\frac{1}{4}$ , of Section 23, Township 27 North, Range 21 West, P.M.M., Flathead County, Montana.

0000520

IMP 1298 on Rogers Lake #30 in Section 30, Township 27 North, Range 23 West, P.M.M., Flathead County, Montana, according to the map or plat thereof on file and of record in the Office of the Clerk and Recorder, Flathead County, Montana.

0120645

IMP 53 on leased land, Lot B, Section 20, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana, according to the map or plat thereof on file and of record in the Office of the Clerk and Recorder, Flathead County, Montana.

0674170

Ziesmers Acres Subdivision, Lot 12 excepting the South 135' in Block 2, Section 33, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana, according to the map or plat thereof on file and of record in the Office of the Clerk and Recorder, Flathead County, Montana.

Present at the March 10, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Janet Cahill, Tawnia Harke, Judge Ortley, Assistant Avery, and Clerk Eggum.

Janet Cahill Director Facilitator, Family Violence Prevention Council advised that they were seeking a 12 month grant that would be utilized to monitor and follow up on offenders who have been sentenced. In the past the offenders have fallen through the cracks and it has gotten around through a little informal network that there is no monitoring of the offenders and their sentences. She noted that it was their intent six months through the grant to offer the same service to the cities. She believes the program can be self supporting based on the supervision fees by the offenders and the outstanding fines that are not being currently collected. There would be no impact on the current county budget. In the future the fines collection would pay for the expenses of the program. Cahill was requesting the County's support for the grant and to act as the flow through agency for the grant monies. The county would then contract with the Family Violence Prevention Council to run the program. Avery stated he had not had an opportunity to review the grant proposal. Cahill noted that Ed Corrigan had reviewed the same. Ortley advised that this is a program that is long overdue. His experience has reflected that crimes of domestic violence necessarily in this valley involve money matters. Cahill questioned the details of how the grant money would be distributed and the collection of fines recorded. Avery advised he would check into such administration and advise them of the procedure.

Commissioner Hall made a **motion** to approve the Grant and authorize the Chairman to sign. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**10:00 – 11:00 The Commissioners are to attend a meeting with Alan Marble of OES re: Disaster Plans**

**PRELIMINARY PLAT: CONRAD FARMS, PHASE 2**

Present at the March 10, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Melinda Riley, Planner Johna Morrison, Tom Sands of Sands Surveying, Assistant Avery, and Clerk Eggum.

Riley reported that this was an application by Kenneth Conrad for preliminary plat approval of Conrad Farms Phase 2 Subdivision. Applicant proposes to create eight residential lots served by individual on-site wells and septic systems on approximately 81.436 acres. The property is located two miles north of Somers just northeast of the intersection of Lower Valley Road and Manning Road. The project is in general compliance with the adopted subdivision and planning documents for the Flathead County area. The staff is recommending approval of this preliminary plat subject to 11 conditions.

Commissioner Hall made a **motion** to adopt Staff Report #FPP-02-23 as findings of fact. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

Commissioner Gipe made a **motion** to approve Preliminary Plat of Conrad Farms, Phase 2 subject to 11 conditions. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

**MEETING W/ROGER NOBLE/LAND AND WATER CONSULTING RE: HOMESTEAD HOUSE**

Present at the March 10, 2003 11:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Roger Noble, Planning and Zoning Director Forrest Sanderson, Assistant Avery, and Clerk Eggum.

General discussion was held relative to the possible solution and future use of the Homestead House.

**11:30 Commissioner Hall is to attend a meeting with Sharon Bryars re: Sullivan Cross Road**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 11, 2003.

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**TUESDAY, MARCH 11, 2003**

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

**8:00 A.M. Commissioner Hall is to attend the Biomass Generation Opportunities Workshop at the Outlaw Inn (till 3)**

**FINAL PLAT: JENSEN ACRES V**

Present at the March 11, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planner Lindsay Morgan, Rick Breckenridge and Peggy Mathiason of Montana Mapping Associates, Assistant Avery, and Clerk Eggum.

