
MONDAY, JANUARY 9, 2006

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

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

MEETING W/ JAY SCOTT, FAIRGROUNDS

[9:04:02 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jay Scott

Discussion was held relative to vendor insurance requirements, event scheduling, building progress, cash register requirements for vendors, and horse racing.

COS REVIEW: HAVERKORN

[9:15:05 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Kirsten Holland, Olaf Ervin, Beau Mathiason, Jo Ann Haverkorn, Terry Haverkorn, Jeff Harris

Holland reviewed the Haverkorn family transfer request.

Discussion was held relative to the intent of the family transfer.

Commissioner Brenneman made a **motion** to deny the Haverkorn COS. Commissioner Hall **seconded** the motion. **Aye** - Brenneman. **Opposed** – Watne and Hall. Motion fails.

Commissioner Hall made a **motion** to approve the Haverkorn COS with the understanding that a 40 foot easement will be reserved. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

COS REVIEW: HOERNER

[9:52:31 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Kirsten Holland, Ben Hoerner, Carol Hoerner, Ardis Larsen

Holland reviewed the Hoerner family transfer request.

Discussion was held relative to the intent of the family transfer

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

COS REVIEW: BROWN

[10:01:40 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Kirsten Holland, Jeff Harris, Joe Kauffman, James M Brown, Connie Brown

Holland reviewed the Brown family transfer request.

Discussion was held relative to the intent of the family transfer.

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

PRELIMINARY PLAT: ROCKY TRAILS

[10:07:51 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Kirsten Holland, Traci Sears-Tull, Jeff Harris, Eric Mulcahy, Ardis Larsen, Kim Barston, Keith Billi, Nicole Lopez-Stickney

Sears-Tull reviewed the application submitted by Keith Billi for preliminary plat approval of Rocky Trails Subdivision, a minor subdivision that will create five residential lots. The subdivision is proposed on 20.64 acres and will be served by individual water and sewer systems. The property is located on Vonder Heide Lane west of Kila, and is unzoned. There are 17 attached conditions.

Discussion was held relative to the internal road design and dust abatement issues.

Commissioner Brenneman made a **motion** to adopt Staff Report FSR-05-65 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve the preliminary plat of Rocky Trails Subdivision subject to 19 amended conditions. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

CONDITIONS

1. The applicant shall obtain a variance to the cul-de-sac design requirement in Table 1 of Section 3.9 of the Flathead County Subdivision Regulations for the internal subdivision road. [Section 7.1, Flathead County Subdivision Regulations]
2. The private, internal subdivision roads will consist of a 60-foot right-of-way, minimum 20-foot paved driving surface, and a hammer head turnaround and be designed and certified by a licensed, professional engineer. [Section 3.9, Flathead County Subdivision Regulations]
3. Roads and driveways will conform in all locations to maximum grade standards [Section 3.6(E) and 3.9, Table 2, FCSR]
4. The applicant will receive physical addresses and road names in accordance with Flathead County Resolution #1626. The addresses and road names will appear on the final plat. [Section 3.9(I)(7), FCSR]
5. A road identification sign will be installed at the intersection of Vonder Heide Lane and the internal subdivision road. [Section 3.9(I)(8), FCSR]
6. The applicant will obtain and show proof of a completed approach permit from the (Flathead County Road Department) for access onto *Vonder Heide Lane*, indicating the approach has been built and received final inspection. [Section 3.8(A), FCSR]
7. Lot owners within the subdivision will participate in a Road Users' Agreement or Property Owners Association for the internal subdivision road, which will require each property owner to bear his or her pro-rata share for maintenance of the private roads. [Section 3.9(J)(3), FCSR]
8. The developer will dedicate a 15-foot bike/pedestrian easement on the Vonder Heide Lane frontage. [Section 3.18(A), FCSR]
9. New electrical and telephone utilities will be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
10. The applicant will comply with reasonable fire suppression and access requirements of the Smith Valley Fire District. A letter from the fire chief stating an agreement has been made will be submitted with the application for Final Plat, this should include the departments' approval of the proposed hammer head turnaround. [Section 3.20, FCSR]
11. All areas disturbed during development of the subdivision will be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. [7-22-2116 MCA and Section 3.12(J), FCSR]
12. If required by the local postmaster, the developer will provide a common mailbox facility in accordance with the Flathead County Subdivision Regulations. [Section 3.22, FCSR]
13. The developer shall contact the Child Transportation Committee and, if required, provide and improve a location for the safe loading and unloading of students. [Agency Comment]
14. The following statements will be placed on the face of the final plat applicable to all lots:
 - g) All addresses will be visible from the road, and at the driveway entrance or on the house.
 - h) All utilities will be placed underground.
 - i) Lot owners are notified they are living in a rural area of Flathead County and delayed response times may be experienced from emergency service providers.
 - j) The property owners association or road users' agreement will govern maintenance of the internal subdivision road. The road will be maintained, including necessary repairs, snow removal, and dust mitigation, to ensure safe all-weather travel for two-way traffic and to reduce negative impacts on air quality.
 - k) Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.

l) Waiver of Protest

Participation in Special Improvement District
[per County Resolution 503-M]

_____ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes _____ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that _____ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special

Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. _____ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for _____ Subdivision.

