
MONDAY, MARCH 9, 2009

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

Chairman Lauman opened public comment on matters within the Commissions' Jurisdiction, no one present to speak, Chairman Lauman closed the public comment period.

MONTHLY MEETING W/ JAY SCOTT, FAIRGROUNDS

9:02:19 AM

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Fair Director Jay Scott, Butch Woolard, Clerk Kile

Scott reported 2,505 kids participated in shooting sports events this past winter and for the month of February 10,780 people came through the gate for events not related to 4-H activities. He noted a Montana Business Professional Association meeting is being held today with 4,000 expected to attend over the next couple of days. Scott reported the big upcoming events to be held this next month include the NRA Banquet, Republication Dinner, Police Concert and LHC Trade Show. Discussion was held relative to an ice folly event to be held in June at the Fairgrounds.

MEETING W/ JIM FREYHOLTZ, MDOT RE: HIGHWAY 83 SPEED LIMIT

9:15:18 AM

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Jim Freyholtz, Clerk Kile

Freyholtz reported the Montana Transportation Commission approved an interim night time speed limit of 55 mph on Hwy 83 on January 12, 2009, beginning at the Clearwater Junction (milepost 0.0) and continuing northwest to approximate milepost 88.2; just south of Swan River School. It was noted this speed limit will exclude those areas having special reduced speed limits in place; Seeley Lake and Swan Lake. Freyholtz stated the reason for the change was based on a study done on animal collisions in the Swan. The study is available to view at the following website:

http://www.mdt.mt.gov/research/docs/research_proj/seeley/final_report.pdf

PUBLIC HEARING: ROAD NAME APPEAL/ HIGH COUNTRY DRIVE

9:31:05 AM

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Plat Room Lucie Foster, Jack Lundy, Kurt D. Hill, Evan Danno, Clerk Kile

Lucie Foster reported the road naming petition produced a tie vote and the name was drawn by random selection per the road naming resolution. It was noted 11 ballots were sent out and 4 were returned with 2 in favor of Lundy Lane and 2 in favor of High Country Drive.

Chairman Lauman opened the public hearing to anyone wishing to speak in favor or opposition of the road name.

Jack Lundy, 635 High Country Drive stated he filed the protest after being disappointed that the final decision for the road name was drawn out of a hat. He then explained his family moved here in 1957 and at that time they were the only ones living on the road which has always been referred to by the neighbors as Lundy Lane. Lundy stated he went around and spoke to his neighbors about naming the road Lundy Lane and they felt that name was as good as any. He noted he didn't understand the process and only spoke to those living there; he didn't realize the empty parcels would have a say also, although he should have. After receiving a notice in the mail that "High Country Drive" prevailed he called the Addressing Coordinator, Sara Wilkinson who informed him it was named High Country Drive after a tie vote. Lundy stated the other person that voted for Lundy Lane did so, because that is what she has always referred to it as.

Evan Danno, 144 Highland Ridge Drive said with all due respect to his neighbor that he has lived there for 26 years and has never heard of the road being referred to as Lundy Lane. He then stated that he actually owns the road, a lot of the road; between him and his neighbor Kurt Hill they own most of the road. Danno noted he owns 36 acres and that the road comes off Foothill Road and except for 250 feet he owns 900 feet of the road at the base of the mountain where Mr. Lundy's road takes off and goes to his home, which he suggested be named Lundy Lane at some point. A map of the road and properties involved was then presented to the commission in which Mr. Danno explained ownership of the properties.

Danno then read a letter from Deanne and Susan Mansfield, 1627 Foothill Road who support the name of High Country Drive.

Danno also read a letter from his wife Deborah Danno, 144 Highland Ridge Drive who supports the name of High Country Drive.

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(Continued)

Kurt Hill, 817 High Country Drive commented that he first heard about the road naming process from Mr. Lundy who informed him that he would like to have the road named Lundy Lane. He then said he had no problem with it being named Lundy Lane and that he figured he would get his ballot and the information in the mail and discuss it with his wife. Hill then added he never received a ballot because of confusion in his household with mail issues. After receiving a call from his mother who did receive information that the name High Country Drive had been chosen for the road his entire family liked and wanted the name. Hill then stated that he too is in favor of High Country Drive now as it fits the property well.

Jack Lundy pointed out on Evan Danno's map the Mansfield property is the only piece of property that gives him a vote in the issue; that his property actually is going to remain on Foothill Road. He then added because of the abandoned ROW hooking onto the driveway is the reason he is involved at all. Lundy said the access road that goes all the way to the top that hooks onto Peters Ridge Road isn't accessible anymore. He then spoke about a road that was built by Robert Lundy on the hillside that serves several homes which he said is another reason it is to be considered Lundy Lane.

Evan Danno commented the Mansfield's only have a vote because of a ROW strip which he stated isn't accurate. He then stated the Mansfield's own the first 250 feet of the road itself. Danno added the other person that voted for Lundy Lane doesn't have access from High Country Drive that they got a vote only because they own property adjacent to the road.

Lucie Foster asked Mr. Danno how much of the road he actually owned.

Danno stated he owns about 900 feet right now and explained the easements.

Jack Lundy presented road naming preferences to the commission from the neighbors that responded.

No one else rising to speak, Chairman Lauman closed the public hearing.

Commissioner Dupont noted the votes still come up to being a tie between Lundy Lane and High Country Drive. He then added that he looks at Lundy Lane as a short section of road and not an entire access and recommended they stay with High Country Drive.

