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## MONDAY, DECEMBER 22, 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.**

Janet Thon, 40 West View Drive commented that she felt Plum Creek has done a good job in working with the public on Haskell's Pass and actually went beyond in re-scheduling and working individually with several groups.

Hank Galpin, 1885 Stillwater Road a representative on the Airport Authority Board stated he would like to be re-appointed to the board today. He then explained that he understands the air side of operations and is currently the only active pilot on the board.

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

### **DOCUMENT FOR SIGNATURE: DEQ 319 FINAL/ BIGFORK STORMWATER PROJECT**

[9:34:18 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 explained the rough draft has been approved and this is the final document asking for \$150,000 for the Stormwater Restoration Plan.

Commissioner Lauman made a **motion** to approve the DEQ 319 Stormwater project document. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

### **BOARD APPOINTMENTS: MISCELLANEOUS**

[9:47:02 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Cindy Martin, Clerk Kile

Commissioner Brenneman made a **motion** to re-appoint Myni Ferguson and Tom Marino to the Animal Advisory Committee. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Lauman made a **motion** to appoint Judith Ross to the AOA Advisory Council. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to re-appoint Hank Galpin and Jim Trout to the Airport Authority Board. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Lauman made a **motion** to appoint Margaret Mendricks to the Bigfork Stormwater Advisory Committee. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to re-appoint Donald Peters to the Blacktail TV District. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Lauman made a **motion** to re-appoint Bob Herman to the Columbia Falls Cemetery Board. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to re-appoint Susan Nicosia to the Compensation Board. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to re-appoint Mike Schlegel to the County Road Advisory Committee as a member at large. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Lauman made a **motion** to re-appoint Paul Atkinson and Ted Dykstra to the Fair Board. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to re-appoint Jackie Fisher to the Fairview Cemetery Board. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to re-appoint Zack Bradley to the Fire Service Area Advisory Board as an active firefighter. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Lauman made a **motion** to appoint Bill Goodman to the Mosquito Board. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

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**(Continued)**

Commissioner Lauman made a **motion** to re-appoint Turner Askew to the 5 year term on the Port Authority Board, Lyle Mitchell to the one year term and Gary Hall to the two year term. Commissioner Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. **Abstained** – Hall. Motion carried by quorum.

Commissioner Lauman made a **motion** to appoint Richard T. Williams and Verlyn Krumland to the RSVP Advisory Board. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to re-appoint John Helton and Alan Ruby to the Flathead County Solid Waste District as members at large. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Lauman made a **motion** to re-appoint Jim Watson and Clyde Fisher to the Flathead County Weed & Parks Board. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

**CONSIDERATION OF NEW SIA AND RELEASE OF OLD COLLATERAL: BUFFALO MOUNTAIN**

[10:12:32 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Planning & Zoning Director Jeff Harris, Clerk Kile

Commissioner Brenneman made a **motion** to release the old collateral and to accept a new SIA in the amount of \$325,130.78 and authorized the chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

**AUTHORIZE APPOINTMENT OF STATE ATTORNEY GENERAL TO ACT AS SPECIAL COUNSEL IN STATE V. CURRY**

[10:17:56 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, County Attorney Ed Corrigan, Office Administrator Vicki Eggum, Clerk Kile

Corrigan explained the Attorney General has offered to process this case at no charge to the county. He then noted in this case there is no conflict, yet they have more experience in prosecuting Fish & Game cases.

Commissioner Lauman made a **motion** to appoint the State Attorney General to act as special counsel in State v. Curry and to approve the Resolution presented. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: CREATION OF WHITEFISH AREA ZONING DISTRICT**

[10:20:54 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Planning & Zoning Director Jeff Harris, Deputy County Attorney Jonathan Smith, Clerk Kile

Commissioner Lauman made a **motion** to authorize the publication of the Notice of Public Hearing and authorized the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. 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 the creation of the "Whitefish Area Zoning District."

The boundaries of the proposed district are set forth on Exhibit A; the areas to be zoned in the various zoning classifications are shown on Exhibit B.

