
MONDAY, APRIL 10, 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,

Tony Anderson spoke in regards to a trash problem just off of VonDerHeide and near the Solid Waste site. He asked if there was any fine for littering, or of any way to enforce the covering of loads that are headed to the dump. He explained that there is no shoulder on the road to pull over and pick up trash if you lose it out of the back of a vehicle. He asked if the fee could be increased for non tarped loads.

Laura Miller spoke in regards to Antler Bluff Estates subdivision. Referring to maps that she had brought in she reviewed some of the surrounding subdivision in that area. She stated that the testimony that was used by Mr. Lapp on a previous subdivision stating that there would be hook up to municipal water and sewer facilities was false. She stated that she felt that Charles Lapp should have stepped down during the meeting due to a conflict of interest. She stated that Columbia Falls has no plans of moving the facilities to that area. She stated that this subdivision does not fit the character of the area. She also stated that Charles Lapp stated that he had put survey stakes up on his property a week before the subdivision review just to see what comments he would get. She then reviewed the circumstances around this landowner subdividing this piece of property.

Bryan Long, a representative of the land owners of the Antler Bluff Subdivision, spoke in regards to the comments that were made by Charles Lapp, the sewer issues, and the character of the area. He stated that even without Charles Lapp's vote the subdivision would still have passed the planning board. He also reviewed the layout of the surrounding issues. He then reviewed the work that is being done on the bus stop area. He also stated that this is not a farmable piece of property.

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

MONTHLY MEETING W/ JAY SCOTT, FAIR

[9:05:04 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jay Scott

Discussion was held relative to the comments that have been received in regards to the horse racing decision, the purse funds that are currently in the budget and a request to have those funds put in a CIP fund for the new building. Discussion was then held relative to recent events that have been held at the fairgrounds, and to insurance requirements. They then discussed the alarm and water issues in the new fairgrounds building.

MEETING W/ B.J. GRIEVE / PLANNING & ZONING OFFICE RE: PONDEROSA BOAT CLUB CONDITION #4 AND MILL CREEK ESTATES CONDITION #5

[9:21:36 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, B.J. Grieve

Discussion was held relative to the Ponderosa Boat Club and Mill Creek Estates PUD's. Grieve reviewed the circumstances around the PUD's, and the agreement to improve Holt Stage. He stated that he had mistakenly swapped the condition requiring Holt Stage improvements and they need to be switched back.

Commissioner Brenneman made a **motion** to approve the changes to condition four for Ponderosa Boat Club and condition five Mill Creek Estates PUD as recommended. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

MONDAY, APRIL 10, 2006
(Continued)

MONTHLY MEETING W/ KAROLE SOMMERFIELD, 4-H OFFICE

9:30:15 AM

Members present:

Chairman Robert W. Watne
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Karole Sommerfield

Discussion was held relative to April events, including horse helmet safety and the new state requirement that helmets must be worn or the parent has to sign a release, the Saturday steer weigh in, camp counselor training, and county congress.

PRELIMINARY PLAT: WILKE ESTATES

9:48:15 AM

Members present:

Chairman Robert W. Watne
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Clerk Kimberly Moser, Kirsten Holland, Jeff Harris, Nate Wyatt, Rick Breckenridge

Holland reviewed the application submitted by George Wilke with technical assistance from Flathead Geomatics for preliminary plat approval of Wilke Estates Subdivision, a major subdivision that will create two single family residential lots north of Whitefish near Star meadows off Evers Creek Connection Road. The property is unzoned. There are 14 attached conditions. Staff recommends approval.

Commissioner Brenneman asked to see a map of Subdivision 134.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP-05-82 as findings of fact and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

Nate Wyatt questioned the condition that the lots would not be further subdivided and whether the remainder is included in that condition. Kirsten Holland stated that the remainder is not technically part of the subdivision so it is not included in the condition. Nate then questioned how to calculate the cash in lieu of parkland.