Morgan reviewed the Staff Report for Jensen Acres V Subdivision which will create a three lot minor subdivision along Jensen Road located approximately two miles (2) miles southeast of Columbia Falls. The subject property is 4.79 acres in size and is located in the Scenic Corridor. Preliminary plat was waived on August 13, 2002 subject to six conditions. All conditions have been met or otherwise addressed by the applicant, RCT Enterprises. Staff recommends approval of Final Plat of Jensen Acres V Subdivision.

Commissioner Gipe made a **motion** to adopt staff report FWP-03-08 as Findings of Fact. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

Commissioner Gipe made a **motion** to approve Final Plat for Jensen Acres V Subdivision. Chairman Watne seconded the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

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

Present at the March 11, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, Laurie Rebeck, Juvenile Detention, Assistant Avery, and Clerk Eggum.

General discussion was held relative to youth court moving back to the county; whose jurisdiction to detain; compliance audit; drafting policies and procedures; population; procedure to hold a juvenile.

**CONSIDERATION OF MAJOR LAKESHORE VARIANCE: SULLIVAN**

Present at the March 11, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planner Tim Beck, Assistant Avery, and Clerk Eggum.

Beck reviewed the application filed by Terry Sullivan for Abbot Lake. As part of mitigation for a violation the applicant is requesting a major lakeshore variance for temporary fill that has already been placed in the Lakeshore Protection Zone of Abbot Lake to provide access for logging purposes. Applicant intends to remove the fill completely after February 2003 and will then restore the site back to its original state. General discussion was held.

Commissioner Gipe made a **motion** to approve the variance. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

Commissioner Gipe made a **motion** to approve Lakeshore Construction Permit FLV-02-10 and authorize the Chairman to sign subject to 15 conditions. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

**COS REVIEW: FERRULLO**

Present at the March 11, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, Tom Sands of Sands Surveying, Planning and Zoning Director Forrest Sanderson, Assistant Avery, and Clerk Eggum.

Sanderson reviewed the chain of title.

Commissioner Gipe made a **motion** to approve the COS as presented. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

**BOARD APPOINTMENTS: ROGERS LAKE LAND USE ADVISORY COMMITTEE AND WEST VALLEY LAND USE ADVISORY COMMITTEE**

Present at the March 11, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Gipe, and Clerk Eggum.

Commissioner Gipe made a **motion** to approve the appointment of David A. Walsh to the Rogers Lake Land Use Advisory Board. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

Commissioner Gipe made a **motion** to approve the appointment of Thomas W. Clark to the West Valley Land Use Advisory Board. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: EVERGREEN PINES PUD**

Present at the March 11, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Gipe, and Clerk Eggum.

Commissioner Gipe made a **motion** to authorize the publication of the Notice of Public Hearing and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

**NOTICE OF PUBLIC HEARING**

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 3.31.020.4 of the Flathead County Zoning Regulations, that it will hold a public hearing to consider a request by Scott and Barbara Vlasak to approve a Planned Unit Development (PUD) in the Evergreen and Vicinity Zoning District on property zoned R-2.

The area proposed to be overlaid with a PUD is described as Assessor's Tract 38BD, in Section 34, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

The proposal would allow for the development of six residential lots on 2.1 acres, an increase in density from the four lots which would be allowed in R-2 residential zones, and reduced back and corner setbacks.

The regulations defining the PUD and the Re-zoning classification are contained in the Flathead County Zoning Regulations on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500.

The public hearing will be held on the **26th day of March, 2003, 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 PUD overlay in the Evergreen and Vicinity Zoning District.

DATED this 11<sup>th</sup> day of March, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

By: /s/Robert W. Watne  
Vickie M. Eggum, Deputy

Publish on March 15 and March 22, 2003.

**MEETING WITH GARY WINSHIP/N.W. MONTANA HUMAN RESOURCES RE: CDBG WILDFIRE GRANT**

Present at the March 11, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, Gary Winship, Assistant Avery, and Clerk Eggum.

Winship, Director of the Northwest Business Center which is a department within the Northwest Montana Human Resources advised he was applying for a \$750,000.00 USDA IRP (Intermediary Relending Program) loan. It is a jobs creation program allowing for \$20,000.00 per job and \$150,000.00 maximum per applicant. Winship was requesting the Wildfire RLF be utilized as the required matching money of 15%. The Commissioners agreed that would be an acceptable avenue.