Commissioner Dupont made a **motion** to adopt Resolution 2194 to name the road High Country Drive. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

RESOLUTION NO. 2194

WHEREAS, Flathead County has proposed to name a private road generally running easterly off Foothill Road and located in the E ½ NW ¼, in the W ½ NE ¼, and in the SE ¼ NE ¼ of Section 1, Township 28 North, Range 20 West, P.M.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on March 9, 2009 concerning the proposal, after publication and mailing of notice thereof on February 24 and March 3, 2009, and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named High Country Drive.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running easterly off Foothill Road and located in the E ½ NW ¼, in the W ½ NE ¼, and in the SE ¼ NE ¼ of Section 1, Township 28 North, Range 20 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named High Country Drive.

BE IT FURTHER RESOLVED that the naming of High Country Drive shall be effective on March 9th, 2009.

Dated this 9th day of March, 2009.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By _____
Joseph D. Brenneman, Member

By/s/James R. Dupont
James R. Dupont, Member

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

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(Continued)

PRELIMINARY PLAT: LYNNEWOOD HEIGHTS

10:07:00 AM

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Planning & Zoning Director Jeff Harris, Planner Bailey Iott, Planner Allison Mouch, Heather Reddig, Bill Reddig, Bob Erickson, Clerk Kile

Iott entered into record Staff Report FSR 08-17 for Lynnewood Heights; an application submitted by Billy Reddig with technical assistance from Jackola Engineering for preliminary plat approval of a three lot minor subdivision on 39.8 acres located off Hungry Horse Dam Road northeast of Kalispell. The proposed lots range in size from 5.5 acres to 9.3 acres with approximately 3.9 acres in common area. Iott noted the applicant requested a variance from Section 4.7.17 of the FCSR relating to the Flathead County Road and Bridge Department's "Minimum Standards for Design and Construction" concerning the depth of the sub-base for the internal subdivision road from 18 inches to 12 inches. Iott then stated staff does not support the variance request but recommends approval of Lynnewood Heights subject to 22 conditions.

Commissioner Dupont asked that the road variance request be reviewed.

Iott stated the variance request is to reduce the sub-base of the road from the required 18 inches to 12 inches. She then added staff did not feel that it met the 5 criteria to allow for a variance.

Chairman Dupont asked what the Road Department's response was.

Iott stated the Road Department submitted an agency comment that said: Since an engineered alternative had been prepared and stamped for the pavement section analysis that they did not have any issues with the request. Iott added Planning Staff is recommending denial because it does not meet their criteria.

Commissioner Dupont made a **motion** to adopt Staff Report FSR 08-17 and findings of fact for Lynnewood Heights. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

Commissioner Dupont said unless there is a compelling reason to not stay with the standards he feels they should stay with them.

Commissioner Dupont made a **motion** to deny the variance. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

Bob Erickson, representative for the applicant stated that he has spoken to the Road Department in regards to a variance and noted he felt they would be looking at changing the road base requirements which seem to be a one size fit all. He then added the road would maybe see 50 vehicle trips per day if it doesn't get further subdivided. Erickson stated they have a geotechnical report signed off on by an engineer saying the sub-base depth of the road will provide the same structure as an 18 inch depth will because of the existing ground material there.

Harris stated when the Planning Office reviews a variance request it is reviewed against criteria set out in statute.

General discussion was held relative to a variance and working with the Road Department in designing the road.

Bob Erickson then said the applicant would like condition 16K removed which states: No further division of lots shall occur until zoning is in place and zoning allows for such subdivisions. He then added if the subdivision were to ever be further subdivided it would have to go through a major review and would have more stringent requirements. Erickson stated their concern is that the condition will set precedence's for other subdivisions that come in and will become a standard condition.

Iott stated the main reason the condition is there is because of agency comments from Fish, Wildlife and Parks concerning properties surrounded by National Forest Service land with large amounts of wildlife population.

General discussion continued in regards to condition 16K and lot sizes.

Mouch noted the property is within the Canyon Plan but not within CALURS, so a density limitation is not there for lots; density limitations were suggested by Fish, Wildlife and Parks.

Iott added there were also concerns about high ground water issues.

Commissioner Dupont stated he felt Fish, Wildlife and Parks shouldn't be restricting them to that extent.

Commissioner Dupont made a **motion** to strike condition 16K. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

Commissioner Dupont made a **motion** to approve preliminary plat of Lynnewood Heights as amended. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

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(Continued)**

STANDARD CONDITIONS

1. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626A. 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 for Nature Trail onto Hungry Horse Dam Road from the Montana Department of Transportation indicating the 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 the applicable fire district. A letter from the fire chief stating that the plat meets the requirements of the fire district shall be submitted with the application for Final Plat. [Section 4.7.27, FCSR]
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 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. 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.
11. The final plat shall comply with state surveying requirements. [Section 76-3-608(b) (i), M.C.A.]
12. Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision 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 of structures such disturbed area will be equal to, or greater than one acre, a Montana State Department of Environmental Quality General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained and provided to the Flathead County Planning & Zoning office prior to any site disturbance or construction. [17.30.1115 Administrative Rules of Montana (A.R.M.)]
13. 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 4.2.19, FCSR]
14. 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 4.2.15, FCSR]
15. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. [Section 4.2.13, FCSR]