The proposal is to zone portions of the property in the following zoning classifications: R-1 (Suburban Residential), R-2 (One Family Limited Residential), R-2.5 (Rural Residential), B-2 (General Business), BR-4 (Resort Business), SAG-10 (Suburban Agricultural), and I-2 (Heavy Industrial) as defined by the Flathead County Comprehensive Zoning Regulations.

The general character of the R-1 (Suburban Residential) classification is residential – a district to provide estate type development normally located in rural areas away from concentrated urban development, or in areas where it is desirable to permit only low density development, e.g., extreme topography, areas adjacent to flood plains, airport runway alignment extension, etc.

The general character of the R-2 (One Family Limited Residential) classification is residential – a district to provide for large tract development in suburban areas, beyond sanitary sewer and/or water lines.

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**(Continued)**

The general character of the R-2.5 (Rural Residential) classification is residential – a district intended for rural, primarily residential areas where larger, estate-type lot sizes are appropriate and agricultural/silvicultural/horticultural operations are a decreasingly viable land use.

The general character of the B-2 (General Business) classification is commercial – a district to provide areas for those retail sales and service functions and businesses whose operations are typically characterized by outdoor display, storage and/or sale of merchandise, by major repair of motor vehicles, by outdoor commercial amusement and recreational activities and operations serving the general needs of the tourist and traveler.

The general character of the BR-4 (Resort Business) classification relates to resort uses – a district intended for resort purposes and to provide for the development of medium and high density resort uses, including hotels, motels, resort condominiums and other similar uses oriented towards tourism and resort businesses, to provide as allowed uses meeting rooms, convention facilities, bars, lounges and restaurants, and retail and commercial uses intended primarily for the guests of the facilities, and requiring approval of an overall development plan.

The general character of the SAG-10 (Suburban Agricultural) classification is agricultural – a district 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 to provide areas for estate-type residential development.

The general character of the I-2 (Heavy Industrial) classification is industrial – a district to provide for uses to accommodate heavy manufacturing, processing, fabrication and assembling of products or materials and to prevent the encroachment of non-industrial uses within the district.

The proposed zoning district would be regulated by the Flathead County Zoning Regulations which are on file for public inspection at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, and on the Flathead County Planning and Zoning Office's website, at: [http://flathead.mt.gov/planning\\_zoning/downloads.php](http://flathead.mt.gov/planning_zoning/downloads.php).

The public hearing will be held on the 13<sup>th</sup> day of **January, 2009**, 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 members of the public an opportunity to be heard regarding the proposed creation of the "Whitefish Area Zoning District."

DATED this 22<sup>nd</sup> day of December, 2008.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