**TAX REFUND REQUEST: PETERSON**

Present at the March 11, 2003 11:15 A.M. Meeting were Chairman Watne, Commissioner Gipe, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a letter from Treasurer Patty Arnold advising that the Evergreen Sewer Audit by Denning and Downey identified Peterson was incorrectly assessed for 1996, 1997 and 1999. A refund was required for 1996 and 1997 and the 1999 amount was deducted from the 2002 tax bill.

Commissioner Gipe made a **motion** to approve a refund for Peterson in the amount of \$144.38. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

**DOCUMENT FOR SIGNATURE: UNION CONTRACT/EAGLE TRANSIT**

Present at the March 11, 2003 11:15 A.M. Meeting were Chairman Watne, Commissioner Gipe, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to approve the Collective Bargaining Agreement between Flathead County, Montana and Teamsters Local Union No. 2. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

**FINAL PLAT: MCGREGOR LAKE HIGHLANDS, PHASE 2**

Present at the March 11, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planner Johna Morrison, Jane Eby of Eby and Associates, and Clerk Eggum.

Morrison reviewed the Staff Report for McGregor Lake Highlands, Phase 2 which will create seven single family residential lots. The subdivision is located in the McGregor Lake area approximately 30 road miles west of Kalispell. Preliminary plat approval was granted on April 9, 2001 subject to 28 conditions. All conditions have been met or otherwise addressed by the applicant, McGregor Lake LLC. Staff recommends approval of Final Plat of McGregor Lake Highlands, Phase 2.

Commissioner Gipe made a **motion** to approve the Subdivision Improvement Agreement in the amount of \$499,000.00 for road improvements, utility installation and landscaping and authorize the Chairman to sign. Chairman Watne seconded the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

Commissioner Gipe made a **motion** to approve Final Plat for McGregor Lake Highlands, Phase 2. Chairman Watne seconded the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

**CONSIDERATION OF REQUEST FOR VACATION TIME EXTENSION: C. JOHNSON**

Present at the March 11, 2003 11:45 A.M. Meeting were Chairman Watne, Commissioner Gipe, and Clerk Eggum.

Chairman Watne reviewed a letter from Road and Bridge Superintendent requesting permission to use the balance of his must leave of nine days and 7½ hours beyond the March 31 deadline.

Commissioner Gipe made a **motion** to approve the extension request for must leave vacation of nine days and 7 1/2 hours. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

**CONSIDERATION OF PERSONNEL COMMITTEE TRANSMITTAL FORM: MAINTENANCE WORKER I/ROAD DEPT.**

Present at the March 11, 2003 11:45 A.M. Meeting were Chairman Watne, Commissioner Gipe, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed the Personnel Committee Transmittal Form for reclassification of an existing position on behalf of the Road and Bride/Maintenance Worker I/Range 8.

Commissioner Gipe made a **motion** to approve the Personnel Committee Transmittal Form and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 12, 2003.

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**WEDNESDAY, MARCH 12, 2003**

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

**BOARD APPOINTMENTS: HEALTH DEPARTMENT**

Present at the March 12, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, Joe Russell and Clerk Eisenzimer.

Commissioner Hall made a **motion** to approve the appointment of Connie Stein to the Board of Health. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** to approve the appointment of Art Thompson to the Board of Health. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**CONSIDERATION OF POSITION REPLACEMENT REQUEST: BUILDING MAINTENANCE WEED WORKER II/WEED AND PARKS DEPT.**

Present at the March 12, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eisenzimer.

Chairman Watne reviewed a letter from Weed, Parks and Maintenance Superintendent Jed Fisher advising that there were two openings due to two resignations.

Commissioner Hall made a **motion** to approve the opening of two Building Maintenance Weed Worker II positions on behalf of the Weed, Parks and Maintenance Department. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**CONSIDERATION OF PRINTING BIDS: COMMISSIONERS OFFICE**

Present at the March 12, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eisenzimer.

Commissioner Gipe made a **motion** to award the bid to the Kalispell Copy Center for 1,000 business cards in the amount of \$24.99 on behalf of the Commissioners Office. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**PRELIMINARY PLAT: HARBIN SUBDIVISION**

Present at the March 12, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Melinda Riley, Robert W. Stauffer of Schwarz Architecture and Engineering, Inc., Tara Harbin, Assistant Avery, and Clerk Eisenzimer.