Commissioner Brenneman made a **motion** to approve the preliminary plat of Wilke Estates subject to 14 conditions. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

CONDITIONS

1. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626. Addresses and road names shall appear on the final plat. [Section 3.9(I)(7), FCSR]
2. The applicant and/or lot owners will perform dust abatement on Evers Creek Connection Road as outlined in Flathead County Resolution #1374.
3. The applicant will furnish proof of legal access for two lots on Evers Creek Connection Road from the Forest Service in the form of a signed written statement or completed approach permit.
4. New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
5. All water, septic, and storm water drainage systems 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]
6. The applicant will comply with reasonable fire suppression and access requirements of the Flathead Fire Services Area. A letter from the Director stating requirements have been met shall be submitted with the application for Final Plat. [Section 3.20, FCSR]
7. 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, Section 3.12(J), FCSR]
8. If required by the local Postmaster, the developer shall provide a common mailbox facility in accordance with the Flathead County Subdivision Regulations. A letter from the Postmaster shall be submitted outlining mail delivery requirements. [Section 3.22, FCSR]
9. Within six months prior to Final Plat submittal, the applicant will provide a real estate appraisal for a three acre parcel from an 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 for .15 acres.

**MONDAY, APRIL 10, 2006
(Continued)**

10. 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.
 - b. All utilities will be extended underground.
 - c. Defensible Space Standards shall be incorporated around all structures.
 - d. Only Class A and B roofing materials are permitted.
 - 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. Lot owners are notified this subdivision is located a significant distance from emergency services. Delayed response times may be experienced when requesting assistance from fire, medical, or public safety services.
 - g. Lot owners are alerted to the presence of large and potentially dangerous wildlife in the area and are reminded that feeding big game is illegal, as it not only has negative impacts on the animals themselves, it increases the presence of dangerous predatory animals. They are encouraged to contact the Montana Department of Fish, Wildlife, and Parks to obtain information on safely living near wildlife and minimizing habitat impact, including:
 - i. Keeping dogs under owner control at all times.
 - ii. Using bear-proof garbage containers.
 - iii. Removing obvious sources of food.
 - iv. Securing compost piles with electrical fencing.
 - v. Feeding pets indoors or bringing food dishes in at night.
 - vi. Placing bird feeders out of reach of deer and other big game.
 - h. 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.

11. 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 applicant prior to final approval by the County Commissioners. [Chapter 8, 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]
14. A statement shall be placed on the face of the final plat indicating the 7.09 acre remainder shall not be further divided. [Planning Board recommendation, 3/8/06]

PRELIMINARY PLAT: HIDDEN WATERS

[10:01:50 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Clerk Kimberly Moser, Kirsten Holland, Jeff Harris, Rick Breckenridge

Holland reviewed the application submitted by Hidden Waters, LLP with technical assistance from Montana Mapping & Associates for preliminary plat approval of Hidden Waters Subdivision, a major subdivision in the Lower Side, R-1 Zoning District that will create seven single family residential lots west of Kalispell off U.S. Highway 2 West between Dern Road and West Valley Drive. There are 16 attached conditions. Staff recommends approval.

Commissioner Brenneman stated that it did appear as if it would be difficult to further subdivided, but questioned whether they should require a statement prohibiting further subdivision.

Commissioner Brenneman made a **motion** to adopt Staff Report #FPP-05-85 as findings of fact. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

Rick Breckenridge stated that this is an unconfined aquifer, and not part of the Smith Valley aquifer. He stated that he would like to have the DNRC condition removed if it is associated with the Smith Valley aquifer. Kirsten Holland reviewed her intent of adding the condition requiring contact with DNRC in regards to sufficient resources. Commissioner Brenneman agreed that they should remove condition number 10, and that he would like a statement put on the face of the final plat prohibiting further subdivision until municipal water and sewer is available. Commissioner Watne stated that he did not feel there was a water problem in that area. Rick Breckenridge stated that they would not have a problem with a statement prohibiting further subdivision.