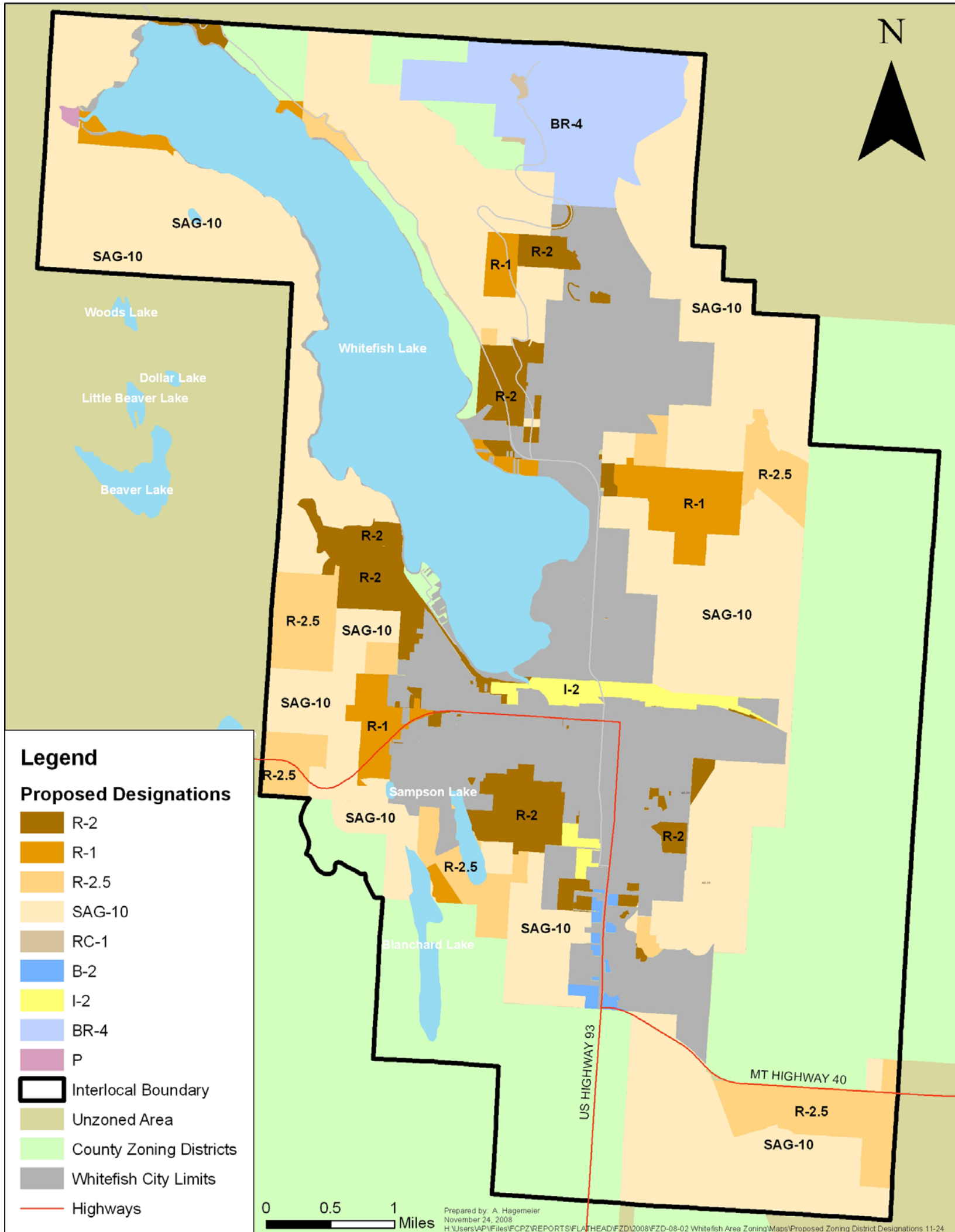
ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Diana Kile, Deputy

Publish on December 28, 2008, and January 4, 2009, Daily Inter Lake  
Publish on January 1, 2009 and January 8, 2009, Whitefish Pilot

EXHIBIT A

Commencing at the intersection of Sections 31 and 32 of Township 32N, Range 22 West, P.M.M., Flathead County, Montana, and Sections 5 and 6 of Township 31N, Range 22 West, this being the point of beginning; thence East following the section lines to the intersection of Sections 31 and 32 of Township 32, Range 21W, and Sections 5 and 6 of Township 31N, Range 21W; thence south along the section lines to the SW corner of the NW1/4 of Section 8, Township 31N Range 21W; thence east to the NE corner of the NW1/4 of said Section 8; thence south to the SE corner of the NW1/4 of said Section 8; thence east to the NE corner of the SE1/4 of the SW ¼ of said Section 8; thence south to the SE corner of the SW1/4 of said Section 8; thence east to the intersections of Sections 8, 9, 16, and 17 of Township 31N, Range 21W; thence south for one section along section lines to the intersection of Section 17, 16, 20, and 21 Township 31N, Range 21W; thence east for one section to the intersection of Sections 15, 16, 21, 22, of Township 31N, Range 21W; thence south along section lines to the intersection of Sections 15, 16, 21, and 22 of Township 30N, Range 21W; thence west along section lines to the intersection of Sections 13, 14, 23, and 24 of Township 30N, Range 22W; thence north for one section along section lines to the intersection of Sections 11, 12, 13, and 14 of Township 30N, Range 22W; thence west for one section to the intersection of Sections 10, 11, 14, and 15 of Township, 30N Range 22W; thence north along section lines to the NW corner of the SW1/4 of the SW1/4 of Section 2 of Township 30 N, Range 22W; thence west to the centerline of Blanchard View Drive in Section 3 of Township 30 North Range 22 West; thence Northwest following the centerline of Blanchard View Drive to the intersection of the centerline of Hills Way; thence Northwest following the centerline of Hills Way to the intersection of the centerline with Whitefish Hills Drive; thence north following the centerline of Whitefish Hills Drive to the intersection with the northern section line of Section 3, Township 30N, Range 22W; thence west along section lines to the intersection of Sections 33 and 34 of Township 31N, Range 22W and Sections 3 and 4 of Township 30 North, Range 22 West; thence north following section lines to the intersection of Sections 9, 10, 15, and 16 of Township 31N, Range 22W; thence west along section lines to the intersection of Sections 7, 8, 17, and 18 of Township 31N, Range 22W; thence north along section lines to the intersections of Sections 31 and 32 of Township 32N, Range 22 West, and Sections 5 and 6 of Township 31N, Range 22 West, and the point of beginning; excluding all areas within the City limits of the City of Whitefish, Montana; excluding all areas described within the County Resolution creating the Lake Park Addition Zoning District, Paullin Zoning District, East Whitefish Lake Zoning District, Haskill Basin East Zoning District, Blanchard Lake Zoning District, Southeast Rural Whitefish Zoning District, and the Big Mountain West Zoning District.





