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**MONDAY, AUGUST 8, 2005**

The Board of County Commissioners 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.**

**PUBLIC HEARING: ROAD ABANDONMENT #435 (PORTION N. ASHLEY LAKE ROAD)**

9:36:00 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, Brian Block

Brian Block gave a brief over view of the intent of the Road Abandonment.

Chairman Hall opened the public hearing to anyone wishing to speak in favor or opposition.

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

Commissioner Brenneman made a **motion** to approve Road Abandonment #435 subject to the conditions listed on the viewers report. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

Board of Viewers recommended conditions

- 1) that an easement be obtained for the county over that portion of the new road prior to final abandonment of the existing right of way.
- 2) that any existing easement for utilities be retained in the abandoned portion.

**CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: EAGLE BASIN TEXT AMENDMENT / FLATHEAD COUNTY MASTER PLAN**

9:47:39 AM

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Clerk Kimberly Moser, Erica Wirtala

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

RESOLUTION NO. 789 W

WHEREAS, Thomas Peterson, has requested a revision to the Flathead County Master Plan by amending the Bigfork Area Land Use Plan by changing the designation of approximately 8.763 acres of land located in Bigfork, from an Agricultural designation to a Rural Residential designation, to allow for new residential housing opportunities to meet the market demand;

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

WHEREAS, the Board of Commissioners passed a resolution of intent (Resolution No. 789V) to consider the requested plan change on June 8, 2005, and gave notice that it would consider public comment received prior to July 15, 2005; and

WHEREAS, the Board of Commissioners has considered the information presented to it since the adoption of that resolution of intent.

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 hereby adopts a revision to the Flathead County Master Plan by the adoption of the amendment changing the designation of land located in Bigfork, from Agricultural to Rural Residential, allowing for new residential housing opportunities to meet the market demand. The property proposed for amendment is the southern 8.763 acres of Tract 10SA in Section 23, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana.

DATED this 8<sup>th</sup> day of August, 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  
Deputy

**CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: BLAZER ZONE CHANGE / HIGHWAY 93 N. ZONING DISTRICT**

[9:49:04 AM](#)

Members present:  
Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman  
Members absent:  
Commissioner Robert W. Watne  
Others present:  
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to adopt Resolution 837BF. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

RESOLUTION NO. 837 BF

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 27th day of June, 2005, concerning a proposal to change the zoning designation in a portion of the Highway 93 North Zoning District from AG-40 (Agricultural) to SAG-10 (Suburban Agricultural);

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

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Highway 93 North 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. 837 BD, dated June 27th, 2005) to change the zoning designation of the property described on Exhibit A, in a portion of the Highway 93 North Zoning District from AG-40 (Agricultural) to SAG-10 (Suburban Agricultural); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on June 30 and July 7, 2005, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders in the Highway 93 North Zoning District.

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 Highway 93 North Zoning District to change the zoning designation in a portion of the Highway 93 North Zoning District from AG-40 (Agricultural) to SAG-10 (Suburban Agricultural, that property being described on Exhibit A.

DATED this 8th day of August, 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  
Deputy

**EXHIBIT A**

**Harry Blazer**

**STAFF REPORT # FZC-05-07**

**May 18, 2005**

Location and Legal Description of Property:

The site proposed for the map amendment is located between Bowdish Road and Whitefish Stage Road, north of Schrade Road. The area under consideration can be legally described as Tracts 2A, and 5C in Section 5, Township 29 North, Range 21 West, Tracts 2, 2A, and 2B in Section 6, Township 29 North, Range 21 West, and Tract 7D in Section 33, Township 30 North, Range 21 West, P.M.M, Flathead County, Montana.

**MEETING W/ JIM ATKINSON / AOA RE: ARMORY BUILDING**

[9:56:39 AM](#)

Members present:  
Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman  
Members absent:  
Commissioner Robert W. Watne  
Others present:  
Clerk Kimberly Moser, Jim Atkinson

Discussion was held relative to the attempt by AOA to appropriate the Armory Building, and to the steps that AOA has taken to encourage government officials to choose the AOA for appropriation. Jim presented the commissioners with the plans for remodeling.

Commissioner Brenneman questioned Jim on the use by OES of a portion of the bus storage.

### **PRELIMINARY PLAT: HODGE CREEK RESERVE**

[10:35:28 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Clerk Kimberly Moser, BJ Grieve, Paul D. Wachholz, Charles W. Doyle, Jonathan Smith

Grieve reviewed the application submitted by Many Lakes Properties, LLP for preliminary plat approval of Hodge Creek Reserve, a major subdivision that will create 14 residential lots. The subdivision is proposed on 216.6 acres and will be served by individual water & Sewage systems. The property is located in the Lone Lake area, halfway between US Highway 2 and Ashley Lake jut off Ashley Lake Road. The development is in an unzoned portion of the county. Fish, Wildlife and Parks requested the following statements be placed on the face of the final plat, Dogs leashed at all times, Bear-proof garbage containers, no feeding of birds, livestock feed shall be contained in buildings when not being used for feeding, No compost piles with smells to attract bears, unless secured by electrical fencing, and Pets fed indoors or food dishes brought in at night. There are 26 conditions of approval. Staff recommends approval.