Commissioner Brenneman made a **motion** to approve the preliminary plat of Hidden Water Subdivision subject to 15 amended conditions. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

**MONDAY, APRIL 10, 2006
(Continued)**

CONDITIONS

1. The private, internal subdivision road will consist of a 60-foot right-of-way, minimum 20-foot paved driving surface, and minimum 55-foot radius cul-de-sac and be designed and certified by a licensed, professional engineer. [Section 3.9, Flathead County Subdivision Regulations.]
2. The applicant will obtain and show proof of a completed approach permit for seven residential lots from the Montana Department of Transportation for access onto U.S. Highway 2 West, indicating the approach has been built and received final inspection. [Section 3.8(A), FCSR]
3. The applicant shall receive physical addresses and road names in accordance with Flathead County Resolution #1626. Addresses and road names shall appear on the final plat. [Section 3.9(I)(7), FCSR]
4. New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
5. All water, septic, and storm water drainage systems 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]
6. The applicant will comply with reasonable fire suppression and access requirements of the Smith Valley Fire Department. A letter from the Fire Chief stating requirements have been met shall be submitted with the application for Final Plat. [Section 3.20, FCSR]
7. 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, Section 3.12(J), FCSR]
8. The 100-year floodplain shall be clearly delineated and designated as a "no-build zone" on the face of the final plat. [Sections 3.3, 3.4, 3.5, FCSR]
9. A 100-foot setback from the "edge of the wetland grasses" will be shown on the face of the final plat. This setback will observe the 100-year floodplain boundary, which is designated as a "no-build zone." [Applicant proposal, Environmental Assessment, 12/6/05]
- ~~10. The applicant shall contact the Montana Department of Natural Resources Conservation to determine that sufficient resources are available to serve seven individual wells. [Section 3.14 B, FCSR]~~
11. The applicant shall provide and install a common mailbox facility in accordance with the Flathead County Subdivision Regulations. A letter from the Postmaster shall be submitted outlining mail delivery requirements. [Section 3.22, FCSR]
12. Solid waste disposal shall be accomplished via contract haul per Policy 4.16 of the Flathead County Master Plan.
13. 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.
 - b. All utilities will be extended underground.
 - c. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
 - d. Defensible Space Standards shall be incorporated around all primary structures as outlined in Appendix G of the Flathead County Subdivision Regulations.
 - e.

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.
 - f. The lots will not be further subdivided until municipal water and sewer is available.
14. 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 applicant prior to final approval by the County Commissioners. [Chapter 8, FCSR]
15. 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]
16. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]

CONSIDERATION OF REFUND: VILLAGE COUNTY SEWER DISTRICT / CITY OF KALISPELL

10:26:29 AM

Members present:

Chairman Robert W. Watne
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the dissolution of the Village County Sewer District and release the funds to the City of Kalispell. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

MONDAY, APRIL 10, 2006
(Continued)

CONSIDERATION OF TAX ABATEMENT: ASSESSOR #0972090 & #0329900

10:29:00 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 continue this meeting. Commissioner Brenneman **seconded** the motion. **Aye** – Watne, Hall and Brenneman. Motion carried unanimously.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: MCMARREN / KSG HOLDINGS / RADTKE ZONE CHANGE / BIGFORK ZONING DISTRICT

10:30:52 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 notice of public hearing and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Brenneman. Motion carried unanimously.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Dale McMurren, KSH Holdings, (Joe and Gina Klempel) and Eat 385 LLC, (Edward and Valerie Radtke), to change the zoning designation in a portion of the Bigfork Area Zoning District from AG-20 (Agricultural) and AG-40 (Agricultural) to SAG-5 (Suburban Agricultural).

