
MONDAY, JULY 4, 2005

COUNTY OFFICES CLOSE – 4TH OF JULY HOLIDAY

TUESDAY, JULY 5, 2005

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

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

CONSIDERATION OF TABLING PLAN CHANGE REQUEST PENDING ADOPTION OF GROWTH POLICY

Due to a malfunction with recording equipment there is no audio version of this meeting

[8:34:09 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Gary Ridderhoh, Bob Nystuen, Dennis Beams, Cliff Lemay, Debbie & Dawn, Bob Lovejoy, Bruce Tutvedt, Harry Brown, Don Hines, Jere Lehman, Greg Watkins, Michelle Siderius, Carol Venable, Jon Smith, Peter Steele, Ed Corrigan, Kirsten Holland, Jeff Harris, Jerry Nix, Diane Yarus, Justin Sheeran, Merna Terry, Diane Taylor, John King, Bill Lincoln, Gene Dziza, Joe Kauffman, Jeff Larsen, Ava Walters, Linda Creaighton, Sharon Demeester, Sara Jane Willis, Marc Liechti, Jim Frizzell, Doug Averill, Elna Darrow, George Darrow, Mahlon Randall, Clarice Ryan, Hank Galpin, Vonnie Koenig, Herb Koenig, Kathleen Sudan, Denise Cofer, Bob Spoklie, Wallace Hill Best, Jan Gellein, Mary Lynn Kranze, Dick Sonju, Jon Sonju, Kip Willis, Judy Hedstrom, Bob parker, Rich DeJana, Eric Hummel, Jerry Brosten, Bill Spurzen, Bill Baum, Joe Cassetta, Phil Hanson, Addy Gibson, Chris Ahner, Shirley Anderson, Don Peterson, Mark Owens, Lum Owens, Paul Rana, Dan K Olson, John Bourquin, Michael Fraser, Dave Skinner, Ken Kalvig, Charles Lapp, Linda Kaps, Sandra Koness, Jane Sekelsky, Steve Sekelsky, George Everett, Gary Hoxner, Susan Marie Ladd

Charles Lapp stated that Johna Morrison had presented this option as a new option at a planning board meeting and no staff report was given. They discussed it as a board and voted on it. He believes that when the board approved the option it was just as something to look into. He stated that the motion was later made at another planning board meeting to rescind the motion to put a moratorium on growth policy amendments.

Erick Hummel stated that he is an attorney representing people that are interested in the outcome of this decision. He presented the commissioner with a chart of the numbers of applications submitted to the planning department. He stated that his information shows that growth policy amendments take only a little over 2 percent of the planning staffs time.

Ken Kalvig stated that he represents people who have application in to the planning office. He stated that most of the people support planning in the county. He stated that the planning office is a good office to work with. He has clients that have been working on applications for months. He stated that the only indication that a moratorium might happen is the decision that was later rescinded by the planning board. He asked that the commissioner give people a reasonable notice so that they can adequately plan for their property. He stated that this is not just a moratorium on master plan amendments, but zone changes and subdivisions as well. He stated they the application that they recently submitted had a 10,000 check attached for the processing fees. He believes that this money could be used to hire more staff.

Doug Averill stated that this decision could drastically affect Bigfork. He has about 2000 acres of property near Bigfork that has been offered to them to buy that could affect the outcome of all of Bigfork.

Mike Fraser stated that master plan changes and growth policy changes are different then a neighborhood plan. He stated that the neighborhood plan provided a greater more strict structure and is more of a citizens initiated contract planning. He stated that he believes that commissioners need to develop a policy which discourages changes significant changes. He believes that the commissioners need to give adequate time for the public, and to finish plans that are already in the works.

Mahlon Randall suggested that the commissioners consider establishing a set of criteria by which they rate the incoming applications and then have a more specific set of things that people need to do to have a more complete application, and then create a priority list.

George Darrow stated that in 1993 Bigfork adopted a zoning district that they have been following and that the new development being applied for complies with that plan and is not a new plan and that should be taken into consideration.

Rich DeJana stated that he does have clients with an application in the process and clients that have applications in the thinking. He stated that he does oppose a moratorium. He stated that around 5-7 plans have been submitted and paid their fees. He believes that the only honest choice is to process those. He stated that they need to go through the process and create a

reasonable date. He does not believe the commissioners need to shut down the growth. He believes that the growth policy should reflect land changes that are being asked for now. He stated that what needs to be worked out is that the planning office gets the information that the need to more quickly and accurately process applications.

Sharon Demeester stated that a lot of people showed up due to the ad in the Sunday paper. She stated that they all want a better Flathead. She stated that these ads are here to pressure the commissioners. She stated that anyone with a small business knows that it is hard to find workers. She stated that there are jobs for anyone who wants a job in the valley. She does believe that commissioners need to plan for the future.

Jon Sonju stated that he is in opposition to this moratorium and that it will have an economic impact. He believes that if this is passed maybe they won't have those want ads in the paper. He suggested that commissioners get interns to help with the planning office.

Meredith Terry stated that they are builders of affordable housing. She stated that there is a limited supply of available lots in the valley. She is concerned that if we cut off the supply of incoming lots that when they do become available it will be at very high prices.

Diane Yara suggested that a lottery system be installed that would allow some applications to be considered depending on the workload that the staff can handle. She stated that we don't need to say no to everybody but only do what the staff can handle.

Jon Borkwin stated that if manpower is the main cause for this consideration perhaps the commissioners could do a focus group to give ideas on how they can more quickly process these applications.

Jim unknown last name stated that community development and community health is one of the most precious things that we have.

Cliff Lemay stated that one of the biggest problems in Montana are the bright kids leaving due to the lack of good wages in the valley. He asked the commissioners to consider the effect this will have on the economy.

Bruce Tutvedt stated that Johna quit and the commissioners need to pat the planners on the back for the good job that they do. He believes that involvement needs to be done early on.

Diane Taylor stated that there was a four year moratorium in Big Sky and now they are thriving. She stated that all the planning seems to do is change the plan. She stated maybe people should follow what we have until there is a new plan.

Don Hines stated that there is a lot of talk and half truths floating around. He stated that the planning board is very busy. He stated that there are other staff available out there. He stated that he does believe that there are a lot of groups out there that would be willing to help process the applications. He believes that it is good that the commissioners are taking comments and accepting suggestions.