Riley reported that this was an application by Swan River Trading Company for preliminary plat approval of Harbin Subdivision. Applicant proposes to create a four lot commercial subdivision. The property is located in Bigfork, just south of the bridge off of Highway 35 and contains 1.92 acres. The project is in general compliance with the Flathead County Subdivision Regulations. Applicant is requesting a variance to Table 3 in Section 3.9 regarding the width of the right-of-way reducing to 40 feet from the required 60 feet. The staff is recommending approval of this preliminary plat subject to 14 conditions.

Stauffer requested that the word "underground" be removed from condition 10 as there is already overhead power to two buildings on the property. Discussion was held.

Commissioner Hall made a **motion** to adopt Staff Report #FSR-03-10 as findings of fact. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Gipe and Hall. Motion carried unanimously.

Commissioner Gipe made a **motion** to amend condition number 10 to read "All new" electrical . . . Commissioner Hall **seconded** the motion. **Aye** - Watne, Gipe and Hall. Motion carried unanimously.

Commissioner Gipe made a **motion** to approve the variance to Table 3 in Section 3.9. Commissioner Hall **seconded** the motion. **Aye** - Watne, Gipe and Hall. Motion carried unanimously.

Commissioner Gipe made a **motion** to approve Preliminary Plat of Harbin Subdivision subject to 14 conditions as amended. Commissioner Hall **seconded** the motion. **Aye** - Watne, Gipe and Hall. Motion carried unanimously.

**CONSIDERATION OF REQUEST FOR POSITION REPLACEMENT: DEPUTY COUNTY ATTORNEY**

Present at the March 12, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to approve the opening of an attorney position on behalf of the County Attorney's Office. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**CONSIDERATION OF SURPLUS PROPERTY: RED BRIDGE GRAVEL PIT, TRACT 11L PARKDALE SUBDIVISION TRACT 1 ON BALD ROCK ROAD**

Present at the March 12, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eisenzimer.

Commissioner Gipe made a **motion** to declare Red Bridge Gravel Pit, Tract 11L Parkdale Subdivision and Tract 1 on Bald Rock Road as surplus property. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**PRELIMINARY PLAT: OUTPOST SUBDIVISION**

Present at the March 12, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Mark Crowley, Tom Sands of Sands Surveying, Assistant Avery, and Clerk Eisenzimer.

Crowley reported that this was an application by Winter Sports, Inc. and Hines Resorts for preliminary plat approval of Outpost Subdivision. Applicant proposes to create 18 residential lots on approximately 21.5 acres within the Big Mountain Zoning District to be served by the Big Mountain Water Company and the Big Mountain Sewer District. The proposed subdivision is located in the Big Mountain Village, approximately five miles north of Whitefish. The staff is recommending approval of this preliminary plat subject to 20 conditions. Two variances are requested. Table 3, Section 3.9, Loop and Cul-de-sac Street Standards is to allow for a total of 2,000 feet in length. Section 3.6(G), Lot Standards, there are three or four lots that are deeper than the regulations allowed for.



Commissioner Hall made a **motion** to adopt Staff Report #FPP-03-01 as findings of fact. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

Commissioner Gipe made a **motion** to approve the variances as requested. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

Commissioner Hall made a **motion** to approve Preliminary Plat of Outpost Subdivision subject to 20 conditions. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

#### **FINAL PLAT: HAILEY'S RUN**

Present at the March 12, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Mark Crowley, John Parsons, Wayne Womack, Janet Womack, Steve Hughes, Tom Sands of Sands Surveying, Assistant Avery, and Clerk Eisenzimer.

Crowley reviewed the Staff Report for Hailey's Run Subdivision. The subdivision is located on Big Mountain. Preliminary plat approval was granted on June 3, 2002 subject to eight conditions. All conditions have been met or otherwise addressed by the applicant. Condition 8 was a condition added at the Preliminary Plat meeting as the Planning and Zoning office and the Commissioners became aware of the existing skier easements that have been historically used. The condition states: A 12 foot pedestrian skier easement shall be drawn up by the applicant and recorded with the plat at a later date when building plans are completed. That condition as it is worded it is fairly vague. A 12' ski area is a pretty narrow corridor for a skier to cross. Also if they are crossing parking lots, side walks, curbs as they could be that certainly affects the ability to ski across an area. The easement is on the face of the plat however it says it could be relocated. It appears to be in compliance with the preliminary plat.