Discussion was held relative to the donation issues for the paving of specific roads.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP-05-27 as findings of fact with the amendment in regard to the fact that this property is not a part of any recognized fire district. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the preliminary plat of Hodge Creek Reserve subject to 27 conditions including the amendment to conditions 24, and the amendment to condition 21 requiring the applicant to contact the Marion Rural Volunteer Fire Department, and the striking of condition 25 and the addition of a condition that the donation made by the applicant for paving will be used for only Ashley Lake Road. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

### **CONDITIONS**

1. The subdivision shall comply with all the provisions of the Flathead County Subdivision Regulations, whether or not they are specifically mentioned in the staff report.
2. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. (7-22-2116 M.C.A., Section 3.12(J), Flathead County Subdivision Regulations)
3. All road construction and road improvements must comply with Section 3.9 of the Flathead County Subdivision Regulations and shall be inspected, approved, and signed off by a licensed engineer. No roads shall end in dead-end cul-de-sacs that would violate Table 3 of the Flathead County Subdivision Regulations. Roads shall continue as shown on the face of the preliminary plat and comply with Section 3.8(D) of the Flathead County Subdivision Regulations.
4. Building sites must be located in areas with slopes that do not exceed 30%. (3.6(E) Flathead County Subdivision Regulations).
5. A Road Users Agreement or a Property Owners Association shall be formed which will require each property owner to bear their pro-rata share for road maintenance. (3.9(J)(3), Flathead County Subdivision Regulations)
6. The developer shall provide a valid approach permit for both the internal subdivision road and Lot 11 from the Flathead County Road Department, and all approaches shall be installed, inspected and approved by the Road Department before final plat will be approved. (3.8A, Flathead County Subdivision Regulations).
7. A road identification sign in compliance with county standards shall be installed at the intersection of the private access road and Ashley Lake Road. Stop signs shall be installed at all internal subdivision road intersections and the intersection of the internal subdivision road and Ashley Lake Road.
8. Electrical and telephone utilities shall be extended underground to abut and be available to each lot in accordance with Flathead County Subdivision Regulations (see Sections 3.17 and 3.18). Utility plans shall be approved by the applicable utility companies.
9. If required by the local postmaster, the developer shall provide a common mailbox facility in accordance with Flathead County Subdivision Regulations (Section 3.22).
10. The developer shall contact the Child Transportation Committee and, if required, provide and improve a location for the safe loading and unloading of students.
11. 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.
12. Only Class A and Class B fire resistant roofing materials are allowed. Wood shake shingles, treated or otherwise, are prohibited. (Section 3.21, Flathead County Subdivision Regulations)
13. Defensible Space Standards shall be incorporated around all primary structures as described in Appendix G of the Flathead County Subdivision Regulations.
14. 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, and at the driveway entrance or on the house.
  - All utilities shall be placed underground.

- Lot owners should be aware that they are living in a rural area of Flathead County and can expect extended response times for emergency services, if at all available.
  - All areas disturbed during development of structures and driveways shall be revegetated in accordance with a plan approved by the County Weed Department.
  - The Property Owners Association shall be responsible for maintenance of the road. Roads shall be maintained, including necessary repairs and snow removal, to ensure safe all-weather travel for two-way traffic.
  - Lot owners are responsible for the eradication and control of noxious weeds upon their property.
  - Only Class A and Class B fire resistant roofing materials are allowed. Wood shake shingles, treated or otherwise, are prohibited.
  - Defensible Space Standards shall be incorporated around all primary structures as described in Appendix G of the Flathead County Subdivision Regulations.
  - Dogs must be leashed at all times.
  - Residents must use bear-proof garbage containers.
  - No feeding of birds (bird feed attracts bears).
  - Livestock feed shall be contained in buildings when not being used for feeding.
  - No compost piles with smells to attract bears, unless secured by electrical fencing.
  - Pets fed indoors or food dishes brought in at night.
  - Mountain Lions are commonly found in the area.
15. The lots within the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality for individual sewer and water facilities. (3.14 and 3.15, Flathead County Subdivision Regulations)
16. A 50' no-build buffer adjacent to Hodge Creek has been proposed by the applicant and appears on the face of the preliminary plat. This buffer will be shown on the face of the final plat and labeled as a "no build buffer."
17. Any areas adjacent to Hodge Lake or Hodge Creek that exceed a 30% slope shall be placed in a conservation easement per 3.18(G) of the Flathead County Subdivision regulations.
18. All required improvements shall be completed in place, or a Subdivision Improvement Agreement 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.
19. A planting screen easement of a minimum of 10' width across which there will be no right of way access, shall be provided on any portions of lots adjacent to Ashley Lake Road per 3.6(K) of the Flathead County Subdivision Regulations. Right of ways shall still be cleared of vegetation per Appendix G of the Flathead County Subdivision Regulations.
20. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions.
21. The applicant shall contact the Chief of the Smith Valley Rural Volunteer Fire Department and the chief of the Marion Rural Volunteer Fire Department Kalispell Unit of the Montana Department of Natural Resources and Conservation and provide a satisfactory water supply system compliant with Section 3.21(E) of the Flathead County Subdivision Regulations. **A letter of approval shall be submitted with the final plat application from both Smith Valley and the Kalispell Unit of the DNRC.**
22. The following shall appear on the face of the final plat (Appendix D(XII), Flathead County Subdivision Regulations):

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.