The boundaries of the area proposed to be amended from AG-20 and AG-40 to SAG-5 are set forth on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to the property from those intended to protect and preserve agricultural land for the performance of a wide range of agricultural functions, intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development, to regulations intended to protect and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development. The AG-20 and AG-40 classifications have a minimum lot size of 20 and 40 acres; a change to SAG-5 would result in a minimum lot size of 5 acres.

The regulations defining the AG-20, AG-40 and SAG-5 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500.

The public hearing will be held on the **25th day of April, 2006, at 9:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the Bigfork Area Zoning District.

DATED this 10th day of April, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

Paula Robinson, Clerk

By /s/Kimberly Moser
Deputy

Publish on April 13 and April 20, 2006.

**EXHIBIT A
STAFF REPORT FZC 05-26
MCMURREN/KSG HOLDINGS/RADTKE
ZONE CHANGE FROM AG-40 and AG-20 TO SAG-5**

Location and Legal Description of Property:

Lot 1 of Subdivision No. 162, according to the official plat thereof, filed in official records of Flathead County, Montana. (275 Coverdell Road)

Parcel 1:
Tract 4A in Lot 1 of the Northwest ¼ of the Northwest ¼ of Section 18, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana.

**MONDAY, APRIL 10, 2006
(Continued)**

Parcel 2:

The Northeast ¼ of Section 13, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana. (311 Coverdell Road)

Tract 1:

The South Half of the Southeast Quarter (S ½ SE ¼) of Section 12, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana.

Tract 2:

A tract of land in the Northeast Quarter (NE ¼) of Section 13, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana, described as follows:

Beginning at the Southwest corner of said NE¼; thence along the westerly line of the NE¼ North to the Northwest corner of said NE¼; thence along the northerly line of said NE¼ East a distance of 1 rod (16.5') to a point; thence South and parallel to the Westerly line of said NE¼ to the Southerly line thereof; thence along said Southerly line Westerly a distance of 1 rod (16.5') to the point of beginning.

Said tract being a strip of land along the west boundary of said NE¼ of Section 13. (315 Coverdell Road)

AUTHORIZATION TO PUBLISH RFP: PHONE SYSTEM

10:31:34 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 approve the request for proposals and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** – Watne, Hall and Brenneman. Motion carried unanimously.

NOTICE OF AVAILABILITY OF REQUEST FOR PROPOSALS

Flathead County is seeking proposals from qualified equipment vendors for new telephone equipment to equip its facilities. The equipment includes new telephone switches, voice mail, and telephones to serve its buildings. Copies of the complete REQUEST FOR PROPOSALS may be obtained at Access Consulting 265 West Front Street, Missoula, Montana between the hours of 9:00 a.m. and 4:30 p.m. and will be available until 4:30 p.m. on Monday, May 1, 2006.

A mandatory walk-through will be held on April 24, 2006 at 10:30 a.m. All sealed proposals, plainly marked "Telephone Equipment Proposal" must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, Montana 59901, at or before 5:00 o'clock p.m., on Tuesday, May 30, 2006. Proposals will be opened and read at 11:00 o'clock a.m., on Wednesday, May 31, 2006, in the Commissioners' Office at the Courthouse, West Annex, 800 South Main, Kalispell, Montana. Responders are responsible for allowing enough time for mailed bids to arrive by the proposal deadline. The clock maintained in the Flathead County Clerk and Recorder's Office shall be determinative of the proposal deadline.

Questions regarding the Request for Proposals should be directed to Pete Weber Access Consulting, 265 West Front Street, Missoula, MT, (406)-327-0629.

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.

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.

Dated this 10th day of April, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:

Paula Robinson, Clerk

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

By /s/Kimberly Moser

Deputy

Publish: April 16 and April 23, 2006.