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(Continued)

**CONSIDERATION OF EXTENSION: MARCO HEIGHTS 2**

[10:36:43 AM](#)

Members present:

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

Others present:

Planner Allison Mouch, Clerk Kile

Mouch explained the applicant has requested an extension for Marco Heights 2. She then noted the decision was deferred on December 8, 2008 for them to propose an alternative to the variance they were requesting.

Commissioner Brenneman said that technically they could take whatever action they deemed appropriate. The motion made was to defer consideration until December 22, 2008.

Mouch noted the preliminary plat timeline expires on December 31, 2008.

General discussion was held relative to Marco Heights accessing onto the highway.

Commissioner Brenneman clarified that the commission is anticipating a proposal that does not access onto the highway.

Commissioner Brenneman made a **motion** to continue consideration of Marco Heights 2 until December 31, 2008. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

**PRELIMINARY PLAT: HASKELL'S PASS**

[11:01:57 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Planning & Zoning Director Jeff Harris, Deputy County Attorney Jonathan Smith, Assistant Deputy County Attorney Tara Fugina, Peter Strellinger, Dave DeGrandpre, Scott Hagel, Jacob Doran, John Deleo, Janet J. Thon, Jordan Tesar, Carlo Arendt, Jeff Ellingson, Clerk Kile

Broadie entered into record Staff Report FPP 08-19; an application submitted by Peter Strellinger with technical assistance from Dave DeGrandpre, Eby & Associates and PBS & J for preliminary plat approval of Haskell's Pass, a major subdivision that would create 70 residential lots on an 800 acre tract located north of Little Bitterroot Lake on Pleasant Valley Road. Primary access is proposed from Pleasant Valley Road for a majority of the subdivision and there are two secondary emergency accesses proposed through adjacent properties extending to Lodgepole Drive.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP 08-19 with the Findings of Facts as amended by the Planning Board with the inclusion of Finding of Fact 23 and 24 as presented. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

General discussion was held relative to annexation into the Marion Fire District.

Peter Strellinger stated they concur with all the conditions.

Commissioner Brenneman noted for clarifications purposes the document presented by Planner Broadie would be identified as Attachment "A".

Commissioner Brenneman made a **motion** to approve preliminary plat for Haskell's Pass Subdivision with conditions 1-17 as included in the Staff Report and the conditions identified in Attachment "A" with the understanding that condition 40 is the same as the staff report. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

**Standard Conditions**

1. The applicant shall receive physical addresses 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), Flathead County Subdivision Regulations (FCSR)]
2. The applicant shall show proof of a completed approach permit to Pleasant Valley Road, and two completed approach permits to Lodgepole Pine Road from the Flathead County Road Department indicating each approach has been built and received final inspection and final approval. [Section 4.7.17, FCSR]
3. A dust control plan shall be submitted that addresses measures to minimize construction dust and includes post-construction dust mitigation measures. [Section 4.7.14, FCSR]
4. The applicant shall comply with reasonable fire suppression and access requirements of either the Marion Fire District or of the Flathead County Office of Emergency Services, whichever is applicable, depending upon whether the site has been annexed to the Marion Fire District. A letter from that office stating that the plat meets the requirements of the Flathead County Fire Service area shall be submitted with the application for Final Plat. [Section 4.7.27, FCSR]