At Commissioner Gipe's request, Crowley described the easement referring to the plat map.

Sands advised that there is no record easement across the property. It is by use only that people have been skiing down through the two pieces of property. Sands noted that there would probably be some points where skiers would have to walk.

Parsons stated that the plan is conceptual at this point. Final plat has nothing to do with building locations. We took the position the condition didn't require recording the easement at this time because we don't know exactly where the buildings are going to be laid out. We don't know exactly where the easement will be placed.

Commissioner Gipe asked for clarification on the map. An adjoining property owner referred to the existing ski trails. These are current ski easements. The conditions of the Northern Lights Subdivision state that we would maintain the traditional ski access to this subdivision. This is skier access. These are the actual measurements as surveyed. This is our road access that takes us to the National Forest. This exists. We ski to here. We developed these lands all along here to have ski access. This run was put in by Buck Love and my father-in-law in 1983. The land was cleared and these access runs were made to handle all of this subdivision. We have been skiing on this access for 20 plus years. We put it in. These are the measurements of what is here. We are going to file an easement. Sands cautioned that an easement could not be filed on somebody else's property. The property owner felt a prescriptive easement was allowed by Montana state law. We will file the prescriptive easement to handle this if we have to. We would just as soon sit down, settle it so that these things are protected and just go into the future. We are not looking for a fight. This is reality. That is what exists. A third of the people who stay on Big Mountain stay in this subdivision. A third of the traffic skis home every night down to Kandahar, Sans Souci, Kristianna, Anapurna, and all of the rest of the houses.

Commissioner Hall asked for specific concerns relative to the proposal. A property owner responded that the proposal is to put a building across where our skier access is, to extend it into the run. A 12' wide slope is going to come down at a 22° slope. This run comes down to 25°. These building sites are at 25°. We are just trying to maintain what has been a traditional ski access. Sands advised that when he records the final plat it will reflect an approximate location for a ski easement. The property owner questioned whether it was skier access or a pedestrian easement. Sands responded that it would be for both skiers and pedestrians. Access is the main thing. You have to be able to access across the property. The property owner advised that they have skied there for 20 years and they want to continue to ski through that property.

A property owner advised he lives at Sans Souci. There is not going to be enough room to ski down Hailey's Run and his property drops off toward Hibernation House. There is no way a grandchild five years old that can ski home that is going to be able to ski down around those four units. We have skied to our back door since 1987. That is why we bought the unit. That is what we want to do. We have been assured in the past that access would not be a problem. It would be maintained that way. Mike Connors has assured another property owner numerous times that they are going to move this building back 40'; change the parking lot so that the lights won't shine into our bedrooms and provide for a better esthetic view and whatever. If the final plat is approved we have no recourse. He requested the Commissioners to table the final plat until a discussion can be had with the parties involved and all the affected property owners. He reiterated that it has been that way since before 1987.

A property owner stated that his father-in-law developed this building (referring to the map) in 1979. My father-in-law built this building in 1983. We paid to have Hailey's Run put in. This squiggly line is the actual tree line. This is the ski path. Right now I can guarantee you at this moment there is somebody skiing there. We have had ski access property. That is what has been. It is not just us. It is all the people in these properties. We've maintained the ski access. We put it in. We did it with the mountain. We've maintained it commonly for 20 plus years.