MEETING W/ GRAVEL ADVISORY COMMITTEE RE: UPDATE

10:32:10 AM

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jeff Harris, Kirsten Holland, Brett Fisher, Bruce Tutvedt, Jerry Nix, Ginny Coyle, Mark Schwager, Susan Schwager, Alrick Hale, Wally Wilkinson, Ronald Buentemeier

**MONDAY, APRIL 10, 2006
(Continued)**

Discussion was held relative to the proposed language of the Gravel Advisory Committee for an amendment to Resolution 955GM. Kirsten Holland stated that the proposed language had been reviewed by the County Attorney's office. Bruce Tutvedt stated that this is a fairly complicated issue to fit in the zoning regulations. Jerry Nix stated that it looks easy on the surface but it is a lot more complex, and reviewed the zones that are included in the language. He also stated that he wanted Ag-20 included in the residential zone. Jeff Harris stated that the text amendment is for the zoning regulations. He then reviewed the West Valley planning area and West Valley zoning area. Bruce Tutvedt stated that they were not going to get the language they need by going through Jonathan Smith. He stated that they should have a different attorney write language defining residential rather than defining what is not residential. Jeff Harris reviewed the problems they had with excluding Ag-20 from review, including the availability to have PUD's. Kirsten Holland stated that with the language as proposed today they could not prohibit in an Ag-20, and reviewed and upcoming text amendment application to define gravel extraction. Wally Wilkinson questioned legal issues with proceeding with the text amendment when court action is still pending on that issue. Brett Fisher and Jerry Nix stated that they have done what they were asked to do and addressed the text amendment as much as they can. Bruce Tutvedt stated that if they go forward then they are going to have to go in a different way in defining residential. Discussion was held relative to whether they should send this proposal to the planning board or go back to the committee for further recommendation. Brett Fisher and Bruce Tutvedt stated that if they could discuss the timber and ag issues they would want to further review this, otherwise they would like to move forward with the language that was recommended today. Jeff Harris recommended moving forward with this language and then give the staff recommendation to review the timber and ag issues.

Commissioner Hall made a **motion** to continue any action until the commission comes back again. No second motion fails.

Commissioner Hall made a **motion** to forward the language submitted by Ron Buentemeier, with the addition of the words AG Lands, on to the planning board. Commissioner Brenneman **seconded** the motion. **Aye** – Watne, Hall and Brenneman. Motion carried unanimously.

Except as provided for elsewhere in these regulations, for the purpose of interpreting the intent of Section 76-2-209 MCA which addresses the application of zoning regulations for sand and gravel extraction operations and associated asphalt and concrete batch plants, any zoning district or use district including a planned unit development which provides for single family dwellings, resorts, 1-4 plex or similar residential use categories as permitted use is considered residential. In those district the zoning regulations adopted and provided for herein shall specifically apply to sand and gravel extraction and asphalt or concrete batch plant use **except that AG-20, AG 40, and AG-80 and Forestlands or Aq Lands of 15 contiguous acres or greater that are assessed and taxed as forestland or Aq Lands are not considered residential zones.**

PRELIMINARY PLAT: COLUMBIA PINES

[11:25:13 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Eric Giles, Jeff Harris, Traci Sears-Tull, Nicole Lopez-Stickney, Erica Wirtala

Giles reviewed the application submitted by Bob Spoklie, Tom Hoover, and Sands Surveying for preliminary plat approval of Columbia Pines Subdivision, a minor subdivision that will create four residential lots and one commercial lot. The subdivision is proposed on 13.34 acres and will be served by individual water & sewer systems. The property is located off MT Highway 206, southeast of the city of Columbia Falls, and .29 miles north of Kelley Road, and is zoned Scenic Corridor. There are 19 attached conditions.