Carol Van stated that the people who are in the pipeline need to be considered. She does believe that the planning board does need more help. She believes that the project that has been presented in Bigfork should definitely be considered. Her and many others do not want to see the development lost. He suggested that the planning board manned as it is has tremendous depth and could work out a process with the planning staff.

Discussion continued amongst the commissioners and staff.

Jeff Harris stated that the department has accepted application and fees and that it comes with an obligation to process those applications. He does believe that it would make sense to hold future applications. He suggested that the current applications be processed, a date be set to stop accepting applications, and that all of the rest be held until the growth policy is complete.

Commissioner Watne asked if a moratorium did happen what would happen to the zone changes that come until the growth policy is done.

Jeff Harris stated that he does not have a good answer. He does not know what would be more staff time extensive. He does believe that they need to be consistent with the new growth policy.

Commissioner Hall questioned accepting one growth policy amendment per month, and if these could then be incorporated into the new growth policy.

Jeff Harris stated that the opportunity to participate in the process is huge.

Mike Pence stated that having the planning board get together with the planning staff and come back with some ideas on ways that the commissioner could proceed would be a good option.

Commissioner Hall requested it be put on the next planning board agenda to put together a procedure on growth policy amendments. He asked the attorneys if they can not accept application after July 15th until such time as a plan can be set up on how the future applications can be processed.

Commissioner Brenneman stated that he agreed that any applications in the process need to be followed through. He stated that he believes people are trying to rush things through before the growth policy is finished. He does believe that trying to write the growth policy while also trying to change the growth policy will slow things down. He asked why put the date on it instead of just saying that we will not accept applications until such time as a plan is instituted.

Jeff Harris stated that maybe they could put a hold until such time as a plan is put together.

Commissioner Watne stated that he does not believe a hold should be put on until a plan is put together. He also questioned what would have happened today if this meeting was listed on the agenda as a public hearing.

Commissioner Brenneman made a **motion** to send to the planning board consideration of adoption of plan on processing future applications. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

TUESDAY, JULY 5, 2005
(Continued)

Commissioner Brenneman made a **motion** to continue to take applications as they come in but that all accepted applications be subject to the processing plan recommended by the planning board and planning staff, if that plan is adopted by the commissioners. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. **Opposed** - Watne. Motion carried by quorum.

QUARTERLY MEETING W/ MARCIA SHEFFELS, SUPERINTENDENT OF SCHOOLS

This meeting was cancelled.

DOCUMENT FOR SIGNATURE: DEQ CONTRACT #506017

Due to a malfunction with recording equipment there is no audio version of this meeting

[9:58:51 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the DEQ Contract #506017 and authorize chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: WIC FARMER'S MARKET CONTRACT

Due to a malfunction with recording equipment there is no audio version of this meeting

[9:59:42 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the WIC farmers market Contract and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: NATIONAL PARK SERVICE AGREEMENT

Due to a malfunction with recording equipment there is no audio version of this meeting

[10:00:55 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the National Park Service Agreement and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

FINAL PLAT: MOUNTAIN MEADOW YAK RANCH

Due to a malfunction with recording equipment there is no audio version of this meeting

[10:01:41 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Susen Marie Ladd, Dawn Marquardt, Debbie Shoemaker, Joe Kaufman, R. Walker, Peggy Goodrich, Jeff Harris

Goodrich reviewed the application for final plat approval of Mountain Meadow Yak Ranch Subdivision, a one-lot minor subdivision off of Lost Creek Drive west of Kalispell. The subject property is 8.59 acres in size, and is zoned West Valley. Preliminary plat approval was waived on August 26, 2004, subject to eight conditions. All conditions have been met.

Commissioner Brenneman made a **motion** to adopt Staff Report FWP-05-13 as findings of fact. Commissioner hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the final plat of Mountain Meadow Yak Ranch Subdivision. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

TUESDAY, JULY 5, 2005
(Continued)

DOCUMENT FOR SIGNATURE: GROWTH POLICY CONTRACT / COLLINS GROUP

Due to a malfunction with recording equipment there is no audio version of this meeting

[10:06:20 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Peggy Goodrich, Jeff Harris

Commissioner Brenneman made a **motion** to approve the Growth Policy Contract with Collins Group and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

FINAL PLAT: PERRY BUSINESS PARK

Due to a malfunction with recording equipment there is no audio version of this meeting

[10:11:51 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Peggy Goodrich, Jon Smith, Dawn Marquardt, Debbie Shoemaker, Joe Kaufman, R. Walker

Goodrich reviewed the application submitted by Marquardt Surveying for final plat approval of Perry Business Park, which will create 4 commercial lots off Pioneer Road. The property is unzoned. Preliminary plat approval was granted on March 28, 2005 subject to thirteen conditions. All conditions have been met.

Commissioner Brenneman made a **motion** to approve the final plat of Perry Business Park. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

BUDGET AMENDMENT: HEALTH DEPT

Due to a malfunction with recording equipment there is no audio version of this meeting

[10:14:47 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to adopt Resolution 1854. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**BUDGET AMENDMENT RESOLUTION
RESOLUTION NO. 1854**

WHEREAS, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2004-2005, are required, and;

WHEREAS, Section 7-6-4031, M.C.A. and Budget Resolution No. 1689, allow budget transfers to be made between items in the same fund.

NOW, THEREFORE, BE IT RESOLVED, that the attached list of transfers and revisions shall be made in the budget for Flathead County for Fiscal Year 2004-2005; and

BE IT FURTHER RESOLVED, that this Resolution and the attached list of transfers and revisions shall be entered into the minutes of the Board of Commissioners.