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**(Continued)**

5. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.26, FCSR]
6. All internal subdivision roads shall be certified by a licensed engineer and constructed in accordance with the Flathead County Minimum Standards for Design and Construction. [Section 4.7.17, FCSR]
7. With the application for final plat, the applicant shall provide a Road Users' Agreement which requires each property owner to bear his or her pro-rata share for maintenance of the roads within the subdivision and for any integral access roads lying outside the subdivision. [Section 4.7.16(e), FCSR]
8. 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. [Section 4.7.24, FCSR]
9. The proposed water, wastewater treatment 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. [Section 4.7.13, FCSR]
10. 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]
11. Where the aggregate total disturbed area of any construction as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction, such disturbed area is equal to, or greater than one acre, a Montana State Department of Environmental Quality MPDES Storm Water Construction General Permit shall be obtained and provided to the Flathead County Planning & Zoning office prior to any site disturbance or construction.
12. 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]
13. 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. One central solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.23, FCSR]
  - d. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.26, FCSR]
  - e. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
  - f. 

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.
14. The final plat shall comply with state surveying requirements. [Section 76-3-608(b) (i), M.C.A.]
15. 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 FCSR]
16. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.4.22 FCSR]
17. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. [Section 4.4.20 FCSR]

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**(Continued)**

**B. Project-Specific Conditions**

18. Prior to final plat, the applicant shall perfect legal access rights granted to Flathead County across State Trust Land for that right of way located in Section 36, Township 28 North, Range 25 West for purposes of use as a general public right of way. [Section 4.7.16, FCSR]
19. A 30 foot bike/pedestrian easement shall be shown along the eastern side of Pleasant Valley Road. [Section 4.7.16, FCSR]
20. The following additional statements shall be placed on the face of the final plat:
  - g. This subdivision is located in an agricultural/silvicultural area and potential nuisances such as noise, dust, odors, and irregular hours of operation are commonplace. As such, the right to farm/log on adjoining properties will not be restricted as a result of the development or occupancy of this subdivision. [MCA 76-3-608]
  - h. Lot owners should be aware they are living in a rural area of Flathead County and delayed response times may be experienced from emergency service providers. [MCA 76-3-608]
  - i. Lot owners are alerted to the presence of potentially dangerous wildlife in the area and are reminded that feeding big game is illegal. Lot owners 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 such things as bear proofing, pet control, and removing food sources. [MCA 76-3-608]
  - j. Owners are alerted that this may be an area of big game migration and are encouraged to contact the Montana Department of Fish, Wildlife, and Parks for information on wildlife friendly fencing. [MCA 76-3-608]
  - k. Only Class A and Class B fire-rated roofing materials are allowed. [MCA 76-3-608]
  - l. Lot owners should be aware that they are located in an open range area where lot owners are required to fence out cattle if they so choose.
21. The following statement shall be shown plainly on the face of the plat: "No further subdivision shall occur". [MCA 76-3-608]
22. A vegetative and building setback stream buffer of 150 feet shall be placed on either side of the Herrig Creek stream corridor and shall be shown as a "Native Growth Protection Easement." [MCA 76-3-608]
23. Wetland vegetative and building setback buffers of 100 feet or a connected buffer as shown on the preliminary plat shall be shown as a "Native Growth Protection Easement". Construction of trail systems, a fire access point if approved by the fire district/office having authority, and construction of a single driveway for Lot 44 shall be allowed within wetland buffers. [Section 4.7.11 FCSR]
24. The applicant shall apply for annexation into the Marion Fire District and make every reasonable effort to effect the annexation. [Section 4.7.27.d, FCSR]
25. The applicant shall work with Flathead County to provide an appropriate level of mitigation for the Blue Grouse launch site. [MCA 76-3-608]
26. The applicant shall pave a minimum length of 4,464 feet of Pleasant Valley Road and the pavement shall be certified by a licensed engineer and constructed in accordance with the Flathead County Minimum Standards for Design and Construction. The developer shall be given the guarantee by the County that any pavement provided by the developer on Pleasant Valley Road in excess of the 4,464 feet shall be subject to a late-comers agreement for the benefit of reimbursing the developer for a period of 15 years. [MCA 76-3-608] & [Section 4.7.9.b, FCSR]
27. Tree thinning where needed to firewise standards along roadways and removal of slash piles from previous logging shall occur prior to final plat. [Section 4.7.27.d, FCSR]
28. A no build zone shall be placed on the westernmost side of the plat on lots 44, 45, 51, 52, 53 and 54 where both 25% slope and rock outcroppings are shown on page 2 of the preliminary plat. [Section 4.7.5.a, FCSR]
29. The two emergency access roads shall be constructed to Flathead County Minimum Standards for Design and Construction a secondary access with breakaway gates and shall be certified by a licensed engineer as having met those standards. Within the 60 foot easement firewise thinning shall occur where needed. [Section 4.1.7, FCSR]
30. The fence along Herrig Creek will be removed or replaced with wildlife friendly fencing. [MCA 76-3-608]
31. Solid Waste removal for all lots shall be provided by Contract haul with collection at the central solid waste facility shown as "Proposed Community Park 1" and appropriate bear-proofing methods shall be used. [Section 4.7.23, FCSR]