It was requested that the final plat show the location of the buildings and the easement. Parsons advised that right now they are creating the lots so that they can proceed with the site design. Mr. Baker and Mr. Collins have been in contact with each other and there is a plan to shift the building up hill to move the parking lot basically up hill further. The conditions have been met. Parsons reminded the Commissioners that they were there to talk about the conditions of approval and whether they have been met. Parsons noted the easement was on the plat. It doesn't have to be on there but we put it on there. Commissioner Hall responded that there was some concern that would still exist after the final design of the property was completed. Chairman Watne noted concern that the easement as it exists can be put anywhere. Parsons responded that it has to be reasonably skiable. Crowley questioned what reasonably skiable meant. Parsons advised that skis would have to be removed at some point. An adjacent property owner noted where

skis were removed for the last 20 years. Parsons noted that that was not part of the official Big Mountain ski trail system. A property owner replied that actually it is one of the oldest roads on the mountain. We have maps showing the road from 1980. We have Forest Service maps showing this road as it connects to the National Forest. It has been groomed. It has been maintained commonly. It was groomed this morning. Parsons believes that was done out of courtesy. The resident replied that the courtesy was to handle 30% of the clients who are on the mountain. Those 30% of clients who are lodged on the mountain is a lot of their revenue. It was for a common good. We shared in the expense. Winter Sports didn't share in the expense. We shared in the expense to put the run in. We share in the expense to maintain the run.

Chairman Watne sought information relative to the agreement. The resident referred to a map and replied it was between Buck Love and Norm Kurtz. It was supervised by Spence when he was there. Spence made sure that they did it correctly. It has been maintained as an open glade. The road that we are talking about here has been a 40' wide road forever. It goes down to about 20' in width when you get across here. When you get out to here, this actually Ys goes down to their corporate yards, turns and goes up hill. It used to be utilized to service their water. Now they have to cut a new trail in because they cut themselves off. It has been our access to the National Forest forever. It has been on every map up there forever.

Commissioner Hall questioned whether there was any way to mitigate what they were talking about or whether they were out of room. Sands advised that from his point of view whoever is designing that building hasn't shown him where that easement is going to go to where Sands could put it on the plat. That to date hasn't happened and it wasn't completed prior to the preliminary plat being done when the preliminary plat was approved by the County Commissioners several months ago.

Sands advised that from a records standpoint, there is no easement of record on the property. That is what we have to go by. There is not a recorded easement across that property for skier use. There might be in the future. A property owner advised that there was going to be a prescriptive easement filed. He stated that all they were looking for is a way to make it work within the existing structure of runs and access. The concept that somehow putting a building between me and my skier access when for 20 years we have advertised the building is a ski to the door facility doesn't work. Where do we take our skis off? If this easement that might be here or might be there and a 12' wide trail at 25° requires a skilled skier to be able to navigate. He requested that rather than continue to argue if they are willing to make concessions for the access and move the building back and take care of the parking lot, it would be best to have an agreement in writing.

Chairman Watne noted that there was two and one-half years to file final plat and perhaps it could be done after the final plans had been prepared. Parsons questioned whether the Commissioners were setting a precedent that they want to see what is going to be developed on every lot or was Big Mountain being treated differently than everybody else. Were the Commissioners now going to start requiring site design at final plat review? Commissioner Hall responded that there was a situation that needed to be looked at closely. Parsons countered that the situation was looked at during Preliminary Plat and that was why the condition was included.

Commissioner Watne suggested that if all the key individuals were going to be in town next week that the matter would be best continued to when they could get all the necessary information.

Commissioner Gipe made a **motion** to continue the Final Plat for Hailey's Run Subdivision. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

Commissioner Hall encourage all parties to work together to resolve the issues.

A property owner expressed concern as to the minor subdivision process and the lack of notice to adjacent property owners realizing it is a fault in the way the law reads.

**10:30 A.M. District Court On-Site Visit re: Jury Room**

**11:00 A.M. County Attorney Meeting at County Attorney's Office**

**1:30 P.M. Building Committee Meeting at Commissioners Meeting Room**

**3:00 P.M. Commissioner Hall is to attend the Legislative Meeting at the Commissioners Meeting Room**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 13, 2003.

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## **THURSDAY, MARCH 13, 2003**

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

### **MONTHLY MEETING W/FORREST SANDERSON, PLANNING AND ZONING OFFICE**

Present at the March 13, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planning and Zoning Director Forrest Sanderson, Assistant Avery, and Clerk Eggum.

General discussion was held relative to House Bill 511; Spruce Park levy DNRC requirement to take out; Smart Growth in Flathead Valley; Whitefish Growth Policy; owners of Midway Motors request not to be in Whitefish jurisdiction; Planning Board officials going to Helena to speak in support of HB326; Russell Olsen voted to be removed from Planning Board; status report for fees; growth policy.