DATED this 5th day of July, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By: _____
Robert W. Watne, Member

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

**TUESDAY, JULY 5, 2005
(Continued)**

ATTEST:
Paula Robinson, Clerk

By: /s/Kimberly Moser
Kimberly Moser, Deputy

**COUNTY OF FLATHEAD
GENERAL JOURNAL VOUCHER
BUDGET AMENDMENT
RESOLUTION # 1854**

DATE ISSUED:
DATE OF RECORD:

VOUCHER NO.: 0506-81

MCA 7-6-4006	ACCOUNTING COPY	"B" Entry		
Account Number	Description	Line	Debit General Ledger	Credit General Ledger
2270-0222-490500-610	Principal-Loan Pymt	1		\$ 50,000.00
2270-242000	Expense Control	2	\$ 50,000.00	
		3		
	To increase spending authority	4		
	in current budgeted expense	5		
	line	6		
	with funding via Cash reserves	7		
	As per attached e-mails	8		
		9		
		10		
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		27		
		28		
		29		
		30		
		31		
		32		
		33		
		34		
		35		
	Total		\$ 50,000.00	\$ 50,000.00

Explanation:

by: Gary L Como,
Finance
Approved by: Commissioners by Resolution

Commissioner Brenneman made a **motion** to adopt Resolution 1855. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum

**BUDGET AMENDMENT RESOLUTION
RESOLUTION NO. 1855**

WHEREAS, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2004-2005, are required, and;

WHEREAS, Section 7-6-4031, M.C.A. and Budget Resolution No. 1689, allow budget transfers to be made between items in the same fund.

NOW, THEREFORE, BE IT RESOLVED, that the attached list of transfers and revisions shall be made in the budget for Flathead County for Fiscal Year 2004-2005; and

BE IT FURTHER RESOLVED, that this Resolution and the attached list of transfers and revisions shall be entered into the minutes of the Board of Commissioners.

**TUESDAY, JULY 5, 2005
(Continued)**

DATED this 5th day of July, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By: _____
Robert W. Watne, Member

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

ATTEST:
Paula Robinson, Clerk

By: /s/Kimberly Moser
Kimberly Moser, Deputy

**COUNTY OF FLATHEAD
GENERAL JOURNAL VOUCHER
BUDGET AMENDMENT
RESOLUTION # 1855**

DATE ISSUED: _____ VOUCHER NO.: 0506-82
DATE OF RECORD: _____

MCA 7-6-4006	ACCOUNTING COPY	"B" Entry		
Account Number	Description	Line	Debit General Ledger	Credit General Ledger
2925-0209-420110-398	Contracted Services	1		\$ 7,940.00
2925-242000	Expense Control	2	\$ 7,940.00	
		3		
	To increase spending authority	4		
	in budgeted expense line-as	5		
	per	6		
	local match funding due	7		
	from Sheriff's 2300 transfer-out	8		
		9		
		10		
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		32		
		33		
		34		
		35		
	Total		\$ 7,940.00	\$ 7,940.00

Explanation:

by: Gary L Como,
Finance
Approved by: Commissioners by Resolution

TUESDAY, JULY 5, 2005
(Continued)

MONTHLY MEETING W/ RAEANN CAMPBELL, HUMAN RESOURCE OFFICE

Due to a malfunction with recording equipment there is no audio version of this meeting

[10:22:14 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Raeann Campbell

Discussion was held relative to a report on the accepted positions, the trust fund balance, workers comp incidents, MSHARP program training, and the closing of the OES position.

Commissioner Watne made a **motion** to approve the report on position openings. Commissioner Hall **seconded** the motion. **Aye** - Hall and Watne. Motion carried by quorum.

CONSIDERATION OF POLICY MANUAL CHANGES

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[10:28:17 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Raeann Campbell

Discussion was held relative to the proposed policy manual changes. A decision was made to put this on hold until a couple of the issues are revisited.

COS REVIEW: QUINNELL

Due to a malfunction with recording equipment there is no audio version of this meeting

[10:38:52 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Peggy Goodrich, Jeff Harris, Jean Johnson, Kate A Cassidy

Goodrich reviewed the Quinnell family transfer. Jean Johnson stated that a major subdivision has been done and that the purpose of this is just to provide property to the son.

Commissioner Watne made a **motion** to approve the Quinnell family transfer. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

COS REVIEW: KENNEY

Due to a malfunction with recording equipment there is no audio version of this meeting

[10:44:12 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Peggy Goodrich, Jeff Harris, Rick Breckenridge, Dawn Marquardt

Goodrich reviewed the Kenney family transfer request. Rick Breckenridge stated that when they first submitted the request it fit in the 509 review, and that they got beat out.

Commissioner Watne made a **motion** to approve the Kenney family transfer. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

COS REVIEW: DALL

Due to a malfunction with recording equipment there is no audio version of this meeting

[10:49:39 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne

**TUESDAY, JULY 5, 2005
(Continued)**

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence

Clerk Kimberly Moser, Peggy Goodrich, Danielle Dall, Justin Dall, Dawn Marquardt, Jeff Harris

Goodrich reviewed the Dall family transfer request. Justin Dall stated that they wished to build a house on the smaller lot and then sell the house on the larger lot.

Commissioner Watne made a **motion** to approve the Dall family transfer. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

PRELIMINARY PLAT: HODGE CREEK SOUTH

[11:25:48 AM](#)

Members present:

Chairman Gary D. Hall

Commissioner Robert W. Watne

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence

Clerk Kimberly Moser, Kirsten Holland, Peggy Mathiason, Rick Breckenridge, Ardis Larsen, Jeff Larsen

Holland reviewed the application submitted by Dennis Pewitt for preliminary plat approval of Hodge Creek Subdivision, a minor subdivision that will create five single-family residential lots. The subdivision is located off of Ashley Lake Road, north of Highway 2. The property is unzoned. There are 12 conditions of approval. Staff recommends approval.

Commissioner Watne made a **motion** to adopt Staff Report FSR-05-28 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

Commissioner Watne made a **motion** to approve the preliminary plat of Hodge Creek South subject to 13 amended conditions. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

CONDITIONS

1. A variance to section 3.9, table 1, shall be granted for the road length.
2. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with a plan approved by the County Weed and Parks Department.[3.12(J),FCSR].
3. The lots within the subdivision shall be reviewed and approved for water, sewage and storm water by the Flathead City-County Health Department at the time of development.[3.15(B), FCSR].
4. The applicant shall receive physical addresses and name all roads in accordance with Flathead County Resolution #1626. The addresses and road names shall appear on the final plat. [Resolution 1626].
5. The following statements shall be placed on the face of the final plat applicable to all lots:

All house or business addresses will be visible from the road, either at the driveway entrance or on the house.[3.20(D), FCSR].