23. Preliminary plat approval is valid for three (3) years.
- ~~24. The applicant shall provide a legal secondary physical access out of the subdivision.~~  
**24. The applicants will secure secondary access by extending Hodge Creek North Road in a southerly direction along the west boundary of Lot 12 and connecting to a cul-de-sac in the subdivision to the south of the subject property. The cul-de-sac road adjacent to Lot 13 and accessing Lot 14 will terminate no more than 1500' from the intersection with Hodge Creek Road North. Hodge Creek Court will terminate with a compliant cul-de-sac no greater than 1000' from the intersection with Hodge Creek North Road. Additional access easements for milling operations past the subject property will be clearly labeled on the face of the final plat.**
- ~~25. The applicant shall pave all internal subdivision roads to the property line.~~ **The applicant shall donate an amount equal to the expense of paving 1,000 feet of Ashley Lake Road to a county standard. This donation shall be used exclusively for paving Ashley Lake Road.**
26. The applicant shall dedicate a 15-foot easement in favor of the County for future construction of a bike/pedestrian pathway to abut the Ashley Lake Road right of way.

**PRELIMINARY PLAT: LENZ RANCH**

11:24:25 AM

Members present:

Chairman Gary D. Hall  
 Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Clerk Kimberly Moser, Rod Lenz, Eric Mulcahy, Jon Smith, Jane Eby, Traci Sears-Tull



Sears-Tull reviewed the application submitted by Rod & Sandi Lenz for preliminary plat approval of Lenz Ranch Subdivision, a minor subdivision that will create three residential lots with a remainder. The subdivision is proposed on 5.013 acres and will be served by individual water & sewer systems. The property is located off of Deer Creek Road which is accessed from US Highway 93, north of Lakeside. The property is located in a unzoned portion of the county. There are 13 conditions of approval. Staff Recommends approval.

Commissioner Brenneman made a **motion** to adopt Staff Report FSR-05-51 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 preliminary plat of Lenz Ranch subject to 12 conditions. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

#### CONDITIONS

1. The developer shall obtain and or show proof of a completed approach permit from the Flathead County Road Department for all access from Deer Creek Road, indicating the approach has been built and received final inspection. [Section 3.8(A), FCSR]
2. 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]
3. 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].
4. The design and development of the subdivision shall contain satisfactory building sites properly related to topography and shall preserve the natural terrain, drainage, existing topsoil, trees, natural vegetation, wildlife and fish habitats to the extent possible. [Section 3.2, FCSR]
5. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with a plan approved by the County Weed Department. [Section 3.12(J), FCSR]
6. The subdivision lots shall be reviewed and approved by the Flathead City-County Health Department and the Montana Department of Environmental Quality for individual sewer and water facilities and storm water management. [Sections 3.14(A) and 3.15(A), FCSR]
7. The applicant shall comply with wildland fire protection from Montana DNRC Kalispell Unit. [Section 3.20, FCSR]
8. Electrical and telephone utilities shall be extended underground to abut and be available to each lot in accordance with Flathead County Subdivision Regulations. Utility plans shall be approved by the applicable utility companies. [Sections 3.17 and 3.18 FCSR].
9. The following statements shall be placed on the face of the final plat applicable to all lots:
  - a) All addresses shall be visible from the road, and 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]
  - d) All driveways shall be a 10% maximum grade to ensure access by emergency vehicles. [Section 3.6 E FCSR]
  - e) Only Class A and Class B fire resistant roofing materials are allowed. [Section 3.21 F]
  - f) Defensible Space Standards shall be incorporated around all primary structures as described in Appendix G of the Flathead County Subdivision Regulations. [Section 3.21 F]
  - g) Right-of-ways shall be cleared of slash. [Section 3.21 F]
  - h) Lot owners are alerted to the presence of large and potentially dangerous wildlife in the area and are reminded that feeding big game such as deer and bear is illegal in Montana. Lot owners are strongly encouraged to contact the Montana Department of Fish, Wildlife and Parks to obtain information on methods for safely living near wildlife and minimizing habitat impact. The following are required:
    - i. Dogs must be kept under owner control at all times, either leashed or confined.
    - ii. Bear-proof containers are required for refuse and feed for pets or livestock.
    - iii. Compost piles are prohibited unless secured by electrical fencing or otherwise enclosed.
    - iv. Pets must be fed indoors or food dishes must be brought in at night.
    - v. Bird feeders must be placed out of reach of deer, bear, and other large game.
10. The following statement shall appear on the face of the final plat:

Waiver of Protest - 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 [County Resolution 503-M]
11. Except as modified above, the subdivision shall comply with Chapter 3 of the Flathead County Subdivision Regulations. [Chapter 3, FCSR]
12. 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]
13. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]

#### **DOCUMENT FOR SIGNATURE: CONTRACT / COMMUNITY STATUS RESPONSE AGENCIES**

[11:41:35 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Clerk Kimberly Moser, Jon Smith

Commissioner Brenneman made a **motion** to approve the Community Status Response Agencies agreement between Flathead County and Northrop Grumman authorizing Joe Brenneman to sign. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

**CONSIDERATION OF EXTENSION REQUEST: MOUNTAIN VIEW R.V. PARK**

[11:38:49 AM](#)

Members present:  
Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman  
Members absent:  
Commissioner Robert W. Watne  
Others present:  
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the Mountain View RV Park extension request. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

**DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #06-07-3-01-005-0**

[11:45:58 AM](#)

Members present:  
Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman  
Members absent:  
Commissioner Robert W. Watne  
Others present:  
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve DPHHS Contract #06-07-3-01-005-0 DPHHS, Contract #05-07-4-51-103-0, DPHHS Contract #06-07-5-01-015-0. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

**DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #05-07-4-51-103-0**

Commissioner Brenneman made a **motion** to approve DPHHS Contract #06-07-3-01-005-0 DPHHS, Contract #05-07-4-51-103-0, DPHHS Contract #06-07-5-01-015-0. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

**DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #06-07-5-01-015-0**

Commissioner Brenneman made a **motion** to approve DPHHS Contract #06-07-3-01-005-0 DPHHS, Contract #05-07-4-51-103-0, DPHHS Contract #06-07-5-01-015-0. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD ABANDONMENT #434 (ALLEY IN SPRINGDALE SUB)**

[11:48:08 AM](#)

Members present:  
Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman  
Members absent:  
Commissioner Robert W. Watne  
Others present:  
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the notice of public hearing on Road Abandonment #434 and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

**NOTICE OF PUBLIC HEARING  
TO CONSIDER DISCONTINUANCE  
OF PUBLIC ROADWAY  
NO. 434**

Notice is hereby given that the Board of Viewers have reported unfavorably to the Board of Flathead County Commissioners on the discontinuance of that certain public roadway in Flathead County, Montana, described as follows:

That portion of the alley lying adjacent to and west of lots 9, 10 & 11 Block 1 of Springdale Subdivision.

Notice is hereby given to the petitioners or landowners as disclosed by the last assessment roll of Flathead County, owning land abutting the roadway described above and being considered for abandonment.

The hearing on this petition for abandonment is set for **August 22<sup>nd</sup>, 2005 at 10:00 a.m.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 8<sup>th</sup> day of August, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

PAULA ROBINSON,

CLERK AND RECORDER

By: /s/Kimberly Moser  
Kimberly Moser, Deputy

Publish on August 11<sup>th</sup> and August 18<sup>th</sup>, 2005

To; The Board of County Commissioners, Flathead County Montana

800 South Main Street

Kalispell Mt. 59901—5400

From: Block's Surveying Finn

Bryan B. Block 7918

1223 Kienas Road

Kalispell Nt. 59901

Ph: 406 755—3478 Cell 261—4853

Date July 27<sup>th</sup>, 2005

Dear Commissioners: Joe Brenemen and I, reviewed the Road ABD#434 In Block 1 of Springdale Subdivision, Section 4 of Township 28 North, Range 21 West, P.M.,M., Flathead County. The Public Alleyway has sewer, telephone and power visible and possible a water line. Considering that this abandonment request is only for that portion of the alley west of Lots 9, 10 and 11 and not the entire alleyway. We foresee possible problems in the future with a complete thoroughfare. With the increase population of Flathead County and the demand for safe foot and bicycle traffic. We feel this might best serve the public in the future as a trail. We do not see the benefit of abandoning this alleyway at this time. It should be noted however that half of this 10—foot alleyway was already lost to a boundary line adjustment per C.S.16409. I have not seen a road abandonment number on this though.

Professionally Bryan B. Block

#### **CONSIDERATION OF PRINTING BIDS: SUPT OF SCHOOLS**

[11:47:12 AM](#)

Members present:

Chairman Gary D. Hall

Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the bid submitted by Insty Prints for 500 business cards in the amount of \$34.95. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

#### **DOCUMENT FOR SIGNATURE: INDEPENDENT CONTRACTOR EXEMPTION**

[9:43:19 AM](#) and [11:32:19 AM](#)

Members present:

Chairman Gary D. Hall

Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Clerk Kimberly Moser, Raeann Campbell, Robin Boon, Jon Smith

Commissioner Brenneman made a **motion** to approve the requirement for Independent Contractors to provide the county with an exemption form that has been obtained after the April 28, 2005 date or proof of workers comp coverage. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

#### **CONSIDERATION OF ADOPTION OF RESOLUTION: IMPOSE LEVEL 1 FIRE RESTRICTIONS**

[11:49:00 AM](#)

Members present:

Chairman Gary D. Hall

Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Clerk Kimberly Moser, Jon Smith

Commissioner Brenneman made a **motion** to adopt Resolution 1873. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

Resolution No. 1873

WHEREAS, due to dry conditions, the fire danger in Flathead County is in the high to very high category;

WHEREAS, the weather forecasts for Flathead County indicate little relief from the very dry conditions;

WHEREAS, fire occurrences in Northwestern Montana are potentially sufficiently numerous that the Interagency Fire Committee has recommended issuance of Stage I Restrictions for all of Flathead County.

NOW, THEREFORE, BE IT RESOLVED that, at the request of the Interagency Fire Committee, the Board of Commissioners of Flathead County, Montana, hereby establishes the following Stage I fire restrictions on all State forested

lands and on private forested lands open to the public in Flathead County, Montana and the following acts or uses are prohibited:

a) Control of Campfires

Building, maintaining, attending, or using a campfire or charcoal fire except within a developed recreation site or improved site.

b) Control of Smoking

Smoking, except within an enclosed vehicle or building, a developed recreation site or while stopped in an area at least three feet in diameter that is cleared of all flammable material.

c) Use of fire works during Stage I Restrictions is prohibited.

Exemptions:

- (1) Persons with a written permit that specifically authorizes the otherwise prohibited act;
- (2) Persons using a fire solely fueled by liquid petroleum or LPG fuels;
- (3) Persons conducting activities in those designated areas where the activity is specifically authorized by written posted notice;
- (4) Any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.

BE IT FURTHER RESOLVED that the foregoing restrictions shall take effect at 0001 hours (12:01 a.m.) on August 9, 2005, and shall remain in effect until rescinded by the Board of Commissioners of Flathead County, Montana.