15. All required improvements will be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, will be provided by the subdivider prior to final approval by the County Commissioners. [Chapter 8, FCSR]
16. The final plat will 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]
18. A 200 foot by 60 foot dedicated road easement will be offered to the County on the SE corner of the subdivision. The county will reserve the right to accept the road dedication at a future date.
19. The subdivider will be responsible for dust abatement on Vonder Heide Road during construction of the subdivision.

FINAL PLAT: HOILAND-DAY ACRES, RESUBDIVISION OF LOT 2 OF AMENDED LOTS 22 & 23

[10:31:23 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Nicole Lopez-Stickney, Ardis Larsen

Lopez-Stickney reviewed the application submitted by SAV LLC for final plat approval of Hoiland-Day Acres Resubdivision of Lot 2 of amended Lots 22 and 23, a subdivision creating 2 new residential lots from an existing residential tract. The property is located on Solberg Drive off of Helena Flats Road south of reserve Drive. Preliminary plat approval for this subdivision was waived on September 16, 2004 subject to 7 conditions of approval. All conditions have been met.

Commissioner Hall made a **motion** to approve the final plat of Hoiland-Day Acres, Resubdivision of Lot 2 of Amended Lots 22 & 23. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

APPOINTMENT OF COUNTY FIRE CHIEF / WARDEN

[10:37:50 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Hall made a **motion** to adopt Resolution 1916. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

RESOLUTION NO. 1916

WHEREAS, the position of Flathead County fire chief/warden was held by the former director of the office of emergency services, who has resigned and is no longer an employee of Flathead County;

WHEREAS, the Board of Commissioners has not engaged a full time, permanent director of emergency services to date and wishes to appoint a fire chief; and

WHEREAS, Rick Trembath, the Bigfork Fire and Ambulance Chief, has agreed to fill that position and carry out its responsibilities for up to one year.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that Rick Trembath is hereby appointed the Flathead County Fire Chief/Warden, pursuant to the provisions of Section 7-33-2203, M.C.A., through December 31, 2006, or until the Board of Commissioners appoints a full time, permanent director of emergency services and appoints that person as the Flathead County Fire Chief/Warden.

BE IT FURTHER RESOLVED that the position is an unpaid position and the fire chief/warden is not an employee of Flathead County;

BE IT FURTHER RESOLVED that the Flathead County Fire Chief/Warden shall carry out the following responsibilities:

1. represent the Board of Commissioners in matters pertaining to wildland fire management in the county and serving as the county's "line" officer (line of authority from commissioners to firewarden) in such matters;
2. coordinate wildland fire protection for all lands on which the county is required to provide fire protection, primarily involving the "unprotected" lands outside of established protection jurisdictions and including Fire Service Areas and lands in rural fire districts during a county-wide or large fire event;
3. monitor the county fire situation, and assure that adequate county resources are mobilized to suppress its fires, not requiring that he be in command of incident operation, but instead being responsible for directing resources to handle fires and being responsible for county-wide operations and, therefore, not in control of each incident, and becoming involved when fires within a fire district boundaries exceed the capabilities of the district;
4. keep the Board of Commissioner apprised of the wildfire situation in the county and bringing wildfire related matters before the board for consideration;
5. attend the meetings of the County Rural Fire Council (Association of Fire Fighters) and acting as a liaison between the Commissioners and the Council, bringing matters to each body from the other;

6. serve as the primary contact between the county and the State (DNRC) with regard to wildland fires, requesting assistance from the State when the County's ability to handle a fire is exceeded and working with the State in Planning, prevention, training, and equipment procurement;
7. ensure that wildland fire equipment on loan to the County is maintained, fire ready, and accounted for, consolidate requests from rural fire districts, fire service areas, etc., for excess fire equipment, forward such requests to the State and disburse State-provided equipment under recommendation from the Council;
8. Represent the County and its fire organization in the Northern Rockies Coordinating Group (NRCG), a region/state-wide organization of wildland firefighting agencies, through membership in the Montana County Firewardens Association and participation with the local Zone Mobilizations Board; and
9. at the request of the County Commissioners, ensure that wildland fire concerns are addressed by land developers during the subdivision review process on major residential projects, in situations where local fire chiefs are not addressing these issues.

Dated this 9th day of January, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST:
Paula Robinson, Clerk

By /s/Kimberly Moser
Deputy

BOARD APPOINTMENT: SOLID WASTE DISTRICT

[10:41:00 AM](#)

Members present:

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

Others present:

Clerk Kimberly Moser

Commissioner Hall made a **motion** to appoint Nathan Sande and Helen Pilling to the Solid Waste District Board. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

AUTHORIZATION TO CALL FOR BIDS: VEHICLES / SHERIFF'S OFFICE

[10:43:21 AM](#)

Members present:

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

Others present:

Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the Call for Bids and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

CALL FOR BIDS

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive bids for the purchase of five (5) new or used white 2006 SUV's with miles not to exceed 1,000. If used, vehicles must be eligible for balance of factory warranty. Bid must include the delivery cost. Vehicles will have the following equipment:

Bid specifications for 5 mid or full sized sport utility vehicles.