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PROJECT SPECIFIC CONDITIONS

16. The following additional statements shall be placed on the face of the final plat:
- g. This subdivision is located in an agricultural/silvacultural 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.
 - 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.
 - 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, wildlife friendly fencing, and removing food sources.
 - j. Landowners are notified that this subdivision is approved for single family use. Any changes that materially alter any portion of the approved subdivision plat, its land divisions or improvements, or that will modify the approved use of land within the subdivision, must be made by filing an amended plat showing all alterations, per the Flathead County Development Code. [Section 4.2.18 FCSR]
17. The applicant shall contract with a solid waste hauler and if curb-side pick-up is not available, provide a central off-street area and containers for solid waste collection. The waste containers shall be completely wildlife/bear-proofed, as defined by the Montana Department of Fish, Wildlife and Parks. [Section 4.7.23, FCSR]
18. All seasonal ponds shall be delineated on the face of the final plat and shall be shown with a 100-foot "No Build Zone" buffer.
19. All roads labeled as "existing two-rut" on the preliminary plat must be abandoned and allowed to revegetate. The road at the northeast corner of the property must be permanently blocked off to discourage use as a secondary access.
20. The applicant must submit to the Flathead County Planning and Zoning Office proof of an approved easement with the northern adjacent property owner to extended utilities from the adjacent private road.
21. A 10-foot bike/pedestrian easement along Hungry Horse Dam Road shall be shown on the face of the final plat.
22. The existing test pits shall be monitored for groundwater between March and June of this year (2009). Evidence that groundwater monitoring has been completed shall be submitted with the application for final plat. All groundwater monitoring shall meet the Department of Environmental Quality's requirements for subdivision.

DOCUMENT FOR SIGNATURE: STORM WATER PERMIT/ 911 CENTER

[10:34:33 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Interim Director 911 Mark Peck, Deputy County Attorney Jonathan Smith, Clerk Kile

Commissioner Dupont made a **motion** to approve the storm water permit document for the 911 center and authorized the chairman to sign. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: SNAF, LLC ZONE CHANGE, BIGFORK AREA ZONING DISTRICT

[10:30:42 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

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

Commissioner Dupont made a **motion** to adopt Resolution 956CO. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

RESOLUTION NO. 956 CO

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, after the publication of legal notice, on the 2nd day of February, 2009, concerning a proposal to change the zoning designation in a portion of the Bigfork Area Zoning District from B-3 (Community Business) and R-3 (One Family Residential) to CVR (Community Village Resort);

WHEREAS, the Board of Commissioners did hear public comment on the proposed zoning change at said hearing;

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Bigfork Area Zoning District;

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 956 CN, dated February 2, 2009) to change the zoning designation in a portion of the Bigfork Area Zoning District from B-3 (Community Business) and R-3 (One Family Residential) to CVR (Community Village Resort);

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WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on February 5 and February 12, 2009, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Bigfork Area Zoning District to change the zoning designation for the boundaries of Lots 1-5 of the North Shore Heights Subdivision in Section 36, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana, located west of Montana Highway 35 on the south side of Holt Drive, Bigfork, Montana and containing approximately 1.76 acres, from B-3 (Community Business) and R-3 (One Family Residential) to CVR (Community Village Resort), as those terms are used and defined in the Flathead County Zoning Regulations.

DATED this 9th day of March, 2009.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By: _____
Joseph D. Brenneman, Member

By/s/James R. Dupont
James R. Dupont, Member

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

CONSIDERATION OF PRINTING BIDS: TREASURER'S OFFICE

[10:32:35 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Dupont made a **motion** to approve the print bid from Masters Touch for \$12,924.00 for the Treasurer's Office. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

12:00 p.m. Commissioner Brenneman: Interoperability MT Project Finance Committee Meeting in Helena
2:00 p.m. Commissioner Brenneman: MACo Conference Call
2:00 p.m. Commissioner Brenneman: Meeting with DEQ in Helena

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 10, 2009.

TUESDAY, MARCH 10, 2009

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

Chairman Lauman opened public comment on matters within the Commissions' Jurisdiction, no one present to speak, Chairman Lauman closed the public comment period.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 11, 2009.

WEDNESDAY, MARCH 11, 2009

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

11:00 a.m. County Attorney meeting @ Co. Atty's Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 12, 2009.

THURSDAY, MARCH 12, 2009

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

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

Carole Koch, 31 Blue Jay Way which is directly off Badrock Drive stated she came to comment on the proposed RSID pilot project for Badrock Drive. Koch said she is 73 years old and if the pilot project goes as planned hopefully she will live to be 83 and see the down shift in taxes of approximately \$400 to \$500 per year. Also stated was they didn't realize they were not going to be able to have a vote in the project. Koch said other things they have heard is the road may not be a permanent road that will last more than five years; what happens to her taxes then if they have to re-do the road. She stated she feels oiling the road would be sufficient and save everyone money. She further stated the RSID is going to give nine land owners a vote because they have more land and those that purchased their properties after 2000 will not have a vote; which is an automatic "yes" vote to have their taxes raised.

Andrew Koch, 31 Blue Jay Way said they have heard there is talk about putting a chip seal on Badrock Drive as a pilot project yet are unsure as to what is actually going on. He then spoke about repair work done on both ends of the road a couple years ago that is holding up well and asked why money had to be spent on an engineered road when some of the roads done with a base coat are good roads. Koch stated a couple years ago the homeowners association oiled the road twice and it was a good road and kept the dust down, and after getting a few chuck holes in it the county graded the road and now it is worse than it was before. He stated he would rather put up with dust than have to pay another \$400 a year in taxes.

Mike Pence noted that he has explained to the Koch's that they have the right to address the commission in regards to their opposition of the project.

Carole Koch asked if this was a for sure project yet.