DATED this 8<sup>th</sup> day of August, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

By \_\_\_\_\_  
Robert W. Watne, Member

ATTEST:  
Paula Robinson, Clerk

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

By /s/Kimberly Moser  
Deputy

**CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT & NOTICE OF PASSAGE AND AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ADOPTION OF NATURAL RESOURCE USE PLAN**

[11:50:20 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Clerk Kimberly Moser, Jon Smith

Commissioner Brenneman made a **motion** to adopt Resolution 1777B. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

RESOLUTION NO. 1777B

WHEREAS, the Flathead Natural Resource Use Committee prepared and recommended the adoption of the Flathead Natural Resource Use Plan by the Board of Commissioners of Flathead County, Montana;

WHEREAS, the Board of Commissioners of Flathead County had reviewed the proposal, determined that the proposed Flathead Natural Resource Use Plan should be formally considered for adoption, and passed Resolution No. 1777 on January 3, 2005, as a resolution of intent to adopt the Flathead Natural Resource Use Plan, setting a public hearing for January 20, 2005, at which to receive public input concerning the Plan as then drafted.

WHEREAS, the Flathead County Board of Commissioners heard public testimony concerning the Plan at that public hearing and determined that the Plan should be revised prior to adoption;

WHEREAS, the Flathead Natural Resource Use Committee has revised the Flathead Natural Resource Use Plan and recommended the adoption of the Plan as revised.

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Flathead County, Montana, that it intends to consider the adoption of the Flathead Natural Resource Use Plan prepared by the Flathead Natural Resource Use Committee, as revised since the prior public hearing.

BE IT FURTHER RESOLVED that the Board of Commissioners will hold a public hearing on the **23<sup>rd</sup> day of August, 2005, at 10:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana at which time the Board of Commissioners will give the public an opportunity to be heard regarding the proposed adoption of the Flathead Natural Resource Use Plan. The Board will consider whether to pass a final resolution adopting the proposed Plan after that hearing.

DATED this 8th day of August, 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  
Deputy

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

#### NOTICE OF PASSAGE OF RESOLUTION OF INTENTION

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it passed a Resolution of Intention (Resolution No. 1777B) on August 8, 2005, to consider the adoption of the Flathead Natural Resource Use Plan, prepared and revised by the Flathead Natural Resource Use Committee and recommended for adoption.

The proposed Flathead Natural Resource Use Plan emphasizes the need for sharing of information among Federal, State and County policy makers in order that Flathead County residents may benefit by proper use and management of State and Federal lands within Flathead County. It sets forth information concerning, among other things, statistics relating to Flathead County, the custom and culture of Flathead County, economic policies, goals and objectives for use of natural resources in the County, community stability principles related to use of State and Federal lands in the County, the importance of water, water rights, agricultural, livestock, forest and fire management, and touches on other facets of life in Flathead County, in order that such issues will be considered by decision makers in the management and use of State and Federal lands in Flathead County. The proposed Flathead Natural Resource Use Plan is on file at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, and at the Flathead County Planning and Zoning Office, 1035 1<sup>st</sup> Avenue West, Kalispell, Montana, where it may be examined by the public.

The Board of Commissioners will hold a public hearing on the **23<sup>rd</sup> day of August, 2005, at 10:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed adoption of the Flathead Natural Resource Use Plan. The Board will consider whether to pass a final resolution adopting the proposed Plan after that hearing.

DATED this 8th day of August, 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 August 11 and August 18, 2005

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 9, 2005.

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#### TUESDAY, AUGUST 9, 2005

The Board of County Commissioners 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: GRAY

[9:18:48 AM](#)

Members present:  
Chairman Gary D. Hall  
Commissioner Robert W. Watne  
Commissioner Joseph D. Brenneman  
Others present:  
Clerk Kimberly Moser, Traci Sears-Tull

Traci Sears-Tull reviewed the lakeshore permit application submitted by Charles & Roselyn Gray Trust for Whitefish Lake to move an existing 10-foot x 4-foot redwood gangway from a neighbor's property to their own. Staff recommends approval.

Commissioner Brenneman made a **motion** to approve Lakeshore Permit #WLP-05-25 subject to 13 conditions and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

#### CONSIDERATION OF LAKESHORE PERMIT: HOLTVEDT

[9:21:53 AM](#)

Members present:

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

Others present:

Clerk Kimberly Moser, Traci Sears-Tull

Traci Sears-Tull reviewed the lakeshore permit application submitted by Andrew Holtvedt for Whitefish Lake to install a new f-shaped EX-Dock and transfer the existing shore station. The dock will measure 48 feet in length with a 16 foot gangway, and will vary from 3 feet to 6 feet, 6 inches in total width. There will also be two wings off of the dock. The outside wing will measure 30 feet in total length and 6 feet, 6 inches in total width. There are also two jet ski ports that are being proposed.

Commissioner Watne made a **motion** to approve Lakeshore Permit #WLP-05-21 and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

#### **COS REVIEW: DASEN**

[10:03:29 AM](#)

Members present:

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

Others present:

Clerk Kimberly Moser, Peggy Goodrich, Jeff Harris

Goodrich reviewed the Dasen family transfer request.

Commissioner Watne made a **motion** to approve the Dasen COS. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Watne, and Brenneman. Motion carried unanimously.