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32. Lots shall be renumbered including numbering for Park lots. Lot numbers used for Parks shall contain the statement "Park and Open Space" on those lots. [Appendix E, FCSR]
33. Trail easements shall be shown on the face of the plat in the general locations indicated on the preliminary plat. [Appendix E, FCSR]
34. Building sites shall be restricted to designated building sites that avoid wetlands and wetland buffers as shown on lots 45, 46 and 65 as numbered on the preliminary plat. [MCA 76-3-608]
35. Lots 17 and 18 shall have a shared access easement as designed according to Attachment A. [Section 4.1.7, FCSR]
36. A geotechnical report from a qualified engineer shall be submitted for lots 28 and 29 showing that the lots contain adequate driveway and building sites. [Section 4.7.7.f, FCSR]
37. The applicant shall apply for a Neighborhood Plan amendment to add the additional unzoned acreage of Haskell's Pass subdivision to the Little Bitterroot Neighborhood Plan and a zoning district boundary change to the Little Bitterroot Lake zoning district for the same territory. [MCA 76-3-608]
38. The applicant shall improve Haskell's Pass Road from the point of the driveway to Pleasant Valley Road in accordance with the driveway standards in FCSR 4.7.7.e. Firewise thinning shall occur along the length of that improvement. [Section 4.1.7, FCSR]
39. The land located between Pleasant Valley Road and the BPA transmission line on Lots 17-21 shall be dedicated to Flathead County for possible use as a public trailhead and parking area. [MCA 76-3-608]
40. A document shall be recorded prior to final plat stating that lot owners shall be bound by the following set of conditions. A statement shall appear on the face of the final plat stating that lot owners are bound by the conditions in that recorded document and the recordation number shall be included as a reference as part of that statement.
  - For each structure with a rooftop, a storm water collection system ("Individual Rooftop Infiltration System") must be installed. The design of each system, including the sizing and number of collection chambers, must conform to the manufacturer's specifications. Driveways shall be constructed so as not to interfere with drainage and shall include culverts of appropriate size to prevent obstruction of water flow. No construction or landscaping will be allowed that increases or changes the flow of water onto adjacent lots. The washing of mud or other debris from any lot onto the subdivision roads or County roads shall be strictly prohibited. Once construction or site work on any lot is started, the lot owner shall ensure that no stormwater, gravel, soil or other debris flows, washes or carries onto the roads, county roads or NGPEs.
  - Buildings and driveways shall be designed and located in a manner to reduce visibility and prominent road cuts including by using stepped building forms, natural colors and materials, sloped roofs, and firewise landscaping so that the building does not dominate a ridgeline as seen from neighboring Lots and from outside of the Subdivision. As viewed from a road or from residences in or outside of the Subdivision. If the underside of a building or deck is or will be exposed, a firewise landscape screening for the underside of the structure is required.
  - Swine, sheep, fowl, rabbits, goats, cows, llamas, emus and ostriches are prohibited. Horses shall be allowed on Lots as follows: On Lots between ten (10) and twenty (20) net acres in size, up to two horses are allowed. On Lots greater than twenty (20) net acres in size, up to four (4) horses are allowed. For the purposes of this paragraph, "net acres" shall not include any acreage within an NGPE lying on a lot, the acreage of which shall be subtracted from the total acreage of the lot in calculating the maximum number of horses allowed. All owners shall exercise good land stewardship, shall not allow erosion or increased stormwater runoff as a result of overgrazing their lot, or allow weeds to accumulate on the lot. No grazing is allowed on any Common Area or NGPE.
  - All wastewater treatment systems shall be Level II and be annually inspected and maintained.
  - Wildlife is plentiful in the area, and fencing design and installation shall not impede the natural movement of wildlife and shall meet standards recommended by Mt. Fish Wildlife and Parks. The perimeter of any Lot or Common Area may be fenced using a rail or wire design that does not exceed a height of 42 inches and incorporates no more than two (2) horizontal rails/poles or three (3) wires. The top wire or rail shall not be higher than 42". There shall be 12" between the top two rails or wires and at least 18" between the bottom rail or wire and the ground. Perimeter fencing shall not encroach into the NGPE boundary.
  - All Owners shall exercise good resource stewardship when planting their Lots. Irrigation will be restricted on each Lot to the area immediately surrounding the primary structure and shall not exceed 21,780 square feet (1/2 acre) for lawn, garden, trees and shrubbery. Well-supplied water for each Lot will be conserved and not used for decorative ponds, streams or fountains, or any other improvements or activities that can contribute to evaporation, runoff or infiltration. Owners may refer to the Montana Nursery & Landscape Association, Inc. guidelines for a list of drought-tolerant plants at [www.plantingmontana.com](http://www.plantingmontana.com).
  - Chain link or other fencing not to exceed 8 feet in height may be permitted in the back yard of a structure. The fenced yard shall not exceed 10,000 square feet nor encroach into any of the required building setback areas, including the NGPE setback line.
  - Lots shall not be used as storage areas for hazardous or toxic chemicals in quantities other than for ordinary household use (for example, gasoline for a lawn mower, motor oil for automobiles, and similar small quantities) and all hazardous and toxic materials shall be disposed of as required by law.