Mike Pence stated if the project moves to the next step the commissioners would approve a Resolution of Intent and then a public notice is sent by mail to property owners and published in the newspaper and then there is a 30 day period for protests to be filed. He then noted they waived their right to protest when they purchased their property, but the commissioners still make the final decision. Pence added that state law gives neighborhoods opportunity to improve a road that is on a majority rule type of system, so it's really the neighborhood that decides; the commission is part of the process.

Carole Koch stated the majority of the neighbors in the neighborhood don't have a vote.

Mike Pence said there are enough properties outside the waivers that could protest the project out. He then added it looks like there may not be enough protests if the people that claim to be supporting the project follow through; they still have the right to change their minds and protest, and if they did the project could be stopped by the neighborhood. Pence noted the county is under pressure from DEQ to improve county roads that have significant amounts of dust.

Andrew Koch asked why they should have to pay additional taxes to pave the road when others had their roads paved years ago and didn't have to pay.

Mike Pence said federal funds received in years past from the Forest Service helped to pave roads and those monies are minimal now. He then added the only way the county can see significant amounts of hard surface improvements is through participation in neighborhood groups that would like to have the higher quality of life.

Chairman Lauman stated paving in years past was from the county deriving 25% of timber harvest money that amounted to significant dollars.

Commissioner Dupont stated when he moved to Flathead County in the 70's payment in lieu of taxes from the federal government was running around \$14 - \$15 million dollars a year with the bulk of it going to the Road Department. He then explained last year it was approximately \$1.4 million.

Mike Pence explained when he talked to the organizer of the RSID project, Doug Barth a couple of years ago he made it very clear to him that the county would not be able to participate at all, and now they have offered a pilot program where the county is going to pay 100% of the cost of the base work with the pilot project.

Discussion was held relative to engineering for the road.

Carole Koch asked if it was a legitimate concern to anyone that three of the homeowners living on the road were living on retirement.

Mike Pence stated the commissioners will take into concern the type of comments received and added this is a neighborhood project.

Dennis Bee, 1200 Voerman Road commented he has spent considerable time addressing a 20 acre parcel on Voerman Road that is currently in the donut area. He then stated in 1994 he attempted to do a family transfer with Benny Bee Sr. where they went through the Whitefish City Council and Board of Adjustments; they were granted a 5 acre split with an additional 14.97 acre piece. Bee added that apparently paperwork didn't get filed correctly and around 2004 they went to a meeting at Sterling Title and found out the split never occurred. He then had financing on a home he built but the county denied it based on different things that transpired. A scenario now exists because he wants to split his property off from Benny's piece.

Chairman Lauman suggested he talk with the Planning & Zoning Office to sort the situation out.

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

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(Continued)

MONTHLY MEETING W/ JEFF HARRIS, PLANNING & ZONING OFFICE

9:06:38 AM

Members present:

- Chairman Dale W. Lauman
- Commissioner Joseph D. Brenneman
- Commissioner James R. Dupont

Others present:

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

Harris reviewed a map that showed all subdivision activity since approximately 1970, a map of the draft Transportation Plan and a map of Future Growth projections. He then gave an update on the Whitefish Lakeshore Protection Committee that is continuing to meet and stated they would like to dovetail their regulations into Flathead County Regulations. Discussion was held relative to Glacier Horse Ranch and the possibility of another SIA coming in for Phase 2 and a county access easement on Lake Blaine that is causing problems for a property owner. Harris stated Bigfork Neighborhood Plan is moving through the process and will be holding public meetings before the Planning Board looks at it, at which time the official public process will begin. Also noted was not a great deal is currently happening with the Somers plan.

MONTHLY MEETING W/ JOE GARZA, FINANCE DEPT.

10:03:50 AM

Members present:

- Chairman Dale W. Lauman
- Commissioner Joseph D. Brenneman
- Commissioner James R. Dupont

Others present:

- Assistant Mike Pence, Finance Comptroller Joe Garza, Clerk & Recorder Paula Robinson, Clerk Kile

Garza presented and reviewed the following FY08 Year End Fund Status Report and FY09 Operation Budget Forecast to the commission.