Model year 2006	4 wheel anti-lock braking system
White in color	Rear window defroster
Engine V8	Air conditioning
Automatic transmission	Dual air bag restraint system
4 wheel drive	AM/FM radio
Skid plate package	Tilt wheel
Trailer towing package	Cruise control
4 doors	Power windows and locks
Front bucket cloth power seats, rear bench	Remote keyless entry
All season tires with steel wheels, and full size spare	Drivers side spotlight

Final price of vehicle should include shipping or transportation fees.

Each bidder must deposit with their bid, a bid security in the amount of \$5,000 to secure the bidders express covenant that if the bidder is awarded the contract, the bidder will, within ten (10) days, enter into a formal contract for the purchase and sale of said units. Bid security shall be payable to Flathead County and shall be in the form of lawful money of the United States; a cashier's check, certified check, bank money order, bank draft, or bid bond executed by a surety corporation authorized to do business in Montana.

The bidder shall include with his bid, the form of contract to be signed. The terms of said contract, including maintenance and warrant provisions, will be considered in determining the bid which best serves the County's interests. The County reserves the right to negotiate terms of said contracts.

All sealed bids, plainly marked SEALED BID-SHERIFF'S PATROL VEHICLES must be in the hands of the County Clerk and Recorder, 800 south Main, Kalispell, Montana 59901 on or before 5:00 o'clock P.M. on January 26th, 2006. Bids will be opened and read at 9:30 A.M. on January 30, 2006 in the Commissioners Office at the West Annex of the Courthouse, 800 South Main, Kalispell, Montana.

The award of bid will be made solely by the issuance of a letter of award to the successful bidder by the Office of the Flathead County Clerk and Recorder. Flathead County reserves the right to accept or reject any bid and to waive any irregularities, which are deemed to be in the best interest of the County.

Dated this 9th day of January, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:

Paula Robinson, Clerk

By/s/Kimberly Moser

Publish on January 12th and January 19th, 2006.

AWARD BIDS: LEGAL ADVERTISING 2006

[10:44:04 AM](#)

Members present:

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

Others present:

Clerk Kimberly Moser

Commissioner Hall made a **motion** to award the contract for the 2006 legal Advertising bid to The Daily Interlake in the amount of 80 percent of the of the prices outlined in the Administrative Rules of Montana. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

TAKE ACTION: LAKE HOLLOWES 2

[10:36:59 AM](#)

Members present:

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

Others present:

Clerk Kimberly Moser

It was read into the minutes that the Lake Hollowes 2 preliminary plat has died for lack of action.

DOCUMENT FOR SIGNATURE: TEAMSTERS' CONTRACT

[10:43:50 AM](#)

Members present:

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

Others present:

Clerk Kimberly Moser

Commissioner Hall made a **motion** to postpone the document for Signature. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall 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 January 10, 2006.

TUESDAY, JANUARY 10, 2005

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

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

MONTHLY MEETING W/ LAURIE REBUCK, JUVENILE DETENTION CENTER

[9:31:52 AM](#)

Members present:

Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman PT

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence

Clerk Kimberly Moser, Laurie Rebuck, Kathy Frame, Dennis Hester

Discussion was held relative to the reconfiguration of the south Justice Center Parking lot handicapped spots to accommodate for a loading and unloading spot, communication problems in the Juvenile Detention Center and the need for sound proofing, and counseling needs.

PRELIMINARY PLAT: HOLT FIELDS

[9:59:08 AM](#)

Members present:

Commissioner Gary D. Hall

Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence

Clerk Kimberly Moser, Traci Sears-Tull, Brooke Howard, Sarah Arrigoni, Olaf Ervin, Jeff Harris

Sears-Tull reviewed the application submitted by Janet Sparks for preliminary plat approval of Holt Fields Subdivision, a major subdivision that will create 12 single-family residential lots. The subdivision is proposed on 16.41 acres and will be served by public water and individual septic systems. The subdivision is located off of Holt Stage Road in Creston and is unzoned. There are 19 attached conditions. Staff recommends approval.

Discussion was held relative to the park land requirements, and condition 9 inserting that these will be community systems.

Commissioner Hall made a **motion** to adopt Staff Report FPP-05-75 as findings of fact. Chairman Brenneman PT **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Hall made a **motion** to approve the preliminary plat of Holt Fields subject to 19 conditions. Chairman Brenneman PT **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