All utilities shall be placed underground. [3.17, FCSR].

Class A and Class B fire resistant roofing materials are allowed. Wood shake shingles, treated or otherwise, are prohibited. [3.21,FCSR]

Defensible Space Standards shall be incorporated around all primary structures as described in Appendix G of the Flathead County Subdivision Regulations. [3.21,FCSR].

Lot owners are advised that they are moving into an area frequented by large and potentially dangerous wild animals. As such, lot owners are strongly encouraged to contact the Montana Department of Fish, Wildlife and Parks and obtain information on living with wildlife. [FWP policy].

Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed. [3.12(J), FCSR]

The internal road (Pewitt Lane) shall be the landowners maintenance responsibility. A road users association shall be formed which will require each property owner to bear their pro-rata share for road maintenance. [3.9 (J)(2 & 3), FCSR]

H. Waiver of Protest
Participation in Special Improvement District (resolution 503M)

_____ (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.

**TUESDAY, JULY 5, 2005
(Continued)**

6. Except as addressed in other conditions, all required improvements shall be completed in place or an improvement guarantee in accordance with Chapter 8 of the Flathead County Subdivision Regulations shall be provided by the subdivider, prior to final approval by the County Commissioners.[Appendix E, FCSR].
7. Electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the utility companies. Utilities and easements shall comply with [Section 3.17 and 3.18 of the Flathead County Subdivision Regulations].
8. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Appendix C (I) (A), FCSR].
9. The roadway shall have a 60 right of way, a 20 foot hard drive surface (gravel), and a 55 foot radius cul-de-sac. All roads shall meet AASHTO standards and be signed off by a professional engineer, licensed in the state of Montana. [3.9, FCSR].
10. The final plat shall comply with the requirements of Section 2.7 (final plat process) of the Flathead County Subdivision Regulations. [2.7, FCSR].
11. The developer shall ~~provide an~~ obtain and show proof of an approach permit from the Flathead County Road & Bridge Department for the private drive onto Ashley Lake Road. Said permit shall indicate the site has been inspected following construction by signature on line reading "Approve-post inspection date." [3.8, FCSR].
12. If required by the postmaster, the developer shall provide a common mailbox facility in accordance with Flathead County Subdivision Regulations. [3.22, FCSR].
13. Preliminary plat approval is valid for three years. . [Section 2.5(D)#6, FCSR].

PRELIMINARY PLAT: COUNTRY BOURNE SUBDIVISION

[11:38:49 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Kirsten Holland, Rick Breckenridge, Peggy Mathiason, Mike Braaten, Rebekah Braaten,
Gloria Wagar, Ardis Larsen, Jeff Larsen

Holland reviewed the application submitted by Gloria Wager for preliminary plat approval of Country Bourne Subdivision, a major subdivision creating 30 residential lots and 4 commercial lots. All lots in the subdivision are proposed to have public water and individual sewer systems. The property is unzoned. There are 17 conditions of approval. Staff recommends approval.

Commissioner Watne made a **motion** to adopt Staff Report FPP-05-28 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

Commissioner Watne made a **motion** to approve the preliminary plat of Country Bourne Subdivision subject to 17 amended conditions. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

CONDITIONS:

1. The internal road shall have a 60 foot right of way, a 20 foot asphalt surface and a fifty five foot radius cul-de-sac mid-length of the internal road. All roads shall be inspected and signed off by an engineer, licensed in the state of Montana, stating the roads meet AASHTO standards. (FCSR, Section 3.9).
2. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with a plan approved by the Flathead County Weed Board. (FCSR, Section 3.12(J)).
3. The developer shall obtain **and show proof of** approach permits for the internal roads from the Flathead County Road and Bridge Department. **Said permits shall indicate the site has been inspected following construction by signature on line reading "Approve-post inspection date."**(3.8, FCSR).
4. Execute a shared maintenance agreement for all common properties, including roads, drainage improvements, shared wells and parks. The agreement shall reference shared maintenance responsibility among all lot owners and an assessment mechanism to pay for maintenance costs. (FCSR, Section 3.9(J) 3).
5. The subdivision shall meet the requirements of Section 3.20 of the Flathead County Subdivision Regulations. The developer shall provide a letter from the Marion Fire chief stating all conditions of fire suppression have been met.
6. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a) The property owners association shall be responsible for maintenance of roads, sidewalks, and common areas. Roads shall be maintained, including necessary repairs and snow removal, to insure safe all-weather travel for two-way traffic.(FCSR, Section 3.9(J)#3)
 - b) Dogs shall be kenneled or kept on leashes at all times. Feeding of wildlife and use of wildlife attractants is prohibited.
 - c) Addresses shall be readable from the road either on the structure or at the driveway approach. (Flathead County Resolution #1626) (FCSR, Section 3.20(D)).
 - d) Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed/Parks/Recreation and Building Maintenance Department agreed (FCSR, Section 3.12(J)).