#### **CONSIDERATION OF EDUCATIONAL ASSISTANCE FORM: D MICHEL**

[9:22:56 AM](#)

Members present:

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

Others present:

Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the Educational Assistance for Denise Michel. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

#### **FINAL PLAT: MARCO HEIGHTS**

[10:11:45 AM](#)

Members present:

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

Others present:

Clerk Kimberly Moser, Jeff Harris, Debbie Shoemaker, Traci Sears-Tull

Sears-Tull reviewed the application submitted by Marquardt & Marquardt Surveying for final plat approval of Marco Heights Subdivision, a subdivision creating two single-family residential lots. The subdivision is located off Deer Creek Road. The preliminary plat approval was granted on April 19, 2005 subject to twelve conditions. All conditions have been met. Staff recommends approval.

Commissioner Watne made a **motion** to approve the final plat of Marco Heights. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Watne, and Brenneman. Motion carried unanimously.

#### **FINAL PLAT: ADDISON ACRES, LOT 2**

[10:26:06 AM](#)

Members present:

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

Others present:

Clerk Kimberly Moser, Traci Sears-Tull, Ardis Larsen, Jeff Harris

Sears-Tull reviewed the application submitted by Larsen Engineering for final plat approval of the Resubdivision of Lot 2 of Addison Acres Subdivision, a subdivision creating two single-family residential lots. The subdivision is located off Addison Court. The preliminary plat approval was granted on October 25, 2004 subject to eight conditions. All conditions have been met. Staff recommends approval.

Commissioner Watne made a **motion** to approve the final plat of the Resubdivision of Lot 2 of Addison Acres. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Watne, and Brenneman. Motion carried unanimously.

#### **FINAL PLAT: LONE ACRES**

[10:31:41 AM](#)

Members present:

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

Others present:

Clerk Kimberly Moser, Traci Sears-Tull, Rick Breckenridge, Jeff Harris

Sears-Tull reviewed the application submitted by Montana Mapping for final plat approval of Lone Acres Subdivision, a mone lot minor subdivision with a remainder on Trillium Way. The subject property is 3.36 acres in size, is served by individual sewer & water, and is zoned R-1. Preliminary plat approval was waived on June 21, 2004 subject to six conditions. All conditions have been met or otherwise addresses. Staff recommends approval.

Commissioner Watne made a **motion** to approve the final plat of Lone Acres Subdivision. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Watne, and Brenneman. Motion carried unanimously.

#### **PUBLIC HEARING: RANKING & SELECTION CTEP PATHS**

[10:32:54 AM](#)

Members present:

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

Others present:

Clerk Kimberly Moser

Others absent:

Assistant Michael Pence

Commissioner Brenneman made a **motion** to continue this Public Hearing until August 22 at 10:15. Commissioner Watne **seconded** the motion. **Aye** – Hall, Watne, and Brenneman. Motion carried unanimously.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 10, 2005.

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### **WEDNESDAY, AUGUST 10, 2005**

The Board of County Commissioners 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.**

#### **MONTHLY MEETING W/ JEFF HARRIS, PLANNING & ZONING OFFICE**

[9:04:10 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Robert W. Watne  
Commissioner Joseph D. Brenneman [9:28:21 AM](#)

Others present:

Clerk Kimberly Moser, Jeff Harris

Discussion was held relative to the a recent meeting with the planning board in which they discussed growth policy amendment requirements, the recent growth policy amendment applications that have been received, the planned increase in development fees, the possibility of the planning board assisting staff in rewriting the subdivision regulations, Jeff presented the commissioners with a task chart and timeline on implementing the new growth policy, he also presented the commissioners with a Baseline Analysis Table of Contents, and they discussed the progress in filling the assistant planning director position.

#### **FINAL PLAT: STONEFOXX, PHASE 2**

[9:31:41 AM](#)

Members present:

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

Others present:

Clerk Kimberly Moser, Erica Wirtala, Traci Sears-Tull

Sears-Tull reviewed the application submitted by Sands Surveying for final plat approval of Stonefoxx Phase 2 Subdivision, a subdivision creating eight single-family residential lots. The subdivision is located of Columbia Falls Stage Road. The preliminary plat approval was granted on February 2, 2004 subject to twelve conditions. All conditions have been met. Staff recommends approval.

Commissioner Brenneman made a **motion** to approve the final plat of Stonefoxx Phase 2 Subdivision. Commissioner Watne **seconded** the motion. **Aye** – Hall, Watne, and Brenneman. Motion carried unanimously.

#### **PRELIMINARY PLAT: STAGECOACH ESTATES NO. 2**

[9:45:02 AM](#)

Members present:

Chairman Gary D. Hall

Commissioner Robert W. Watne  
Commissioner Joseph D. Brenneman  
Others present:  
Clerk Kimberly Moser, Traci Sears-Tull, Erica Wirtala

Sears-Tull reviewed the application submitted by Schellinger Construction for preliminary plat approval of Stagecoach Subdivision Estates #2, a minor subdivision that will create four residential lots. The subdivision is proposed on 39.21 acres and will be served by individual water & septic systems. The property is zoned SAG-10. There are 17 conditions of approval.

Commissioner Brenneman made a **motion** to adopt Staff Report FSR-05-48 as findings of fact. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

Commissioner Watne made a **motion** to approve the preliminary plat of Stagecoach Estates No. 2 subject to 17 conditions with the amendment to condition 11 requiring the applicant to comply with reasonable fire suppression & access requirements. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Watne, and Brenneman. Motion carried unanimously.