CONDITIONS

1. The private, internal subdivision road will consist of a 60-foot right-of-way, minimum 20-foot paved driving surface, and a 55-foot radius cul-de-sac and be designed and certified by a licensed, professional engineer. The subdivider shall put in a 60-foot emergency access easement from the proposed cul-de-sac to US Highway 35. [Section 3.9, Flathead County Subdivision Regulations]
2. Roads and driveways will conform in all locations to maximum grade standards [Section 3.6(E) and 3.9, Table 2, FCSR]
3. The applicant will receive physical addresses and road names in accordance with Flathead County Resolution #1626. The addresses and road names will appear on the final plat. [Section 3.9(I)(7), FCSR]
4. A road identification sign and stop sign will be installed at the intersection of the internal subdivision road and Holt Stage Road. [Section 3.9(I)(8), FCSR]
5. The applicant will obtain and show proof of a completed approach permit from the Flathead County Road Department for access onto Holt Stage Road, indicating the approach has been built and received final inspection. [Section 3.8(A), FCSR]
6. Lot owners within the subdivision will participate in a Road Users' Agreement or Property Owners Association for the internal subdivision road, which will require each property owner to bear his or her pro-rata share for maintenance of the private road. [Section 3.9(J)(3), FCSR]
7. The applicant will dedicate a 15-foot bicycle/pedestrian easement on Lots 1 and 12 along the Holt Stage Road frontage. [Section 3.18(A), FCSR]
8. New electrical and telephone utilities will be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
9. The **community** water and septic treatment systems for the subdivision will be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [Section 3.14(A) and 3.15(A), FCSR]
9. The applicant will comply with reasonable fire suppression and access requirements of the Creston Fire District to include a 10,000 gallon water storage facility or work with Sunset Trail Subdivision to develop a single community water supply with a minimum of 30,000 gallons. A letter from the fire chief stating that an agreement has been made will be submitted with the application for Final Plat. [Section 3.20, FCSR]
10. All areas disturbed during development of the subdivision will be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. [7-22-2116 MCA and Section 3.12(J), FCSR]
11. If required by the local postmaster, the developer will provide a common mailbox facility in accordance with the Flathead County Subdivision Regulations. [Section 3.22, FCSR]
12. The developer shall contact the Child Transportation Committee and, if required, provide and improve a location for the safe loading and unloading of students. [citation needed]
13. The following statements will 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.
 - b. All utilities will be placed underground.
 - c. Lot owners are notified they are living in a rural area of Flathead County and delayed response times may be experienced from emergency service providers.
 - d. The property owners association or road users' agreement will govern maintenance of the internal subdivision road. The road will be maintained, including necessary repairs, snow removal, and dust mitigation, to ensure safe all-weather travel for two-way traffic and to reduce negative impacts on air quality.

- e. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
- f. 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.
- 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.
- h.

Waiver of Protest

 Participation in Special Improvement District
 [per County Resolution 503-M]

_____ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes _____ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that _____ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. _____ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for _____ Subdivision.

- 14. Within six months prior to Final Plat submittal the applicant will provide three comparable recent real estate sales, from a MAI (Member Appraisal Institute) Certified Montana Appraiser, for the calculation of the Parkland cash-in-lieu fee. The applicant is required to pay the fee amount calculated by the County Planning and Zoning Office. [Section 3.19, FCSR]
- 15. All required improvements will be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, will be provided by the subdivider prior to final approval by the County Commissioners. [Chapter 8, FCSR]
- 16. The final plat will 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]
- 18. The revised preliminary plat shall reflect the Boundary Line Adjustment prior to the final plat being submitted.

PRELIMINARY PLAT: EAGLE'S CREST BLUFFS, LOT 12

[10:16:00 AM](#)

Members present:

Commissioner Gary D. Hall
 Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
 Clerk Kimberly Moser, Traci Sears-Tull, Jeff Harris, Brooke Howard, Sarah Arrigoni, Olaf Ervin

Sears-Tull reviewed the application submitted by David Carpenter for preliminary plat approval of Eagle's Crest Bluffs, lot 12, a major subdivision that will create 2 single-family residential lots. The subdivision is proposed on 10.85 acres and will be served by individual water and septic systems. The subdivision is located off of Trappers Creek Road south of Lakeside, and is unzoned. There are 16 attached conditions. Staff recommends approval.

Discussion was held relative to the possibility of future subdividing and adding a condition that these lots shall not be further subdivided.

Commissioner Hall made a **motion** to adopt Staff Report FPP-05-74 as findings of fact. Chairman Brenneman PT **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Hall made a **motion** to approve the preliminary of Eagle's Crest Bluffs, Lot 12 subject to 16 conditions. Chairman Brenneman PT **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

CONDITIONS OF APPROVAL:

- 1. Driveways will conform in all locations to maximum grade standards [Section 3.6(E) and 3.9, Table 2, FCSR]
- 2. The applicant will receive physical addresses in accordance with Flathead County Resolution #1626. The addresses will appear on the final plat. [Section 3.9(I)(7), FCSR]
- 3. The Road Users Agreement and Property Owners Association formed by Eagle Development requires each property owner to bear their pro-rata share for road maintenance of the private drive. Property owners of the proposed lots are required to join the Road Users Agreement and Property Owners Association.
- 4. The applicant will obtain and show proof of a completed approach permit from Montana Department of Transportation for access off of US Highway 93. [Section 3.8(A), FCSR]
- 5. New electrical and telephone utilities will be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
- 6. The proposed water and septic treatment systems for the subdivision will be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [Section 3.14(A) and 3.15(A), FCSR]

7. The applicant will comply with reasonable fire suppression and access requirements of the Flathead Fire Services Area and Montana DNRC. Letters from the Flathead Fire Service, Lakeside/Somers Fire Department and Montana DNRC stating that an agreement has been made will be submitted with the application for Final Plat. [Section 3.20, FCSR]
8. All areas disturbed during development of the subdivision will be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. [7-22-2116 MCA and Section 3.12(J), FCSR]
9. If required by the local postmaster, the developer will provide a common mailbox facility in accordance with the Flathead County Subdivision Regulations. [Section 3.22, FCSR]
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. [Superintendent of Schools]
11. The following statements will 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.
 - b. All utilities will be placed underground.
 - c. Lot owners are notified they are living in a rural area of Flathead County and delayed response times may be experienced from emergency service providers.
 - d. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
 - e. Only Class A or B fire rated roofing materials are allowed.
 - f. Defensible Space Standards shall be incorporated around all primary structures.
 - 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.
 - h.