Commissioner Brenneman made a **motion** to adopt Staff Report #FSR-06-01 as findings of fact. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the requested variance. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the preliminary plat of Columbia Pines subject to 19 conditions. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

CONDITIONS

1. The applicant will obtain a variance to the road length limitation in Table 3 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 access road will be a minimum of 22-foot paved surface 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, FCSR]
3. Roads and driveways will conform to maximum grade standards [Section 3.6(E) and 3.9, Table 2, FCSR]
4. The applicant will contact the Montana Department of Transportation maintenance department and submit proof the approach they are proposing onto MT Highway 206 meets safety requirements (Montana Department of Transportation).
5. The applicant will reserve a 30-foot easement on the portion of Lot 1 which fronts MT Highway 206 for future infrastructure expansion (Montana Department of Transportation).
6. The applicant will name the private access road and receive physical addresses from the Plat Room in accordance with Flathead County Resolution #1626. The addresses and road name shall appear on the final plat. [Section 3.9(I)(7), FCSR]
7. A road identification sign and stop sign will be installed at the intersection of the internal subdivision road and MT Highway 206. [Section 3.9(I)(8), FCSR]

MONDAY, APRIL 10, 2006
(Continued)

8. The applicant will obtain and show proof of a completed approach permit from the Montana Department of Transportation for access onto MT Highway 206, indicating the approach has been built and received final inspection. [Section 3.8(A), FCSR]
 9. 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]
 10. New electrical and telephone utilities shall be extended underground to abut and be available to the lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
 11. The subdivider will submit proof that all water, septic, and storm water drainage systems will be approved 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]
 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 following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All house numbers will be visible from the road, either at the driveway entrance or on the house.
 - b. All utilities will be extended underground.
 - c. Any existing property owners' agreement or road users' agreement will govern maintenance of the private primary access road. The road will be maintained, including necessary repairs and snow removal to ensure safe all-weather travel for two-way traffic.
 - 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.

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.
14. The applicant shall maintain a 20 foot no build or alterations buffer around the swamp/pond on Lot 4.
 15. During construction of infrastructure improvements, no silt-laden water or excess shall flow to unnamed swamp/pond on Lot 4. Erosion control measures are required and will be enforced. [Section 3.13, FCSR]
 16. 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]
 17. 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]
 18. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]
 19. The applicant will provide a 139-foot secondary access easement from the end of the cul-de-sac for emergency vehicle services.

FINAL PLAT: SUBDIVISION NO. 261

[11:34:53 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Nicole Lopez-Stickney, Jeff Harris, Traci Sears-Tull, Erica Wirtala

Lopez-Stickney reviewed the application submitted by Sands Surveying and Envirotech Consulting, Inc for final plat approval of Subdivision 261, a subdivision creating 4 residential lots. The subdivision is located on the southeast corner of the intersection of Holt Stage and Montford Roads. Preliminary plat approval was granted on June 2nd, 2005 subject to 14 conditions. All conditions have been met. Staff recommends approval.

Commissioner Brenneman made a **motion** to approve the final plat of Subdivision no. 261. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

MONDAY, APRIL 10, 2006
(Continued)

PRELIMINARY PLAT: ANTLER BLUFF ESTATES

[11:36:44 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Traci Sears-Tull, Jeff Harris, Bryan Long, John Ray, Richard Davies

Sears-Tull reviewed the application submitted by John W. & Kathleen K. Ray with technical assistance from Long Engineering for preliminary plat approval of Antler Bluff Estates, a major subdivision that proposes to create 9 single family residential lots on 15.41 acres in an unzoned area. There are 23 attached conditions. Staff recommends approval of the preliminary plat but not the requested variance. Discussion was held relative to the drain fields in the area.

Commissioner Brenneman made a **motion** to adopt Staff Report #FPP-05-87 as findings of fact. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

Bryan Long reviewed the problems that they had with conditions 14 and 22 stating that they were repeats and that there could be a problem with complying with that. He asked that it be a condition that they work with the county road department on finding the safest location for there access to Columbia Falls stage. It was agreed to remove conditions 14 and 22 and add to condition five that the applicant receive a letter on the road alignment along with the approach permit. Commissioner Brenneman also suggested that they add a condition that the county road ditches would not be used as water drainage. Traci Sears-Tull stated that could be done but they would have no regulations to refer to.