#### CONDITIONS

1. Each lot shall have a building site (minimum 40 foot by 40 foot square pad) on existing undisturbed terrain of 30% or less slope and each building site must be able to be accessed by a minimum 12 foot wide drive with a maximum 10% slope. [Section 3.6(E), FCSR]
2. The developer shall obtain and show proof of legal access to use Wagon Wheel Road, a private road. [Section 3.8(A), FCSR]
3. 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]
4. 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].
5. The design and development of the subdivision shall contain satisfactory building sites properly related to topography and shall preserve the natural terrain, drainage, existing topsoil, trees, natural vegetation, wildlife and fish habitats to the extent possible. [Section 3.2, FCSR]
6. The subdivider shall have the floodplain boundaries surveyed and the 100-year floodplain shall be clearly delineated on the face of the final plat and designated as a no-build zone. [Section 3.5, FCSR]
7. Removal of vegetation from this area designated as 100-year Floodplain may be required to obtain a Flathead County Floodplain Permit and a Section 404 Permit and or a Section 10 Permit from the U.S. Army Corps of Engineers. [Section 3.2, FCSR]
8. During construction of infrastructure improvements, no silt-laden water or excess shall flow to pond and or 100-yr floodplain areas. Erosion control measures are required and will be enforced. [Section 3.13, FCSR]
9. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with a plan approved by the County Weed Department. [Section 3.12(J), FCSR]
10. The subdivision lots shall be reviewed and approved by the Flathead City-County Health Department and the Montana Department of Environmental Quality for individual sewer and water facilities and storm water management. [Sections 3.14(A) and 3.15(A), FCSR]
11. The applicant shall comply with reasonable fire suppression and access requirements of the Whitefish Rural Fire District. A letter from the Fire Chief stating that an agreement has been made shall be submitted with the application for Final Plat. [Section 3.20, FCSR]
12. Electrical and telephone utilities shall be extended underground to abut and be available to each lot in accordance with Flathead County Subdivision Regulations. Utility plans shall be approved by the applicable utility companies. [Sections 3.17 and 3.18 FCSR].
13. The following statements shall be placed on the face of the final plat applicable to all lots:
  - a) No development will take place in the 100-year flood zone.
  - b) All addresses shall be visible from the road, and at the driveway entrance or on the house. [3.20(D), FCSR]
  - c) All utilities shall be placed underground. [3.17(A), FCSR]
  - d) 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]
  - e) All driveways shall be a 10% maximum grade to ensure access by emergency vehicles. [Section 3.6 E FCSR]
  - f) Only Class A and Class B fire resistant roofing materials are allowed. [Section 3.21 F]
  - g) Defensible Space Standards shall be incorporated around all primary structures as described in Appendix G of the Flathead County Subdivision Regulations. [Section 3.21 F]
  - h) Lot owners are alerted to the presence of large and potentially dangerous wildlife in the area and are reminded that feeding big game such as deer and bear is illegal in Montana. Lot owners are strongly encouraged to contact the Montana Department of Fish, Wildlife and Parks to obtain information on methods for safely living near wildlife and minimizing habitat impact. The following are required:
    - i. Dogs must be kept under owner control at all times, either leashed or confined.
    - ii. Bear-proof containers are required for refuse and feed for pets or livestock.
    - iii. Compost piles are prohibited unless secured by electrical fencing or otherwise enclosed.
    - iv. Pets must be fed indoors or food dishes must be brought in at night.
    - v. Bird feeders must be placed out of reach of deer, bear, and other large game.
14. The following statement shall appear on the face of the final plat:

#### Waiver of Protest - 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 [County Resolution 503-M]



15. Except as modified above, the subdivision shall comply with Chapter 3 of the Flathead County Subdivision Regulations. [Chapter 3, FCSR]
16. 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]
17. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]

#### **MEETING W/ EVERGREEN BUSINESS & PROPERTY OWNERS RE: SEWER PROPOSAL**

[10:08:48 AM](#)

Members present:

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

Others present:

Clerk Kimberly Moser, Kerry Finley, Denise Cofer, Pam Holmquist, George Everett

Discussion was held relative to a sewer proposal that Evergreen Business & Property Owners submitted to the commissioners and a question as to what the city of Kalispell's response was. Commissioner Hall stated that he had spoken with Pam Kennedy about the need for the county commissioners and the city council to get together to address issues that each have. Commissioner Brenneman spoke in regard to an unincorporated town statute from Nevada that he believes we need to take a look at for Montana. Kerry Finley stated that her organization would be willing to do research that is needed.

The discussion continued on to the Cottonwood Estates sewer and water issues. The commissioners all agreed that for a subdivision that size it should be hooked up to the available services and not a level 2 system.

Kerry Finley stated that they have requested through many individuals' comments from the city of Kalispell on specific reasons why their proposal would or would not work. Commissioner Hall stated that the commissioners need to send a letter to the city of Kalispell stating that a response is needed. Commissioner Brenneman stated that one of the points Kalispell makes is that there is no one from Evergreen to speak for Evergreen except for him and he does not necessarily think that it is not fair to the citizens of Evergreen for someone who was elected by the whole county speak for that one area. He stated that a council for Evergreen is needed to insure proper representation. Kerry Finley stated that her association does not represent the Evergreen water & Sewer District. Commissioner Hall stated that he would contact Jim Patrick about what he would like to have on the agenda when they meet with the city council. He also recommended that Kerry contact Jim Patrick for a meeting as well.

Pam Holmquist asked that if Pam Kennedy sets up a meeting with her own agenda, if the commissioners would have their own meeting?

Commissioner Watne asked what the next step will be if this does not get anywhere.

Commissioner Brenneman stated it would then be up to the developer as to whether they would like to continue.