Waiver of Protest

 Participation in Special Improvement District
 [per County Resolution 503-M]

_____ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes _____ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that _____ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. _____ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for _____ Subdivision.

i. *No further subdivisions are allowed on these lots.*

12. 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]
13. All lots shall be certified by a professional engineer or a licensed surveyor that they contain a buildable pad that does not exceed 25% in cross slope. Each building site pad which exceeds 25% in cross slope shall be required to undergo a geo-technical soils analysis conducted by a licensed professional engineer prior to final plat approval. Said report must find that development of this lot would pose no significant geological hazards to either this lot or neighboring properties and the applicant would be required to comply with the recommendations of said report. [Section 3.6.]
14. All required improvements will be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, will be provided by the subdivider prior to final approval by the County Commissioners. [Chapter 8, FCSR]
15. The final plat will be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]
16. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD ABANDONMENT #442 (PORTION OF CARVER BAY ROAD)

[10:33:16 AM](#)

Members present:

Commissioner Gary D. Hall
 Commissioner Joseph D. Brenneman PT

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
 Clerk Kimberly Moser

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

**OF PUBLIC ROADWAY
NO. 442**

Notice is hereby given that the Board of Viewers have reported 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 Carver Bay Road lying adjacent to Lots 19 & 20 of Whitefish Lake Summer Homes.

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 **January 23rd, 2006 at 9:45 a.m.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 10th day of January, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Joseph D. Brenneman PT
Robert W. Watne, Chairman

PAULA ROBINSON,
CLERK AND RECORDER

By/s/Kimberly Moser
Deputy

Publish on January 13th and 20th, 2006.

CONSIDERATION OF HR TRANSMITTAL: NETWORK & SYSTEMS ADMINISTRATOR / COMPUTER SERVICES

[10:33:54 AM](#)

Members present:

Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman PT

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Hall made a **motion** to approve the Network & Systems Administrator HR Transmittal form. Chairman Brenneman PT **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

CONSIDERATION OF EXTENSION REQUEST: WHITE MOUNTAIN ESTATES

[10:35:33 AM](#)

Members present:

Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman PT

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Hall made a **motion** to approve the one year extension request for White Mountain Estates. Chairman Brenneman PT **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

DISCUSSION OF LETTER RE: WHITEFISH RIVER RANCH SOUTH

[10:38:19 AM](#)

Members present:

Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman PT

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Tom Sands, Denny Falcon, Bob Lovejoy, Judy Martinson, Steve Streich, Tom Sands, Erica Wirtala, Jeff Harris, Traci Sears-Tull, Twyla Klundt

Discussion was held relative to a request made by Tom Sands to have the commissioners reconsider their decision on the Whitefish River Ranch South Subdivision. Tom Sands reviewed the reasons for his request, addressing water and sewer concerns, density concerns, and road impact issues.

The commissioners then responded to comments.

Commissioner Hall made a **motion** to send the preliminary plat back to the planning board for reconsideration. Chairman Brenneman PT **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Discussion was held relative to waiving the fees by the planning staff and having all deadlines will start over again.

MEETING W/ GLEN CAMERON / MDOT RE: SPEED STUDY OF U.S. 2 & MONTANA 40 (WHITEFISH TO COLUMBIA FALLS)

[11:17:37 AM](#)

Members present:

Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman PT

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Glen Cameron

Discussion was held relative to the speed study that has been done on U.S. 2 & Montana 40 between Whitefish and Columbia Falls. MDOT would support a sixty miles per hour speed limit between the Blue Moon and Columbia Falls, but would not support a lower speed limit on US 2 to Whitefish Stage.

Commissioner Hall made a **motion** to support the speed limit reduction with notation of their concern on Montana 40 from Columbia Falls to Columbia Heights. Chairman Brenneman PT **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: WORKERS COMPENSATION & EMPLOYERS LIABILITY INSURANCE

[11:27:51 AM](#)

Members present:

Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman PT

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Raeann Campbell

Raeann Campbell presented the commissioners with the workers compensation & employers liability insurance signature sheet from Liberty Mutual.

Commissioner Hall made a **motion** to approve the new workers compensation & employers liability insurance document. Chairman Brenneman PT **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 11, 2006.

WEDNESDAY, JANUARY 11, 2006

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

11:00 a.m. County Attorney meeting at the County Attorney's Office

11:30 a.m. Long Range Planning Task Force Affordable Housing Committee meeting at the Commissioners Meeting Room.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 12, 2006.