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(Continued)**

- e) Potential lot owners should be aware that there is an ongoing gravel operation nearby. Noise, odors, dust and erratic hours of operation can be expected. In buying a lot in this subdivision, lot owners are hereby notified that they have waived their right to protest the gravel operation. (FCSR, Section 3.4(D).
- f) All utilities shall be placed underground (FCSR, Section 3.17).
- g) Lot owners are advised that they are moving into an area frequented by large and potentially dangerous wild animals. As such, lot owners are strongly encouraged to contact the Montana Department of Fish, Wildlife and Parks and obtain information on living with wildlife.
- h) Only class 'A' or 'B' fire rated roofing materials are allowed on structures within the development. (FCSR, Section 3.21#F).
- i) Defensible space as discussed in Appendix 'G' of the Flathead County Subdivision Regulations shall be applied to all internal subdivision roads and all lots within the subdivision (FCSR, Section 3.21#F).
- 7. All lots within the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the State of Montana Department of Environmental Quality (FCSR, Sections 3.14 & 3.15).
- 8. Except as addressed in other conditions, all required improvements shall be completed in place or an improvement guarantee in accordance with Chapter 8 of the Flathead County Subdivision Regulations shall be provided by the subdivider, prior to final approval by the County Commissioners (FCSR, Section 2.7 (D) #1).
- 9. Install street signs and traffic control signs at the intersections of all internal subdivision roads and intersections with existing County roads in compliance with the standards of Section 3.9(I)(8) of the Flathead County Subdivision Regulations.
- 10. The developer shall dedicate a **15 ±0** foot bike/walk path **along the legal access to Gopher lane and along Pleasant Valley Road** ~~from the subdivision, through developer owned lands, to the school.~~ (FCSR, Section 3.11).
- 11. The developer shall provide proof of legal access to Gopher Lane from the subdivision. (FCSR, Section 3.8(A) & 3.9(J)2).
- 12. If required by the local postmaster, the developer shall install a common mail delivery facility and pull-off area as outlined in Section 3.22 of the Flathead County Subdivision Regulations.
- 13. Electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the utility companies. Utilities and easements shall comply with Section 3.17 and 3.18 of the Flathead County Subdivision Regulations.
- 14. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions (FCSR, Section 2.7(E) #4).
- 15. The applicant shall receive physical addresses and name all roads in accordance with Flathead County Resolution #1626. The addresses and road names shall appear on the final plat.
- 16. The ~~developer~~ **applicant** shall dedicate ~~2.00~~ **2.24** acres to satisfy the parkland requirement as set forth in Section 3.19 of the Flathead County Subdivision Regulations.
- 17. Preliminary plat approval is valid for three years (FCSR, Section 2.5(D)#6).

PRELIMINARY PLAT: HOILAND-DAY ACRES SUBDIVISION, LOT 22

[11:54:50 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Peggy Goodrich, Mark Waatti

Goodrich reviewed the application submitted by Donald Gatzke Trust for preliminary plat approval of Amended Plat Lot 22, Hoiland Day Acres Subdivision, a major subdivision that will create two residential lots. The property is zoned R-5 in the Evergreen Zoning District. There are 12 conditions of approval. Staff recommends approval.

Commissioner Watne made a **motion** to adopt Staff Report FPP-05-26 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

Commissioner Watne made a **motion** to approve the preliminary plat of Amended Plat Lot 22, Hoiland Day Acres Subdivision subject to 12 conditions. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

Conditions:

1. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed. [Section 3.12(J), Flathead County Subdivision Regulations]
2. The developer shall obtain and show proof of legal access to use Harmony Court, a private, internal subdivision road. [Section 3.8(A), FCSR]
3. The lots within the subdivision shall be reviewed by the Flathead City-County Health Department and the Montana Department of Environmental Quality prior to final plat. [Sections 3.12, 3.14(A) and 3.15(A), FCSR]
4. Electrical and telephone utilities shall be extended underground to abut and be available to each lot. Utility

**TUESDAY, JULY 5, 2005
(Continued)**

plans shall be approved by the applicable utility companies. [Sections 3.17 and 3.18, FCSR]

5. The following statements shall be placed on the face of the final plat applicable to all lots:

- All addresses shall be visible from the road, either at the driveway entrance or on the house. [3.20(D), FCSR]
- All utilities shall be placed underground. [3.17(A), FCSR]
- Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed. [3.12(J), FCSR]
- Lots in the 500-year floodplain may be impacted by shallow flooding during a 100-year flood event. [76-5-103 (10) M.C.A.]

6. The following statement shall appear on the face of the final plat:

Waiver of Protest

Participation in Special Improvement District

_____ (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.

7. The developer shall contact the local postmaster to confirm area mail delivery and establish an appropriate location for mailbox placement in accordance with Flathead County Subdivision Regulations. [Section 3.22, FCSR]
8. The applicant shall receive physical addresses and name all roads in accordance with Flathead County Resolution #1626. [Section 3.9(I)(7), FCSR]
9. Except as modified above, the subdivision shall comply with all Design Standards of the Flathead County Subdivision Regulations. [Chapter 3, FCSR]
10. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]
11. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]
12. *Lot owners shall be required to join the Road Users Agreement for Harmon Court Subdivision. The developer shall note this requirement on the face of the Final Plat.*

1:15 p.m. 911 meeting at the Justice Center

4:00 p.m. Commissioner Hall to attend Jobs Now meeting at Jobs Now Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 6, 2005.

WEDNESDAY, JULY 6, 2005

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

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

CONSIDERATION OF LAKESHORE PERMIT: MURRAY

9:06:20 AM

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Traci Sears-Tull

Sears-Tull reviewed the lakeshore permit application submitted by Gary Murray for Whitefish Lake to install a new L-shaped Glacier Dock. The dock will measure 12 feet in length, with a 10-foot gangway, and will vary from 3 feet to 8 feet in total width. The wing will measure 12 feet in length and 8 feet in total width. Impervious Cover – 222 square feet. The applicant has just recently installed a boat buoy made of low-impact plastic. The total impervious cover on the lots is approximately 204 square feet (according to applicant)/ The maximum allowable impervious cover on this lot is 1576 square feet (according to the applicant).

Commissioner Watne made a **motion** to approve Permit #WLP-05-16 subject to 13 conditions. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

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(Continued)

CONSIDERATION OF LAKESHORE PERMIT: GOGUEN

[9:07:16 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Traci Sears-Tull

Sears-Tull reviewed the lakeshore permit application submitted by Michael Goguen for Whitefish Lake for a remediation plan for the vegetation that was removed without a permit. Plan a total of 13 trees with 35 total trunks. There are 8 proposed new multi-stem Birch tree with a total of 30 trunks, minimum. There are 5 proposed Evergreen Trees (Ponderosa, Pine, Douglas Fire or Sub Alpine Fire, depending on availability). Clean up the Lakeshore Protection Zone by removing fallen debris and tree branches. The maximum allowable impervious cover on this lot is 920 square feet (according to applicant)

Commissioner Watne made a **motion** to permit #WLP-05-14 subject to 16 conditions. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

CONSIDERATION OF LAKESHORE PERMIT: CAVIN

[9:09:09 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Traci Sears-Tull

Sears-Tull reviewed the lakeshore permit application submitted by Benton Cavin for Whitefish lake to Replace doors to the existing boathouse in front of the structure and construct a rear door for access from the back of the structure on the lake ward side of the boathouse for security reasons. The dimension of the front door is approximately 8 feet by 8 feet. The dimension of the rear door will be approximately 3 feet by 6 feet. The proposed doors will be constructed of untreated material. Also to replace existing I-shaped dock with a smaller I shaped-dock that will measure 20 feet in length by 8 feet in width (160 square feet).