### **PRELIMINARY PLAT: EAGLE RIDGE ESTATES SUBDIVISION**

Present at the March 13, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planner Johna Morrison, Jay Billmeyer, Bill Tulenchik, Roger Aspengren, Jim Etzler, RaNona Aspengren, Bev Etsler, Ken Stein, Chuck Olson, Shannon Sturcher, Road and Bridge Superintendent Charlie Johnson, Assistant Avery, and Clerk Eggum.

Morrison reported that this was an application by Montana West Ventures for preliminary plat approval of Eagle Ridge Subdivision. Applicant proposes to create 49 residential lots on approximately 66.75 acres. The lots will be served by multiple-user wells and individual on-site septic systems. The property is located approximately one and one-half miles west of Kalispell in the Lower Side area and is bordered on the north by Whalebone Drive and on the south by Buckboard Drive. The Flathead County Planning Board is recommending approval of this preliminary plat subject to 11 conditions.

#### **Commissioner Hall was seated**

Commissioner Gipe made a **motion** to adopt Staff Report #FPP-02-24 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

Johnson advised that he had requested that right and left turn lanes be put on Whalebone. Etzler advised that there was not that much traffic on Whalebone and the subdivision is designed to connect into Buckboard as well to balance the traffic load.

Etzler noted that Morrison referenced 14 conditions but they were only aware of 11. Morrison stated three conditions were omitted.

Commissioner Hall made a **motion** to add the following three conditions:

(12) Phasing shall be allowed as proposed with the necessary improvements being installed as required to allow the subdivision to function effectively which would include streets, utilities, drainage, improvements, landscaping and park land. All development shall also be in compliance with the phasing plan submitted for preliminary approval.

(13) Provide a geotechnical assessment addressing any building sites with slopes of 30% or greater in compliance with the Design Standards of Section 3.6F of Flathead County Subdivision Regulations.

(14) Preliminary Plat approval is valid for three (3) years.

Commissioner Gipe made a **motion** to approve Preliminary Plat of Eagle Ridge Subdivision subject to 14 conditions as amended. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

#### **PRELIMINARY PLAT: LUPFER ROAD MEADOWS SUBDIVISION**

Present at the March 13, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Mark Crowley, Troy K. Rice, Marc Liechti, Bruce Boody, Shannon Sturcher, Gail M. Dolan, Assistant Avery, and Clerk Eggum.

Crowley reported that this was an application by Lorne William Wildeman for preliminary plat approval of Lupfer Road Meadows Subdivision. Applicant proposes to create a five lot single-family residential subdivision. The property is located on Lupfer Road approximately six miles north of Whitefish and contains 20 acres. The project is in general compliance with the Flathead County

Subdivision Regulations. There are some tributaries running through the property in addition to some wetland issues. The staff is recommending approval of this preliminary plat subject to eight conditions.

Liechti advised that the northern end of the drainage easement is high and dry. Test holes dug on the site revealed two sites found in the high area that no issue with high ground water exists. Lot 3 is clearly in the dry area of the lot. If necessary a letter or permit from the Corp of Engineers could be obtained. The developer will be required to get the appropriate approval from the Health Department.

Crowley stated that his concern was that each of the lots encompass some of this drainage easement, wet land area. Flooding problems with Lupfer Road in recent years has been noted.

Commissioner Hall expressed concern with how to mitigate the fire issue of only one way in and one way out. Crowley agreed that was a concern. Lupfer is a county road. The cul-de-sac standards only address the length of the cul-de-sacs off of Lupfer Road. Lupfer Road is primitive and further it is isolated from Highway 93 by the railroad tracks. Johnson advised that they are going to do some road widening as part of the new signal installed by the railroad. The subdivision is east about two miles from the railroad tracks. Crowley relayed that the Office of Emergency Services commented on another subdivision located near those tracks that several fires had been started in that area in relation to the railroad. However, that particular subdivision was between the tracks and Highway 93 so they weren't isolated by the railroad.