THURSDAY, JANUARY 12, 2006

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

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

MONTHLY MEETING W/ JEFF HARRIS, PLANNING & ZONING OFFICE

[9:10:58 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Discussion was held relative to the items discussed at the recent planning board meeting including Crown Jewel Estates, Meadowbrook, options after planning board denial, Columbia Falls Stage Road Subdivision, a commercial subdivision, also discussed was the monitoring of revenue, the subdivision rewrite, the growth policy progress, liability insurance premiums, and staffing.

PRELIMINARY PLAT: HARRIS ESTATES

[9:35:32 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Eric Giles, Jeff Harris, Brooke Howard, Sarah Arrigoni, Olaf Ervin, Judah Gersh

Giles reviewed the application submitted by Judy Brooks Harris for preliminary plat approval of Harris Estates, a major subdivision that will create 4 single-family residential lots off Deer Creek Road in Somers. The subdivision is proposed on 6.52 acres, and is unzoned. The lots will be served by individual water and septic systems. There are 15 attached conditions. Staff recommends approval.

Discussion was held relative to adding a condition to 11 that Class A and B fire resistant roofing be used and that they comply with defensible space standards, and to changing condition 7 to state that the applicant will obtain an appraisal within six months of the final plat.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP-05-73 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Discussion was held relative to the fifteen foot bike path easement condition.

Commissioner Brenneman discussed condition 15 requiring one single multi user well to serve the lots asking that it state that they will do this if they are unable to hookup to Lakeside water and sewer.

Commissioner Brenneman made a **motion** to approve the preliminary plat of Harris Estates subdivision subject to 15 conditions. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

CONDITIONS

1. Roads and driveways will conform in all locations to maximum grade standards [Section 3.6(E) and 3.9, Table 2, FCSR]
2. The applicant shall receive physical addresses and road names in accordance with Flathead County Resolution #1626. The addresses and road names shall appear on the final plat. [Section 3.9(I)(7), Flathead County Subdivision Regulations]
3. The applicant will obtain and show proof of a completed approach permit from the (Montana Department of Transportation or Flathead County Road Department) for access onto Deer Creek Road, indicating the approach has been built and received final inspection. [Section 3.8(A), FCSR]
4. The applicant will dedicate a 15-foot bicycle/pedestrian easement along the Deer Creek Road frontage. [Section 3.18(A), FCSR]
5. New electrical and telephone utilities will be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
6. The applicant will connect into the Lakeside Water and Sewer District Sewer systems or obtain a letter of non-service from the sewer district.
7. The applicant will obtain an appraisal from an MAI certified appraiser within six months of the final plat application for staff to compute the cash-in-lieu fee owed.
8. The applicant will comply with reasonable fire suppression and access requirements of the Somers Fire District. A letter from the fire chief stating that an agreement has been made will be submitted with the application for Final Plat. [Section 3.20, FCSR]
9. All areas disturbed during development of the subdivision will be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. [7-22-2116 MCA and Section 3.12(J), FCSR]
10. The applicant shall furnish proof of a common mail delivery location approved by the local postmaster. [Section 3.22, FCSR]
11. 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.
 - b. All utilities shall be placed underground.
 - c. Lot owners should be aware they are living in a rural area of Flathead County and delayed response times may be experienced from emergency service providers.
 - d. The property owners association or road users agreement will govern maintenance of the internal subdivision road. The road will be maintained, including necessary repairs, snow removal, and dust mitigation, to ensure safe all-weather travel for two-way traffic and to reduce negative impacts on air quality.
 - e. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
 - f.

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.

- g. Only Class A or B fire rated roofing materials are allowed. [Section 3.21, FCSR]

- h. Defensible Space Standards shall be incorporated around all primary structures. [Appendix G, FCSR]
- 12. 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. [Chapter 8, FCSR]
- 13. 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]
- 14. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]
- 15. If a letter of non-service is obtained from the Lakeside Water and Sewer District then the applicant will use one single multi-user well to serve the lots.

PRELIMINARY PLAT: SUBDIVISION NO. 172, RESUBDIVISION OF LOT 1

[9:55:17 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
 Clerk Kimberly Moser, Eric Giles, Traci Sears-Tull, Brooke Howard, Olaf Ervin, Sarah Arrigoni

Giles reviewed the application submitted by Dennis L & Christine L Hostetler for preliminary plat approval of the resubdivision of lot 1 of Subdivision No. 172, a major subdivision that will create 2 single-family residential lots off Badrock Drive in Columbia Falls. The subdivision is proposed on 10 acres, and is unzoned. There are 18 attached conditions. Staff recommends approval.

Discussion was held relative to removing condition 2 per the planning board. Commissioner Brenneman suggested that if condition number 2 is to be removed than they need to add to the face of the final plat that these lots will not be further subdivided.