Commissioner Watne made a **motion** to approve permit # WLV-05-05 subject to 21 conditions. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

CONSIDERATION OF LAKESHORE PERMIT: RDR LLC

[9:09:50 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Traci Sears-Tull

Sears-Tull reviewed the Lakeshore Permit application submitted by RDR, LLC for Flathead Lake to

A. Remove all encroachments from adjoining properties. The applicant is concerned with the numerous encroachments of the marina on the adjoining properties. Remove all of the existing structures and fill encroaching in Canal-Water Way to Lake. The boardwalk, fuel pump, shed and landscaping that is set on man—placed fill are the specific items that are to be removed. Relocate and replace the existing concrete and wood boat ramp.

B. Replace the partially enclosed boat shelter with an open, smaller one. Replace the dilapidating boat shelter with a smaller boat shelter that is open on all sides. The existing boat shelter has approximately 5255 square feet of impervious cover. The proposed boat shelter will have approximately 4536 square feet of impervious coverage; this will be a 1517 square feet reduction.

C. Replace the existing railroad tie seawall with a concrete seawall. Replace 522 feet of the existing 586-foot wooden retaining wall. The new retaining wall is to be constructed up to three feet lakeward of the existing wall. Insert 163 cubic yards of easily drained gravel behind the new seawall.

D. Relocate and replace the existing concrete/wood plank boat ramp that encroaches into the harbor. The new ramp would be relocated on the applicant's property.

E. Replace the existing docks and decrease the number of docks from 28 to 18. The dock system would accommodate 36 slips and will be a 32% reduction in the number of existing docks and a 5% reduction in slips.

F. Redo the boardwalk after the new retaining wall is constructed. The boardwalk is more of a walkway for patrons to access the docks and their vessels safely. The walkway will utilize the top portion of the proposed retaining wall.

G. Relocate and replace the existing fuel pump.

Commissioner Watne made a **motion** to approve Permit #FLV-05-03 subject to 87 conditions. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

**WEDNESDAY, JULY 6, 2005
(Continued)**

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT AMENDMENT / EAGLE TRANSIT

[9:11:16 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jim Atkinson, Cheryl Talley

Commissioner Watne made a **motion** to approve the DPHHS Contract Amendment for Eagle Transit. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: EMPLOYMENT CONTRACT / C. BAARS

[9:17:21 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Watne made a **motion** to approve the Employment Contract for Coleen Baars. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

MONTHLY MEETING W/ KIM CROWLEY, LIBRARY

[9:29:34 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Kim Crowley

Discussion was held relative to the library community planning committee plans, the lack of any direct funding from the city of Kalispell, the new hire of the children's librarian, the retirement of Rita Krause, and the summer reading program.

PRELIMINARY PLAT: COUNTRY MEADOWS

[9:50:25 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Peggy Goodrich, Jeff Harris Kirsten Holland, Jean Johnson, Kate Cassidy, Carol Duval

Goodrich reviewed the application submitted by James & Carol Duval for preliminary plat approval of County Meadows, a major subdivision that will create nine residential lots in two phases. The subdivision is proposed on 11.169 acres and will be served by a community well and shared septic systems. The property is unzoned. There are 16 conditions of approval. Staff recommends approval.

Commissioner Watne made a **motion** to adopt Staff Report FPP-05-18 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

Commissioner Watne made a **motion** to approve the preliminary plat of Country Meadows Subdivision subject to 16 conditions. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

Conditions:

1. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), Flathead County Subdivision Regulations (FCSR)]
2. All areas disturbed during development of the subdivision shall be revegetated in accordance with a plan approved by the County Weed and Parks Department. [Section 3.12(J), FCSR]
3. The developer shall obtain an approach permit from the Flathead County Road Department for the private, internal subdivision road off Columbia Falls Stage Road. [Section 3.8 (A), FCSR]
4. The applicant shall receive physical addresses and name all roads in accordance with Flathead County Resolution #1626. The addresses and road names shall appear on the final plat. [Section 3.9(I)(7), FCSR]
5. The private, internal subdivision road shall consist of a 60-foot right-of-way, a 20-foot paved travel surface, and a 55-

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(Continued)

- foot radius cul de sac. Compliance with Section 3.9 of the Flathead County Subdivision Regulations shall be certified by a licensed, professional engineer. [Section 3.9 B, FCSR]
6. A Property Owners Association shall be formed which will require each property owner to bear his/her pro-rata share for snow removal and road maintenance of the internal subdivision road. [Section 3.9 J. 3., FCSR]
 7. Water supply, septic treatment, and storm water management plans shall be reviewed and approved by the Flathead City-County Health Department and the Montana Department of Environmental Quality. [Sections 3.14(A) and 3.15(A), FCSR]
 8. If required by the local postmaster, the developer shall provide a common, off-street mailbox facility in accordance with the Flathead County Subdivision Regulations. [Section 3.22 FCSR]
 9. Electrical and telephone utilities shall be extended underground to abut and be available to each lot, in a manner approved by the utility companies. Utilities and easements shall comply with Section 3.17 and 3.18 of the Flathead County Subdivision Regulations. [Sections 3.17 and 3.18, FCSR]
 10. The following statements shall be placed on the face of the final plat applicable to all lots:
 - A. All house or business addresses will be visible from the road, either at the driveway entrance or on the house. [3.20(D), FCSR]
 - A. All utilities shall be placed underground. [3.17(A), FCSR]
 - B. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed. [3.12(J), FCSR]
 - D.