Commissioner Brenneman made a **motion** to add a condition that the storm water drainage shall not utilize the swales that abut the county road. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

Bryan Long then reviewed problems with condition requiring a school bus turn-around.

Commissioner Brenneman requested adding a condition that the applicant shall receive a letter from the school district that an a safe school bus pullout has been constructed.

Bryan Long reviewed the variance options.

Commissioner Brenneman made a **motion** to approve the requested variance. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the preliminary plat of Antler Bluff Estates subject to 23 amended conditions including the school bus pullout condition language change. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

Conditions:

1. The applicant shall obtain a variance for the road length. [Section 3.9(a)(1) FCSR]
2. The internal subdivision road shall be certified by a licensed engineer and constructed with a minimum 60- foot right-of-way, a 24-foot travel surface, and 55-foot radius cul-de-sac, in accordance with Section 3.9 of the Flathead County Subdivision Regulations.
3. The internal subdivision road shall be paved. [Section 3.9(a)(1) FCSR]
4. The subdivider shall install a stop sign and road identification sign at the intersection of Columbia Falls Stage Road and the subdivision access road in accordance with Section 3.9(I)(8) of the Flathead County Subdivision Regulations and in compliance with Montana Department of Transportation requirements.
5. The subdivider shall obtain and show proof of a valid approach permit for the subdivision from the Flathead County Road Department. [Appendix C (III)(G) FCSR].
6. A letter from an engineer licensed in the state of Montana shall certify that all improvements have been installed to specifications. This certification shall include all roadways, and drainage systems. [Appendix C (III)(F) FCSR]
7. A Road Maintenance Agreement shall be formed which will require each property owner to bear his/her pro-rata share for road maintenance of the internal subdivision roads. [Section 3.9(J)(3) FCSR]
8. The subdivider 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]
9. The subdivider shall dedicate a fifteen-foot pedestrian/bicycle easement on lot 1 and the portion of the Amended Plat of Lot A of Robertson Tracts along Columbia Falls Stage Road and Hellman Lane. [Section 2.18(A) 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 & Section 3.12(J) FCSR]
11. All storm water, water and sewer facilities and drainage plans shall be approved by the Flathead City-County Health Department and the Montana Department of Environmental Quality. [Section 3.14(C) FCSR; Section 3.15(C) FCSR; Section 3.12(A) FCSR]
12. A letter shall be obtained from the Badrock Fire District stating the fire access and suppression system has been reviewed, approved and installed in accordance with its requirements. [Section 3.14(B) FCSR]

**MONDAY, APRIL 10, 2006
(Continued)**

13. The applicant shall remove the existing approach on Lot 1 of Save Me Ten Acres.
14. Antler Bluff Lane shall line up center line to center line with Columbia Falls Stage Road.
15. All utilities shall be placed underground to abut and be available to each lot, in accordance with a plan approved by the utility companies. Utilities and easements shall comply with Section 3.17 and 3.18 of the Flathead County Subdivision Regulations.
16. 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]
17. The subdivider shall provide a common off-street mail pick-up facility and vehicular pull-off in compliance with Section 3.22 of the Flathead County Subdivision Regulations.
18. The following statements shall be placed on the face of the final plat:
 - a. All address numbers shall be visible from the road, either at the driveway entrance or on the house.
 - b. The Road Maintenance Agreement shall be responsible for maintenance of the private roadways and Common Areas. Roads shall be maintained, including necessary repairs and snow removal, to ensure safe all-weather travel for two-way traffic.
 - c. All utilities shall be installed underground.
 - d. Lot owners are bound by the soil disturbance and weed management plan to which the subdivider and the Flathead County Weed Department agreed.
 - e. The undersigned hereby grants unto each and every person, firm or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair, and removal of their lines and other facilities, in, over, under, and across each area designated on this plat as "Utility Easement"
 - 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

_____ (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.
19. 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]
20. 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]
21. The preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6) FCSR]
22. The center line for the proposed Antler Bluff Lane shall line up with the center line for Columbia Stage Road.
23. The applicant shall work with the school district to make a safe school bus turn-around.