Commissioner Brenneman made a **motion** to remove condition number 2 requiring 100 feet of the internal subdivision road will be paved and add to the face of the final plat that these lots will not be further subdivided. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Hall made a **motion** to adopt Staff Report FPP-05-72 as findings of fact. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve the preliminary plat of the Resubdivision of Lot 1 of Subdivision 172 subject to 18 amended conditions. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

CONDITIONS

1. The private, internal subdivision road will consist of a 60-foot right-of-way and a 20-foot driving surface per lot and be designed and certified by a licensed, professional engineer. [Section 3.9, Flathead County Subdivision Regulations]
2. At least 100 feet of the internal subdivision road will be paved. [Section 3.9(K), FCSR]
3. Roads and driveways will conform in all locations to maximum grade standards [Section 3.6(E) and 3.9, Table 2, FCSR]
4. The applicant shall receive physical addresses and road names in accordance with Flathead County Resolution #1626. The addresses and road names shall appear on the final plat. [Section 3.9(I)(7), Flathead County Subdivision Regulations]
5. Road identification signs and stop signs will be installed at all intersections. [Section 3.9(I)(8), FCSR]
6. The applicant will obtain and show proof of a completed approach permit for the additional lots from the Flathead County Road Department for access onto Badrock Drive, indicating the approach has been built and received final inspection. [Section 3.8(A), FCSR]
7. Lot owners within the subdivision will participate in a Road User's Agreement or Property Owners Association for the internal subdivision road, which will require each property owner to bear a pro-rata share for maintenance of the private road. [Section 3.9(J)(3), FCSR]
8. The applicant will dedicate a 15-foot bicycle/pedestrian easement on Lot 2 along the Badrock Drive road frontage. [Section 3.18(A), FCSR]
9. New electrical and telephone utilities will be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
10. The proposed water and septic treatment systems for the subdivision will be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [Section 3.14(A) and 3.15(A), FCSR]
11. The applicant will comply with reasonable fire suppression and access requirements of the Badrock Fire District. A letter from the fire chief stating that an agreement has been made will be submitted with the application for Final Plat. [Section 3.20, FCSR]
12. All areas disturbed during development of the subdivision will be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. [7-22-2116 MCA and Section 3.12(J), FCSR]
13. The applicant shall furnish proof of a common mail delivery location approved by the local postmaster. [Section 3.22, FCSR]
14. 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.

- b. All utilities shall be placed underground.
- c. Lot owners should be aware they are living in a rural area of Flathead County and delayed response times may be experienced from emergency service providers.
- d. The property owners association or road users agreement will govern maintenance of the internal subdivision road. The road will be maintained, including necessary repairs, snow removal, and dust mitigation, to ensure safe all-weather travel for two-way traffic and to reduce negative impacts on air quality.
- e. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
- f.

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.

g. These lots will not be further subdivided.

- 15. 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. [Chapter 8, 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]
- 18. The applicant will reserve a quarter circle easement at the northern end of Lot 1 with a 60 foot radius.

PRELIMINARY PLAT: DEER MEADOWS

[10:11:21 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Traci Sears-Tull, Nate Wyatt, Andy Belski, Judah Gersh

Sears-Tull reviewed the application submitted by Judah and Tanya Gersh for preliminary plat approval of Deer Meadows Subdivision, a major subdivision that will create 4 single-family residential lots. The subdivision is proposed on 20.47 acres and will be served by individual water and septic systems. The subdivision is located off of Conn Road which is accessed off of Highway 40 east of Whitefish and west of Columbia Falls, and is unzoned. There are 17 attached conditions. Staff recommends approval.

Discussion was held relative to adding the word reasonable to condition number 10.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP-05-43 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the preliminary plat of Deer Meadows subdivision subject to 17 conditions. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

CONDITIONS

- 1. The private, internal subdivision road system shall consist of a 60-foot right-of-way, 20-foot paved travel surface, and a 55-foot radius cul-de-sac in compliance with Section 3.9 of the Flathead County Subdivision Regulations and shall be designed and certified by a licensed, professional engineer. [Section 3.9 B, FCSR]
- 2. Roads and driveways will conform in all locations to maximum grade standards. [Section 3.9, Table 2, FCSR]
- 3. The applicant shall receive physical addresses and name all roads in accordance with Flathead County Resolution #1626. Addresses and road names shall appear on the final plat. [Section 3.9(I)(7), FCSR]
- 4. A road identification sign and stop sign shall be installed at the intersection of the internal subdivision road and Conn Road. [Section 3.9 (I)(8), FCSR]
- 5. The applicant will obtain and show proof of a completed approach permit from the Flathead County Road Department for access onto Conn Road, indicating the approach has been built and received final inspection. [Section 3.8(A), FCSR]
- 6. The lot owners within the subdivision shall join a Road Users Agreement or Property Owners Association for the internal subdivision road, which will require each property owner to bear their pro-rata share for road maintenance of the private drive. [3.9(J)(3), FCSR]
- 7. The applicant will dedicate a 15-foot bicycle/pedestrian easement on Lots 1 and 2 along Conn Road frontage. [Section 3.18(A), FCSR]
- 8. New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the utility companies. [3.17 and 3.18, FCSR]
- 9. The proposed water and septic treatment systems for the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the State of Montana Department of Environmental Quality. [3.14(A) and 3.15(A), FCSR]