Waiver of Protest
Participation in Special Improvement District

_____ (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. [Flathead County Resolution 503-M]
 - E. This subdivision is located in an agricultural area and potential nuisances such as noise, dust, odors, and irregular hours of operation are commonplace. As such, the right to farm on adjoining properties shall not be restricted as a result of the development or occupancy of this subdivision.
 11. The developer shall dedicate a 15-foot bike/walk path easement on Lot 1, west of the right-of-way of Columbia Falls Stage Road. [Section 3.11 (A), FCSR]
 12. The developer shall contact the Badrock Fire Department to discuss fire protection requirements for the subdivision and shall provide a letter from the Fire Chief stating that requirements have been met. [Section 3.20, FCSR]
 13. Prior to Final Plat approval, lots included in Phase II of the proposed subdivision shall be shown to comply with the length to width ratio requirements in Sections 3.6 G. and 9.25 of the Flathead County Subdivision Regulations.
 14. All required improvements shall be completed in place or an improvement guarantee in accordance with Chapter 8 of the Flathead County Subdivision Regulations shall be provided by the subdivider, prior to final approval by the Flathead County Commissioners. [Ch. 8. FCSR]
 15. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]
 16. *The applicant shall pay \$3,684.47 to the Flathead County Weed, Parks, Recreation, and Building Maintenance Department to satisfy the cash-in-lieu of parkland requirement.[Section 3.19, FCSR]*

PRELIMINARY PLAT: SUBDIVISION NO. 262

10:05:08 AM

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Kirsten Holland, Jeff Harris, Peggy Goodrich, Tom Sands, Marc E Pitman

Holland reviewed the application submitted by Gary Purdy for preliminary plat approval of the Amended Plat of Subdivision #262, a minor subdivision that will create one residential lot with a remainder. The subdivision is proposed on 10.00 acres and will be served by individual water & sewer systems. The property is located off Columbia Falls Stage Road, northwest of its intersection with Gosney Crossroad. The site is unzoned. There are 11 conditions of approval.

Commissioner Watne made a **motion** to adopt Staff Report FSR-05-41 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

Commissioner Watne made a **motion** to approve the Amended Plat of Subdivision #262 subject to 11 conditions. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

**WEDNESDAY, JULY 6, 2005
(Continued)**

CONDITIONS

1. All areas disturbed during development of the subdivision shall be revegetated in accordance with a plan approved by the County Weed Department. [Section 3.12(J), Flathead County Subdivision Regulations]
2. The developer shall obtain and show proof of necessary approach permits from the Flathead County Road Department. [Section 3.8(A), FCSR]
3. The developer shall dedicate a fifteen-foot pedestrian/bicycle easement along the lot on Columbia Falls Stage Road. [Section 3.18, FCSR]
4. The lot shall be reviewed for water and sewage by the Flathead City-County Health Department and approved by the State of Montana Department of Environmental Quality. [Sections 3.14(A) and 3.15(A), FCSR]
5. Electrical and telephone utilities shall be extended underground to abut and be available to each lot. Utility plans shall be approved by the applicable utility companies. [Sections 3.17 and 3.18, FCSR]
6. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a) Addresses shall be visible from the road, either at the driveway entrance or on the house. [3.20(D), FCSR]
 - b) All utilities shall be placed underground. [3.17(A), FCSR]
 - c) Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed. [3.12(J), FCSR]
7. The following statement shall appear on the face of the final plat: [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. The developer shall contact the local postmaster to confirm area mail delivery and establish an appropriate location for mailbox placement in accordance with Flathead County Subdivision Regulations. [Section 3.22, FCSR]
8. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626. [Section 3.9(I)(7), FCSR]
9. Addresses and road names shall appear on the final plat. [Appendix C, Section B(19), FCSR]
10. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]
11. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROSE RIDGE PUD

9:24:20 AM

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Watne made a **motion** to approve the notice of public hearing and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 3.31.020.4 of the Flathead County Zoning Regulations, that it will hold a public hearing to consider a request by M.V.P., LLC, c/o Andy Miller, to approve a Planned Unit Development (PUD) in the 93 North Zoning District on property zoned SAG-5 (Suburban Agricultural).

The area proposed to be overlaid with a PUD is described as Lots Tracts 9B, 9C, and 9D in Section 20, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana. The property is located one mile west of Highway 2 East on Rose Crossing, Kalispell, Montana.

The proposal would overlay approximately 24.65 acre to be developed into 9 single- family residential lots. No deviation from the SAG-5 requirements is being sought as the PUD use regulations allow density of 2 units per five acres in SAG-5 districts.

The regulations defining the PUD and the Highway 93 North Zoning District classification are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500. Documents detailing the proposed PUD, are on file at the Office of the County Clerk and Recorder and at the Flathead County Zoning and Planning Office, 1035 1st Avenue West, Kalispell, Montana.

The public hearing will be held on the **28th day of July, 2005, at 9:00 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed PUD overlay in the Highway 93 North Zoning District.

DATED this 6th day of July, 2005.

**WEDNESDAY, JULY 6, 2005
(Continued)**

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Kimberly Moser
Deputy

Publish on July 11 and July 18, 2005.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: BIG MOUNTAIN VIEW #2, LOTS 2-4, BLOCK 1 PUD

9:24:24 AM

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Watne made a **motion** to approve the notice of public hearing and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 3.31.020.4 of the Flathead County Zoning Regulations, that it will hold a public hearing to consider a request by Gallatin Property Company, LLC, to approve a Planned Unit Development (PUD) in the Big Mountain View Zoning District on property zoned B-4 (Resort Business).

The area proposed to be overlaid with a PUD is described as Lots 2, 3, & 4, Block 1 of Big Mountain View Subdivision #2, in Section 2, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana. The property is located east of Big Mountain Road north of Whitefish, Montana.

The proposal would overlay approximately 0.97 acre to be developed into a 24-unit condominium building. The deviations from the B-4 requirements that are being sought are a reduction in certain setback requirements and an increase in the height restriction to accommodate the 24-plex structure.

The regulations defining the PUD and the Big Mountain zoning classification are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500. Documents detailing the proposed PUD, are on file at the Office of the County Clerk and Recorder and at the Flathead County Zoning and Planning Office, 1035 1st Avenue West, Kalispell, Montana.

The public hearing will be held on the **28th day of July, 2005, at 9:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed PUD overlay in the Big Mountain Zoning District.

DATED this 6th day of July, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Kimberly Moser
Deputy

Publish on July 11 and July 18, 2005.