**FY08 YEAREND FUND STATUS REPORT
(BY FUND)**

FUND	FUND NAME	APPROPRIATION	CASH RESERVES (\$'s needed for 1st 4mo FY08)	TOTAL REQUIRED	RESOURCES AVAILABLE (FY08 beginning cash)	YEAREND BALANCES FY08	DIFFERENCE	CASH RESERVE %
1000	GENERAL FUND	8,410,532	2,556,223	10,966,755	2,360,767	3,308,701	947,934	30.39%
2120	POOR FUND	311,083	91,709	402,792	12,610	96,116	83,506	29.48%
2130	BRIDGE FUND	1,128,364	308,111	1,436,475	512,820	433,019	(79,801)	27.31%
2140	WEED	635,845	214,300	850,145	322,697	328,381	5,684	33.70%
2160	COUNTY FAIR	959,816	223,354	1,183,170	308,337	204,282	(104,055)	23.27%
2180	DISTRICT COURT	639,929	175,650	815,579	227,123	305,702	78,579	27.45%
2190	COMP INS	563,526	143,753	707,279	327,066	279,893	(47,173)	25.51%
2210	PARK	529,876	135,722	665,598	218,081	241,057	22,976	25.61%
2220	LIBRARY	1,388,362	295,218	1,683,580	341,181	312,196	(28,985)	21.26%
2280	AREA ON AGING	224,280	53,872	278,152	39,715	66,089	26,374	24.02%
2290	4H/EXT	120,477	31,138	151,615	38,502	31,204	(7,298)	25.85%
2300	SHERIFF	7,082,049	1,695,329	8,777,378	1,655,072	1,860,313	205,241	23.94%
2370	RETIREMENT	2,466,837	708,401	3,175,238	967,405	903,569	(63,836)	28.72%
2380	GROUP INS	2,514,260	924,195	3,438,455	988,329	1,304,050	315,721	36.76%
2396	JUV DETENTION	613,116	156,770	769,886	236,538	195,411	(41,127)	25.57%
TOTAL COUNTYWIDE NON-VOTED		27,588,352	7,713,745	35,302,097	8,556,243	9,869,983	1,313,740	27.96%
FUND	FUND NAME	APPROPRIATION	CASH RESERVES (\$'s needed for 1st 4mo FY08)	TOTAL REQUIRED	RESOURCES AVAILABLE (FY08 beginning cash)	YEAREND BALANCES FY08	DIFFERENCE	CASH RESERVE %
2110	ROAD FUND	6,160,893	1,310,616	7,471,509	1,920,417	1,473,094	(447,323)	21.27%
2251	PLANNING	718,810	39,191	758,001	168,338	45,581	(122,757)	5.45%
TOTAL OUTSIDE CITIES NON-VOTED		6,879,703	1,349,807	8,229,510	2,088,755	1,518,676	(570,079)	19.62%
FUND	FUND NAME	APPROPRIATION	CASH RESERVES (\$'s needed for 1st 4mo FY08)	TOTAL REQUIRED	RESOURCES AVAILABLE (FY08 beginning cash)	YEAREND BALANCES FY08	DIFFERENCE	CASH RESERVE %
2270	HEALTH FUND	2,129,576	558,963	2,688,539	588,001	547,749	(40,252)	26.25%
TOTAL LEVIED FUNDS		2,129,576	558,963	2,688,539	588,001	547,749	(40,252)	26.25%
FUND	FUND NAME	APPROPRIATION	CASH RESERVES (\$'s needed for 1st 4mo FY08)	TOTAL REQUIRED	RESOURCES AVAILABLE (FY08 beginning cash)	YEAREND BALANCES FY08	DIFFERENCE	CASH RESERVE %
2200	MOSQUITO	62,627	11,797	74,424	-	(3,841)	(3,841)	18.84%
2272	EMS PROGRAM	152,506	42,891	195,397	62,769	55,086	(7,683)	28.12%
2273	SPECIAL EMS PROGRAM	383,740	24,899	408,639	119,682	33,718	(85,964)	6.49%
2372	PERMISSIVE MED LEVY	962,042	(1)	962,041	-	-	-	0.00%
2382	SEARCH & RESCUE LEVY	204,833	46,222	251,055	51,549	65,359	13,810	22.57%
2990	TRANSPORTATION	2,736,347	165,007	2,901,354	188,574	357,575	169,001	6.03%
TOTAL COUNTYWIDE VOTED/EXEMPT		4,502,095	290,815	4,792,910	422,574	507,899	85,325	6.46%
FUND	FUND NAME	APPROPRIATION	CASH RESERVES (\$'s needed for 1st 4mo FY08)	TOTAL REQUIRED	RESOURCES AVAILABLE (FY08 beginning cash)	YEAREND BALANCES FY08	DIFFERENCE	CASH RESERVE %
2260	EMERGENCY/DISASTER	269,950	3,457	273,407	255,951	224,727	(31,224)	1.28%
TOTAL OUTSIDE CITIES VOTED		269,950	3,457	273,407	255,951	224,727	(31,224)	1.28%

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FY09 OPERATIONS BUDGET FORECAST