Denise Cofer questioned if the commissioners could set up a meeting and invite the city council, Evergreen Business & Property Owners, and the Evergreen Sewer Board for a commissioner meeting. Denise Cofer stated that commissioner's districts are not like legislative district and that all of the commissioners represent Evergreen.

Commissioner Hall spoke on the need to have a cooperative effort between Kalispell and Evergreen.

George Everett stated that he thought that the unincorporated town idea was a good idea. He also thanked the commissioners for agreeing to write a letter to the city of Kalispell.

#### **FINAL PLAT: SAVE ME TEN ACRES**

[10:43:24 AM](#)

Members present:

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

Others present:

Clerk Kimberly Moser, Peggy Goodrich, Rick Breckenridge, Peggy Mathiason, Kirsten Holland

Goodrich reviewed the application submitted by Carol & Richard Davies for final plat approval of Save Me Ten Acres, a subdivision creating two single-family residential lots. The subdivision is located off Columbia Falls Stage Road. The preliminary plat approval was granted on January 24, 2005 subject to ten conditions of approval. Staff recommends approval.

Commissioner Watne made a **motion** to approve the final plat of Save Me Ten Acres. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Watne, and Brenneman. Motion carried unanimously.

#### **PRELIMINARY PLAT: BEAVER HILLS SUBDIVISION**

[10:48:29 AM](#)

Members present:

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

Others present:

Clerk Kimberly Moser, Kirsten Holland, Robert Hanger, Howard Keister, Traci Keister

Holland reviewed the application submitted by Howard & Tracie Keister for preliminary plat approval of Beaver Hills Subdivision, a minor subdivision that will create three residential lots with a remainder. The subdivision is proposed on 6.64 acres and will be

served by individual water & septic systems. The property is located off of Beaver Lake Road, approximately seven miles north of Whitefish. The property is unzoned. There are 12 conditions of approval. Staff recommends approval.

Commissioner Watne made a **motion** to adopt Staff Report FSR-05-49 as findings of fact. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

Commissioner Watne made a **motion** to approve the preliminary plat of Beaver Hills Subdivision subject to 12 conditions. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

#### CONDITIONS

1. The developer shall obtain and or show proof of a completed approach permit from the Flathead County Road Department for all accesses to Beaver Lake Road, indicating the approaches have been built and received final inspection. [Section 3.8(A), FCSR]
2. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626. The addresses shall appear on the final plat. [Section 3.9(I)(7), FCSR]
3. 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].
4. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with a plan approved by the County Weed Department. [Section 3.12(J), FCSR]
5. The subdivision lots shall be reviewed and approved by the Flathead City-County Health Department and the Montana Department of Environmental Quality for individual sewer and water facilities and storm water management. [Sections 3.14(A) and 3.15(A), FCSR]
6. The applicant shall comply with reasonable fire suppression and access requirements of the Whitefish Rural Fire District. A letter from the Fire Chief stating that an agreement has been made shall be submitted with the application for Final Plat. [Section 3.20, FCSR]
7. Electrical and telephone utilities shall be extended underground to abut and be available to each lot in accordance with Flathead County Subdivision Regulations. Utility plans shall be approved by the applicable utility companies. [Sections 3.17 and 3.18 FCSR].
8. The following statements shall be placed on the face of the final plat applicable to all lots:
  - a) All addresses will be visible from the road, and at the driveway entrance or on the house. [3.20(D), FCSR]
  - b) All utilities will 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]
  - d) All driveways will have a 10% maximum grade to ensure access by emergency vehicles. [Section 3.6 E FCSR]
  - e) Only Class A and Class B fire resistant roofing materials are allowed. [Section 3.21 F]
  - f) Defensible Space Standards shall be incorporated around all primary structures as described in Appendix G of the Flathead County Subdivision Regulations. [Section 3.21 F]
  - g) Lot owners are alerted to the presence of large and potentially dangerous wildlife in the area and are reminded that feeding big game such as deer and bear is illegal in Montana. Lot owners are strongly encouraged to contact the Montana Department of Fish, Wildlife and Parks to obtain information on methods for safely living near wildlife and minimizing habitat impact. The following are required:
    - i. Dogs must be kept under owner control at all times, either leashed or confined.
    - ii. Bear-proof containers are required for refuse and feed for pets or livestock.
    - iii. Compost piles are prohibited unless secured by electrical fencing or otherwise enclosed.
    - iv. Pets must be fed indoors or food dishes must be brought in at night.
    - v. Bird feeders must be placed out of reach of deer, bear, and other large game.
9. The following statement shall appear on the face of the final plat:

Waiver of Protest - 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 [County Resolution 503-M]
10. Except as modified above, the subdivision shall comply with Chapter 3 of the Flathead County Subdivision Regulations. [Chapter 3, 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. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]

**11:00 a.m. County Attorney meeting at the County Attorneys Office**  
**12:00 p.m. Commissioner Brenneman and Hall to attend a meeting w. Senator Baucus at Ashley Creek re: Bike Path**

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

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#### THURSDAY, AUGUST 11, 2005

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

**11:00 a.m. Long Range Planning Task Force Education & Outreach Committee meeting at the Earl Bennett Building**  
**2:00 p.m. AOA Board meeting at the Kalispell Senior Center**

**4:00 p.m. Long Range Planning Committee meeting at the Earl Bennett Building**  
**7:30 p.m. Fair Board meeting at the Fair Office.**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 12, 2005.

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**FRIDAY, AUGUST 12, 2005**

The Board of County Commissioners 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 August 15, 2005.