CONSIDERATION OF EXTENSION REQUEST: V. GALLO

9:21:51 AM

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Paula Robinson

Commissioner Watne made a **motion** to approve the comp time extension request for Vicki Gallo. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

WEDNESDAY, JULY 6, 2005
(Continued)

DOCUMENT FOR SIGNATURE: TITLE III CONTRACT MODIFICATION / AOA

[9:14:25 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jim Atkinson, Cheryl Talley

Commissioner Watne made a **motion** to approve the Title III Contract modification for AOA. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

CONSIDERATION OF RELEASE OF COLLATERAL: SIA / ROCKY CLIFF SUBDIVISION

[9:24:47 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Watne made a **motion** to approve the release of collateral of the SIA for Rocky Cliff Subdivision. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT & NOTICE OF PASSAGE: GRANITE HOLDINGS MASTER PLAN AMENDMENT

[9:26:21 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Watne made a **motion** to adopt Resolution 789X. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

RESOLUTION NO. 789X

WHEREAS, Granite Holdings, LLC, has requested a revision to the Flathead County Master Plan to change the designation of approximately 40.28 acres of property from agricultural to suburban residential, to allow for residential development of the property;

WHEREAS, the property involved is located off Schrade Road and can be further described as Lot 1, Subdivision #128, in Section 7, Township 29 North, Range 21 West, P.M.M., Flathead County Montana;

WHEREAS, the Flathead County Planning Board recommended that the Board of Commissioners adopt that amendment to the Flathead County Master Plan; and

WHEREAS, the Flathead County Board of Commissioners has reviewed the proposal and determined that the proposed amendment to the Flathead County Master Plan should be formally considered.

NOW THEREFORE, BE IT RESOLVED, pursuant to Section 76-1-604, M.C.A., by the Board of Commissioners of Flathead County, Montana, that it intends to consider the revision of the Flathead County Master Plan by changing the designation of approximately 40.28 acres of property from agricultural to suburban residential, to allow for residential development of the property. The property is described as Lot 1, Subdivision #128, in Section 7, Township 29 North, Range 21 West, P.M.M., Flathead County Montana.

BE IT FURTHER RESOLVED that the Board of Commissioners will give the public an opportunity to comment in writing on the proposed master plan amendment and will consider any written comments which are received in the Board's Office by August 10, 2005. The Board will consider whether to pass a final resolution adopting the proposed amendment to the Flathead County Master Plan after that date.

DATED this 6th day of July, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana
By /s/Gary D. Hall
Gary D. Hall, Chairman
By /s/Robert W. Watne
Robert W. Watne, Member
By _____
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk
By /s/Kimberly Moser Deputy

**WEDNESDAY, JULY 6, 2005
(Continued)**

Commissioner Watne made a **motion** to approve the notice of passage and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION
FLATHEAD COUNTY MASTER PLAN

The Board of Commissioners of Flathead County, Montana, hereby gives notice that, pursuant to Section 76-1-601, M.C.A., it passed a Resolution of Intention (Resolution No. 789X) on July 6, 2005, to consider a revision to the Flathead County Master Plan proposed by Granite Holdings, LLC.

The proposed revision involves changing the designation of approximately 40.28 acres of property from agricultural to one-family limited residential, to allow for residential development of the property. The applicant has also applied for a zone change from SAG-5 (Suburban Agricultural) to R-2 (One-Family Limited Residential). The property involved is located off Schrade Road and further described as Lot 1, Subdivision #128 in Section 7, Township 29 North, Range 21 West. Documents relating to the request are available for public inspection at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, or at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana.

The Board of Commissioners will give the public an opportunity to comment in writing on the proposed amendment to the Flathead County Master Plan and will consider any written comments which are received in the Board's Office by August 10, 2005. The Board will consider whether to pass a final resolution adopting the proposed amendment after that date.

DATED this 6th day of July, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana
By /s/Gary D. Hall
Gary D. Hall, Chairman

ATTEST:
Paula Robinson, Clerk
By /s/Kimberly Moser

Deputy
Publish on July 11 and July 18, 2005.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: GRANITE HOLDINGS ZONE CHANGE / HIGHWAY 93 NORTH ZONING DISTRICT

9:26:31 AM

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Watne made a **motion** to approve the notice of public hearing and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Granite Holdings, LLC to change the zoning designation in a portion of the Highway 93 North Zoning District from SAG-5 (Suburban Agricultural) to R-2 (One-Family Limited Residential).

The boundaries of the area proposed to be amended from SAG-5 to R-2 are set forth on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to the property from a district intended to protect and preserve smaller agricultural functions, to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development, to a residential district intended to provide for large tract development in suburban areas, beyond sanitary sewer and/or water lines. The SAG-5 classification has a minimum lot size of 5 acres; a change to R-2 would result in a minimum lot size of 20,000 square feet.

The regulations defining the SAG-5 and R-2 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500.

The public hearing will be held on the **27th day of July, 2005, at 10:00 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change to the Highway 93 North Zoning District.

DATED this 6th day of July, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

By /s/Kimberly Moser

Deputy
Publish on July 11 and July 18, 2005.

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

**WEDNESDAY, JULY 6, 2005
(Continued)**

Exhibit A

**GRANITE HOLDINGS
ZONE CHANGE FROM SAG-5 TO R-2
STAFF REPORT #FZC-05-08**

Location and Legal Description of Property: The property proposed for the map amendment is located directly across Highway 93 to the northeast of The Majestic Valley Arena and contains approximately 40.28 acres. The property's legal description is Lot 1, Subdivision #128 of Section 7, Township 29 North, Range 21 West, P.M.M.

CONTINUATION OF FINAL PLAT: BAR-K-2

[10:41:05 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Clerk Kimberly Moser

Goodrich reviewed the application for final plat approval of Bar-K-2

Commissioner Watne made a **motion** to approve the Subdivision Improvement Agreement. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

Commissioner Watne made a **motion** to approve the Final Plat of Bar K-2 Subdivision. Commissioner **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

11:15 a.m. County Attorney meeting at County Attorney's Office

11:15 a.m. Commissioner Watne to View Road Abandonment #435 (portion of N. Ashley Lake Road)

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 7, 2005.

THURSDAY, JULY 7, 2005

The Board of County Commissioner met in continued session at 8:00 o'clock A.M. Chairman Hall, Commissioners Watne and Brenneman, 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 July 8, 2005.

FRIDAY, JULY 8, 2005

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

1:00 p.m. Commissioner Hall to attend International fellows luncheon on Far West, Somers

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 11, 2005.