FUND	FUND NAME	APPROPRIATION	CASH RESERVES (% needed for 3rd Area FY09)	TOTAL REQUIRED	RESOURCES AVAILABLE (FY09 beginning cash)	PROJECTED YE BALANCES FY09	DIFFERENCE	CASH RESERVE %
1000	GENERAL FUND	8,945,135	2,588,326	11,533,461	3,308,701	3,411,288	102,587	28.94%
2120	POOR FUND	436,083	81,724	517,807	96,116	63,215	(32,901)	18.74%
2130	BRIDGE FUND	1,174,683	241,643	1,416,326	433,019	187,375	(245,844)	20.57%
2140	WEED	716,653	180,221	896,874	328,381	159,988	(168,999)	25.15%
2160	COUNTY FAIR	1,011,077	204,939	1,216,016	204,282	96,905	(107,377)	20.27%
2180	DISTRICT COURT	789,694	225,030	1,014,724	305,702	210,617	(95,085)	28.50%
2190	COMP INS	660,000	219,262	879,262	279,893	179,209	(100,684)	33.22%
2210	PARK	614,409	78,634	693,043	241,057	82,165	(158,892)	12.80%
2220	LIBRARY	1,454,540	325,413	1,779,953	312,196	233,732	(78,464)	22.37%
2280	AREA ON AGING	248,050	77,547	325,597	66,089	71,439	5,350	31.26%
2290	4H/EXT	121,628	32,233	153,861	31,204	25,485	(5,719)	26.50%
2300	SHERIFF	8,073,529	1,558,674	9,632,203	1,860,313	1,035,738	(824,575)	19.31%
2370	RETIREMENT	2,636,688	699,674	3,336,362	903,569	533,785	(369,784)	26.54%
2380	GROUP INS	3,361,748	840,088	4,201,836	1,304,050	705,306	(598,744)	24.99%
2396	JUV DETENTION	692,452	226,979	919,431	195,411	212,996	17,585	32.78%
TOTAL COUNTYWIDE NON-VOTED		30,936,369	7,580,387	38,516,756	9,869,983	7,209,043	(2,660,940)	24.50%
FUND	FUND NAME	APPROPRIATION	CASH RESERVES (% needed for 3rd Area FY09)	TOTAL REQUIRED	RESOURCES AVAILABLE (FY09 beginning cash)	PROJECTED YE BALANCES FY09	DIFFERENCE	CASH RESERVE %
2110	ROAD FUND	6,170,130	1,164,432	7,334,562	1,473,094	1,238,981	(234,113)	18.87%
2251	PLANNING	751,676	148,507	900,183	45,581	130,103	84,522	19.76%
TOTAL OUTSIDE CITIES NON-VOTED		6,921,806	1,312,939	8,234,745	1,518,675	1,369,084	(149,591)	18.97%
FUND	FUND NAME	APPROPRIATION	CASH RESERVES (% needed for 3rd Area FY09)	TOTAL REQUIRED	RESOURCES AVAILABLE (FY09 beginning cash)	PROJECTED YE BALANCES FY09	DIFFERENCE	CASH RESERVE %
2270	HEALTH FUND	2,207,478	529,218	2,736,696	547,749	475,128	(72,621)	23.97%
TOTAL LEVIED FUNDS		2,207,478	529,218	2,736,696	547,749	475,128	(72,621)	23.97%
FUND	FUND NAME	APPROPRIATION	CASH RESERVES (% needed for 3rd Area FY09)	TOTAL REQUIRED	RESOURCES AVAILABLE (FY09 beginning cash)	PROJECTED YE BALANCES FY09	DIFFERENCE	CASH RESERVE %
2200	MOSQUITO	148,037	98,778	246,815	(3,841)	(2,517)	1,324	66.73%
2272	EMS PROGRAM	183,629	84,300	267,929	55,086	9,942	(45,144)	45.91%
2273	SPECIAL EMS PROGRAM	392,000	45,732	437,732	33,718	(82,868)	(116,586)	11.67%
2372	PERMISSIVE MED LEVY	1,244,238	(220,074)	1,024,164		4,378	4,378	-17.69%
2382	SEARCH & RESCUE LEVY	213,381	91,190	304,571	65,359	31,991	(33,368)	42.74%
2990	TRANSPORTATION	1,763,941	362,741	2,126,682	357,575	289,664	(67,911)	20.56%
TOTAL COUNTYWIDE VOTED/EXEMPT		3,945,226	462,667	4,407,893	507,897	250,590	(257,307)	11.73%
FUND	FUND NAME	APPROPRIATION	CASH RESERVES (% needed for 3rd Area FY09)	TOTAL REQUIRED	RESOURCES AVAILABLE (FY09 beginning cash)	PROJECTED YE BALANCES FY09	DIFFERENCE	CASH RESERVE %
2260	EMERGENCY/DISASTER	535,900	448,160	984,060	224,727	315,266	90,539	83.63%
TOTAL OUTSIDE CITIES VOTED		535,900	448,160	984,060	224,727	315,266	90,539	83.63%

Garza explained the 07 audit report should be ready by the end of next week with the only finding to date being late filing of the report. He then noted the 08 audit report will be completed by March 31, 2009 with field work complete.

Commissioner Brenneman stated the next time Stephanie with the auditing firm is here that he would like to have explained to him why the 07 audit is being done at the end of 09.

Paula Robinson explained an exit conference will be held and Cindy Dooley will be here along with Stephanie and whatever staff she brings to come before the commissioners, at which time she will go over the 07 and 08 audits and address any questions or concerns.

DOCUMENT FOR SIGNATURE: EASEMENT DEED/ 911 CENTER

10:24:12 AM

Members present:

- Chairman Dale W. Lauman
- Commissioner Joseph D. Brenneman
- Commissioner James R. Dupont

Others present:

- Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Debbie Boreson, Interim 911 Director Mark Peck, Clerk Kile

Smith noted this is an easement deed only that it cannot be used for any other purpose.

Commissioner Brenneman made a **motion** to approve the easement deed and authorized the chairman to sign. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

CONSIDERATION OF HR TRANSMITTALS: TRAINING & PROTOCOL SUPERVISOR/ SHERIFF'S OFFICE AND EMS ADVISOR/ EMS

10:26:14 AM

Members present:

- Chairman Dale W. Lauman
- Commissioner Joseph D. Brenneman
- Commissioner James R. Dupont

Others present:

- Assistant Mike Pence, HR Director Raeann Campbell, Interim 911 Director Mark Peck, Clerk Kile

Pence explained the position is approved by the 911 Administrator Board and noted there is still some question in regards to the chain of command as to who is setting schedules.

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General discussion was held relative to setting schedules, developing protocols, coordination of dispatcher training and overtime.