Boody advised that he lives on Lupfer Road and his property abuts the southwest corner of the proposed subdivision. Boody does not believe this subdivision is in compliance with the County Master Plan referring to several sections of concern. It will not preserve esthetic or natural settings. It is in big game winter range. The area is not conducive to septic. At this density it is a significant issue with the high spring ground water which actually lasts into July. Seasonal flooding, tight clay soils, saturated soils and bedrock all on that site cause concern for a septic. If a fire were started in conjunction with the railroad, the prevailing winds in the summer are out of the west and there is no access other than to the west. The property is isolated on that road by the railroad tracks. Putting more density into that area is a mistake. It will not preserve the natural drainage ways. The grizzly bear is a listed species. The best way to get it delisted is to preserve the habitat and this is spring grizzly habitat. I have lived there for 22 years. The bears are in there every spring. Adding this kind of density is going to be a conflict. Boody asked the Commissioners to consider his concerns and deny the subdivision.

Dolan advised that she currently lives on four acres and adjoins the property to the west. She presented a letter for inclusion in the record. She also presented a letter from Jason C. Lee and Lisa Schreier Lee for inclusion in the record.

Dolan continued that one of the biggest concerns is the number of lots proposed for this subdivision. She noted the ground that she lives on is higher than the ground for the proposed subdivision and whenever they do any excavating, digging stumps or the like they immediately hit water.

Rice advised that he has seen fires started from hot boxes, hot axels on the railroad tracks. There is only one way out of the area. There are quite a few grizzly bears in that area. They do come through the meadows. We have seen them on our property as well as other property out there. The proposal of five lots seems ludicrous for that property. It is March now and we are just at the beginning of run off season here. Rice suggested the Commissioners view the property noting that waiting for a couple weeks will reveal water flowing over the roads. There have been years when we have had 15 or 20 acre skating rinks. There is a lot of water out there. It is just peat and peat does not perk. There are a lot of issues concerning septic. We have seen 30 or 40 head of elk in the meadows. In the winters, we have seen lots of wildlife out there that is endangered. There are 10 owners out there on 160 acres of individual land. What is proposed here today is a 50% increase in density.

Liechti responded they are not proposing to put any buildings, drainage or septic sites in the wetlands. All septic sites would be in the upper areas or the dry areas. According to the state and county rules, these are acceptable septic sites. One of the other lots is the same elevation as the test whole that was dug. There is a house exactly north with a septic site and a well at the end of the meadow. Those lots just north are about four or five acres in size. The smallest lot here is 2.41 acres. It is obviously because the county road is there otherwise that lot would have probably been larger or would not have been there. The other lots are fairly well in conformance. Liechti did not disagree with Lupfer Road having flooded in the past. He also agreed it would be adding to the community but he did not anticipate it to be a high traffic area. The current owner is very much concerned about the meadow area and leaving it open. That is the purpose of proposing a drainage easement. You can assign an easement to each lot owner so that nobody can go in and fill it and/or block it off and/or cause any problems with anybody up stream or down stream from where this is going. Liechti referred to a map and noted the drainage right now follows generally this side of the meadow. It turns down here and exits to the east and also turns again and eventually goes down to Whitefish Lake at the very edge.

Rice advised that there was an unnamed tributary that crosses his driveway. It is a seasonal creek.

Boody referred to a map he had sent to the Commissioners noting that he hand sketched the surrounding drainages. He estimated that somewhere between eight or 900 acres of surface area drains directly onto this proposed subdivision.

Dolan stated that from her house she looks down on the meadow and all spring it appears as if there is a lake down there.

Boody reiterated that this was the fourth year of a drought cycle and proposing a subdivision in an area like that during a cycle like this is unadvisable.

Commissioner Gipe made a **motion** to continue the matter until a later date. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

**10:00 A.M. On-Site Viewing of Bierney Creek and Grayling Roads w/Charlie Johnson, et al.**

**2:00 P.M. Commissioner Hall is to attend the AOA Board Meeting at Kalispell Senior Center**

**3:30 P.M. Commissioner Hall is to attend the Whitefish Growth Policy meeting at Earl Bennett Building**

**7:30 P.M. Fair board Meeting at Fair Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 14, 2003.

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## **FRIDAY, MARCH 14, 2003**

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

**Chairman Watne and Commissioners Gipe and Hall are to attend the Urban Counties Meeting at MACo in Helena.**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 17, 2003.

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