MONDAY, DECEMBER 22, 2008  
(Continued)

- 1:00 p.m. Commissioner Brenneman: Meeting w/ Larry VanRinsum/ Flathead Conservation District  
re: Riparian issues  
2:00 p.m. Farewell Party @ Earl Bennett Building for Commissioner Hall

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 23, 2008.

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TUESDAY, DECEMBER 23, 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.

**OPEN HOUSE FOR LEGISLATORS @ COMMISSIONERS' MEETING ROOM**

[9:02:55 AM](#)

Members present:

Commissioner Joseph D. Brenneman  
Commissioner Dale W. Lauman PT

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Clerk & Recorder Paula Robinson, Recording Manager Monica Eisenzimer, Finance Comptroller Joe Garza, AOA Director Jim Atkinson, Treasurer Adele Krantz, H.R. Director Raeann Campbell, District Court Peg Allison, Extension Agent Pat McGlynn, Jim Dupont, Keith Regier, Greg Barkus, Bruce Tutvedt, Mark Blasdel, Verdell Jackson, Jim Mann, Heidi Desch, Clerk DeReu

Discussion was held relative to proposed bills.

- 8:00 a.m. Commissioner Lauman: Meeting @ District Court re: Financing for new Judge

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 24, 2008.

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WEDNESDAY, DECEMBER 24, 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 December 25, 2008.

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THURSDAY, DECEMBER 25, 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.

**COUNTY OFFICES CLOSED – CHRISTMAS DAY**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 26, 2008.

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FRIDAY, DECEMBER 26, 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 December 29, 2008.

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