Commissioner Dupont made a **motion** to approve the HR Transmittal for an EMS Advisor. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

PRELIMINARY PLAT: MCGREGOR PINES

[10:32:37 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Planner Alex Hogle, Bruce Barrett, Bob Spoklie, Tom Sands, Eric Mulcahy, Ardis Larsen, Tom Hoover, Clerk Kile

Hogle entered into record Staff Report FPP 08-15 for McGregor Pines; an amended plat application submitted by Spoklie & Hoover III, with technical assistance from Sands Surveying for preliminary plat approval of a 28 residential lot on 181 acres located 7.5 miles west of Marion in an unzoned area. The lots will be served by individual water wells and septic systems. Access will be provided to each lot from a proposed local road system including two cul-de-sac roads and a looped road with three total approaches onto Hwy 2 West. Hogle then reviewed the history of the subdivision that was originally proposed in its current form and later re-submitted during a mid-process correction, whereby the applicant was granted 90 days to consider issues brought up by the Planning Board to address. A new application was submitted within the 90 day period with the outcome being a recommendation of approval with conditions. He then reviewed issues in regards to wetlands, wildlife habitat and the natural environment. It was noted a 404 Permit was secured from the Army Corp of Engineers to develop a road across the wetlands. The addendum from the Planning Board was then reviewed regarding findings 20, 27 and 28, and conditions 4 and 17. Hogle noted subsequent letters from Montana Fish, Wildlife and Parks and Fish Wildlife and Services were received after the Planning Board hearing and have confirmed a nest on the property is currently occupied with a mating pair of bald eagles. Fish Wildlife and Parks is recommending that lots 10-19 not be approved.

Commissioner Brenneman questioned finding of fact 20 which states: The applicants are working with local fire authorities to meet the requirements for fire suppression water supply as required by Section 4.7.27 of the Flathead County Subdivision Regulations.

Hogle noted they do have correspondence with the Marion Fire Department who has stated what they would like. The EA has discussion in regards to that correspondence with the applicant and the Fire Department. He pointed out they are requesting the subdivision have water storage equivalent to 60,000 gallons with the appropriate recharge facility and connections. He then noted concerns were raised in regards to the roads having the ability to handle the weight and is recommending they be certified to handle 50,000 gross volume weight. A recommendation is also in the conditions that the water storage facility not be located within the 100 year floodplain.

Finding of fact 20 was changed to: Section 4.7.27 (b) of the Flathead County Subdivision Regulations is adequately addressed if condition 26 is imposed.

Commissioner Brenneman asked if the chance of flooding in finding of fact 7 was above and beyond the flooding in finding of fact 6 that states: The subject property is in an unmapped location on the current FEMA FIRM panel series, and the subject property does have hydrologic features connected to a larger drainage area that indicates the potential for various types of flooding.

Hogle said they are linked that there is potential for flooding activity in the delineated floodplain. He then said the natural stream course runs under Hwy 2 and meanders back under the highway through another culvert through the property again and during certain runoff events a backwater flooding situation is created.

Commissioner Brenneman proposed changing finding of fact 16 that states: Montana Fish, Wildlife and Parks and the U.S. Department of the Interior Fish and Wildlife Service are concerned that the subdivision will contribute to human induced disturbance to wildlife.

Discussion was held relative to federal regulations and the timing of the letter from Fish Wildlife and Parks.

Commissioner Brenneman said the findings they have say they didn't know if it was used or not and that is all that can be considered at this point.

Hogle stated there are a number of elements that do serve to protect the natural environment and the concern of agencies.

Finding of fact 16 was changed to: Project specific conditions 17, 20, 24 and 26 attempt to mitigate potential negative effects of human induced impacts to wildlife and natural environment.

Commissioner Brenneman made a **motion** to adopt findings of fact as amended. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Mulcahy stated the applicant would like to see no grazing removed from condition 17.

Commission unanimously approved striking no grazing from condition 17.

Mulcahy then stated he felt condition 24 was a hold over from the first submission of the subdivision application in regards to a 404 Permit from the Army Corp of Engineers and recommended that it be stricken.

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Hogle stated he disagreed that the wetlands are jurisdictional wetlands and it is separate from the agreement between the Army Corp of Engineers and the applicant regarding the road crossing. He then added it doesn't appear to be a place that would do well to have lots of new paths created by homeowners.

Mulcahy stated the grassy area is wet during part of the year and then dries out and will not be a heavily traveled area.

Hogle said he took photos last July when it was wet.

Chairman Lauman questioned the lots the change would affect.

Hogle stated that he felt it would not affect the functionality on any of the lots that it would simply trim off acreage.

Mulcahy stated if you looked at the adjacent waterfowl production area to the west that is open to the public that you could walk anywhere you wanted on it.

Hogle pointed out the letters that were submitted prior to the public hearing had concerns in regards to wildlife and natural environment. It was stated there is more to management of wild fowl production with certain times of the year being nesting periods.

Commissioner Dupont stated he didn't feel it would be a major issue that signs could be installed when birds are nesting.

Commissioner Brenneman questioned the 404 permitting process and the deed restriction.

Mulcahy stated the deed restriction is for the half acre of mitigation land where they cannot disturb the land. They are asking for a deed restriction on the half acre essentially saying they can't fence it, graze it, build trails or walk in it.

Hogle explained the requirement is addressed in condition 22.

Sands said that because open space exists in a subdivision doesn't necessarily mean they expect people to walk on it; it is open space because it is open space, not because they are trying to create an amenity for the landowners to walk on. He then added the discussion is getting convoluted to where it doesn't need to be.

Commissioner Brenneman said he felt it would be nice to leave the condition in, yet doesn't see where we have any clear set mitigation needs that are necessarily met by this that aren't being met by other conditions.

Hogle stated the condition was recommended to minimize the potential for human impacts to the natural environment and wildlife habitat. He further stated this is prime wetland and not just some questionable wetland with aquatic wildlife there.

Commissioner Brenneman stated he agreed and said it would be nice if the applicant would agree also, yet the applicant is saying no were not, and we don't have the basis to require it.

Commissioner Dupont made a **motion** to strike condition 24. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. **Present** - Brenneman. Motion carried by quorum.

Chairman Lauman said the eagles nest is of a distance that he doesn't feel will affect the corner of the development.