10. The applicant shall comply with *reasonable* fire suppression and access requirements of the Columbia Falls 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]
11. 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]
12. If required by the local postmaster, the developer shall provide a common mailbox facility in accordance with Flathead County Subdivision Regulations. [Section 3.22, FCSR]
13. The developer shall contact the Child Transportation Committee and, if required, provide and improve a location for the safe loading and unloading of students. [Agency Comment]
14. The following conditions 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.
 - b. All utilities shall be placed underground.
 - c. Lot owners should be aware they are living in a rural area of Flathead County and can expect delayed response times for emergency services.
 - d. 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.
 - e. Only Class A and Class B fire resistant roofing materials are allowed.
 - f. Defensible Space Standards shall be incorporated around all primary structures as described in Appendix G of the Flathead County Subdivision Regulations.
 - g. Lot owners are responsible for the eradication and control of noxious weeds upon their property.
 - h. 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.
 - i. The following statement shall be placed on the face of the final plat:

_____ (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. 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. [Chapter 8, 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 years. [Section 2.5 (D)(6), FCSR]

PRELIMINARY PLAT: SWEETGRASS RANCH

[10:23:43 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
 Clerk Kimberly Moser, Traci Sears-Tull, Patti Nelson, Janae L Moore, Randy Moore, Erik Brandin, Robert K Wunderlich, John L Thomas, Ed Engel

Sears-Tull reviewed the application submitted by Montana Sweetgrass Farms LLC for preliminary plat approval of Sweetgrass Ranch, a major subdivision that will create 64 single-family residential lots. The subdivision is proposed on 124.77 acres and will be served by a public water systems and individual sewer systems. The subdivision is located off of Montana Highway 206 north of the Highway 35 Junction, and is unzoned. There are 23 attached conditions. Staff recommends denial based on historical groundwater issues, the placement of lot 12 in close proximity to the floodplain, the wildlife corridor was not adequately addressed, the placement of Floodplain boundaries does not seem consistent with the creek bed, the proposed density is not consistent with the surrounding area, and the proposal calls for individual septic systems instead of a community system.

Discussion was held relative to the drain field easements, groundwater concerns, density concerns, and design.

Commissioner Brenneman made a **motion** to deny the preliminary plat of Sweetgrass Ranch subdivision. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Discussion was held relative to the Staff report including, changing section d to state that the affects of health and safety are a concern striking that it can be mitigated with conditions, Section F to state that the affects on the natural environment are a concern and strike that it can be mitigated with conditions, and under summary findings state that the impacts of the subdivision are of concern as of respect to review required under MCA.

Commissioner Brenneman made a **motion** to amend staff report as recommended. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Discussion was held relative to the applicant's reasons for coming to the commissioners for direction and guidance.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP-05-59 as amended as findings of fact. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

CONSIDERATION OF ANNEXATION TO LAKESIDE WATER & SEWER DISTRICT: N. SOMERS ROAD, WILEY DIKE ROAD, SOMERS STAGE ROAD SOUTH & N. JUNIPER BAY ROAD

[11:00:13 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Marc Liechti

Discussion was held relative to the plan of the Lakeside Water and Sewer District.

Commissioner Brenneman made a **motion** to approve the request to annex N. Somers Road, Wiley Dike Road, Somers Stage Road South and N Juniper Bay Road into the Lakeside Water and Sewer District. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

RESCIND BOARD APPOINTMENT: SOLID WASTE DISTRICT

[10:54:14 AM](#)

Members present:

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

Others present:

Clerk Kimberly Moser

Commissioner Hall made a **motion** to rescind the board appointment of Helen Pilling to the Solid Waste District Board. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

CONSIDERATION OF TRUCK PURCHASE / ROAD DEPT

[10:56:40 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Ted Gilbertson

Commissioner Hall made a **motion** to approve the request from the Road Department to purchase a new pickup truck. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

FINAL PLAT: SUNSET TRAIL

[11:12:43 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Nicole Lopez-Stickney, Joe Kauffman

Lopez-Stickney reviewed the application submitted by Big Sky Surveying for final plat approval of Sunset Trail Subdivision, a subdivision creating 12 residential lots. The subdivision is located off Holt Stage Road. The preliminary plat approval was granted on August 1, 2005 subject to 16 conditions of approval. All conditions have been met. Staff recommends approval.

Commissioner Hall made a **motion** to approve the final plat of Sunset Trail Subdivision. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

CONTINUATION OF DOCUMENT FOR SIGNATURE: TEAMSTERS CONTRACT

[11:08:51 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Raeann Campbell

Discussion was held relative to the content of the Teamsters Contract.

Commissioner Brenneman made a **motion** to approve signing the new Teamsters Contract. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve the agreement between Flathead County and the Teamsters Union 2. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: EMPLOYEE CONTRACT / D. JONES

[11:05:02 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the contract for Diane Jones. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

2:00 p.m. AOA Board meeting at the Kalispell Senior Center

2:00 p.m. Long Range Planning Task Force Sewer, Water & Stormwater Committee meeting at the Commissioners Meeting Room

4:00 p.m. Long Range Planning Task Force 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 January 13, 2006.

FRIDAY, JANUARY 13, 2006

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

Commissioner Brenneman to attend CDC Board & Mental Health Council meetings in Polson

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 16, 2006.