Hogle explained to the commission if they felt there was a liability which has been implied; in light of the new letters that another avenue worth acknowledging would be sending the application back for subsequent planning.

Chairman Lauman stated that he personally would not care to do so. He then added in knowing the developers they know the rules, laws and regulations and would be the person they would come looking for if the eagle's nests were disturbed.

Commissioner Dupont concurred and noted the eagle is not on the endangered species list anymore. He then said the federal standards are 650 feet and Montana is still going by stricter standards that haven't been changed.

Commissioner Brenneman said this is a poor place for development and that it is regrettable that people will years from now look back and wonder what they were thinking in putting homes there. He then stated we have no rules or regulations to prevent it from happening and the applicant has the legal right to proceed, however, part of what we are doing is proceeding with some degree of trust that the developer will not try and violate some of these no build zones. Brenneman then asked Mr. Spoklie and Mr. Hoover to go on record stating that in three or four years he would not see homes built in places that aren't appropriate; he then asked, will there ever be anything done in the no build zone.

Spoklie said he bought the property because it was suited for homes.

Commissioner Brenneman asked if anything would be built or done in the no build zones.

Spoklie said the lots are all big enough for all the septic's you want.

Commissioner Brenneman asked if there would be any violation of anything in the preliminary plat conditions.

Spoklie stated as far as he was concerned that on any sale of his properties that no one would want to build down there. He further stated it is a distinctive bank that it isn't gradual.

Hoover asked how the question could be answered once they sold the lots.

Commissioner Brenneman said they were proceeding upon a certain amount of trust.

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Hoover said once the lot is sold they cannot guarantee the performance of someone else; covenants have a no build zone and the architectural control committee is aware of it and will not allow building there. He then stated if the lot owner violates the no build zone the association has the authority to commence legal proceedings to get it stopped, and that is as far as they can take it. He further stated you have our word, but that is as far as we can take it.

Mulcahy added if you put a development in the neighbors will come to love it and will be the biggest protector of it and enforce the covenants.

Commissioner Brenneman made a **motion** to approve preliminary plat of McGregor Pines as amended. Commissioner Dupont **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 permits from the Montana Department of Transportation indicating the approaches have been built and received final inspection and final approval prior to final plat. [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. 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]
5. 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]
6. 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]
7. New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Section 4.7.24, FCSR]
8. 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]
9. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the applicant has met their requirements shall be included with the application for final plat. [Section 4.7.29, FCSR]
10. The 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. 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.
11. The final plat shall comply with state surveying requirements. [Section 76-3-608(b) (i), M.C.A.]

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12. Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision 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 of structures such disturbed area will be equal to, or greater than one acre, a Montana State Department of Environmental Quality General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained and provided to the Flathead County Planning & Zoning office prior to any site disturbance or construction. [17.30.1115 Administrative Rules of Montana (A.R.M.)]
13. 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]
14. 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]
15. 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]
16. "No Build Zones" shall be shown on the face of the final plat in the same configuration as has been reviewed on the preliminary plat. Lot owners may not build residences in the "No Build Zones", nor are septic systems or wells allowed.
17. The applicant shall establish a compliant bus stop in a safe location near the eastern approach of McGregor Meadow Loop onto US Highway 2, and provide a letter of approval from the Flathead County Superintendent of Schools prior to final plat.
18. The final plat shall indicate a 30 foot wide "no-build" easement on Lots 13 and 28 adjacent to the US Highway 2 right of way and a 20 foot wide "no-build" easement on Lots 1 and 25 adjacent to the US Highway 2 right of way. The easements are intended to ensure that new development will not conflict with or impede future widening of the highway.
19. The central storage area for trash shall be "animal proof" and a letter of approval in regard to location, access, and animal proofing from the Flathead County Solid Waste District shall be submitted prior to final plat.
20. The delineated 100 year floodplain boundary shall be shown on the final plat.
21. A 310 Permit from the Flathead County Conservation District and the DNRC and a Section 404 Permit from the Army Corps of Engineers are required to be obtained prior to construction of the McGregor Meadows Loop crossing of the unnamed stream and wetlands and prior to road construction activities within the delineated 100 year floodplain. A copy of the permits shall be submitted prior to final plat.
22. A Floodplain Development Permit is required to be obtained by the applicant subsequent to the formal adoption of the delineation by the Flathead County Floodplain Administrator and prior to construction of the McGregor Meadows Loop crossing of the unnamed stream and wetlands and prior to other road construction activities within the delineated 100 year floodplain. A copy of the permits shall be submitted prior to final plat.
23. McGregor Meadows Loop shall be designed by a registered engineer to ensure road stability and integrity is maintained where it crosses saturated wetland and floodplain areas.
24. The applicant shall comply with Section 4.7.27.b FCSR and satisfy reasonable requests pertaining to access and fire suppression by emergency service providers, and a letter of approval from the fire chief shall be submitted prior to final plat approval. No water storage facility is permitted to be located within the delineated floodplain.

- 12:00 p.m. Commissioner Brenneman: Bigfork Steering Committee Public Forum @ Bethany Lutheran**
- 2:00 p.m. Commissioner Lauman: AOA Board meeting @ Kalispell Sr. Center**
- 7:00 p.m. Commissioner Lauman: Road Advisory Committee meeting @ Solid Waste Conference Room**
- 7:30 p.m. Fair Board meeting @ Fair Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 13, 2009.

FRIDAY, MARCH 13, 2009

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

- 8:30 a.m. Commissioner Brenneman: Mosquito Control Board meeting @ Earl Bennett Building**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 16, 2009.