CONSIDERATION OF HR TRANSMITTAL FORMS: PROFESSIONAL LIBRARIAN / LIBRARY; DIETARY AIDE / AOA; OA - MAIL SERVICES

[12:06:24 PM](#)

Members present:

Chairman Robert W. Watne
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

**MONDAY, APRIL 10, 2006
(Continued)**

Commissioner Brenneman made a **motion** to approve the HR Transmittal Forms for the Professional Librarian, Dietary Aide, and the Mail Services and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

CONSIDERATION OF PRINTING BIDS: LIBRARY AND ELECTION DEPT

12:09:40 PM

Members present:

Chairman Robert W. Watne
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the bid submitted by Trippets Printing in the amount of \$49.00 for Loan cards for the Library. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the bid submitted by Trippets Printing in the amount of \$149.00 for Fire District ballots and \$199.00 for BLUAC ballots for the Election Department. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

TAX REFUND: BALDWIN LOG HOMES

12:11:37 PM

Members present:

Chairman Robert W. Watne
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the tax refund request made by Baldwin Log Homes. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

9:00 a.m. Commissioner Hall to attend RC&D meeting at The Bulldog / Outlaw Inn
12:30 p.m. Commissioner Brenneman to attend LAC meeting at The Summit
2:30 p.m. Commissioner Brenneman to attend a meeting w/ Ron Buentemeier at Stoltz Lumber

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

TUESDAY, APRIL 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.

9:00 a.m. Commissioner Brenneman KOFI Talk
1:30 p.m. Commissioner Brenneman OES Planning Session
4:00 p.m. RAC 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 April 12, 2006.

WEDNESDAY, APRIL 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.

8:30 a.m. Commissioner Brenneman to attend Mosquito Board meeting at the Health Department
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 Earl Bennett Building
4:00 p.m. Roadless Rule Task Force meeting at the Earl Bennett Building

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 13, 2006.

THURSDAY, APRIL 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.

Chairman Watne opened the public comment on matters within the Commissions' Jurisdiction,

Jerry Nix spoke with the commissioners in regards to a proposal from the Siderius family in regards to a relocation site for the Flathead County Fairgrounds. He read a prepared statement and presented the commissioners with copies. Commissioner Hall stated that they would not be interested in something like that unless it was a complete wash for the county because they do not have the funds available for anything else. Jerry Nix explained the additional monies that would be available to the county. Commissioner Watne stated that he was not interested, and that they went through this a few years ago and did not receive good public comment.

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

MONTHLY MEETING W/ JEFF HARRIS, PLANNING & ZONING OFFICE

[9:13:56 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jeff Harris, Rich DeJana, Robin Morton, David Fretz, Rick Breckenridge

Discussion was held relative to the Quarterly Activity Report for the Planning Department, the status of the subdivision rewrite, calls that have been received on community decay, groundwater and drainage issues, recent calls on neighborhood plan that are being developed, and the recent planning board meeting where it was discovered that an error had been made in the planning department on a public notice.

COS REVIEW: CREVIER

[9:33:29 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, Peter Steele, Jeff Harris, Rich DeJana, Rick Breckenridge, Marty Crevier, Robin Morton, David Fretz, Steve Maw

Peter Steele reviewed comments that the county attorneys office had received from adjoining landowners that the applicant was selling these pieces of property to allow them to buy another piece of property. He stated that upon viewing the site it looked as though a subdivision was being prepared to be developed. Steele then reviewed the history of family transfer requests for this family in the same area. He stated that his office had sent a letter to the Clerk and Records office to inform them to not record the as of yet unrecorded surveys for this property. He stated that his office does believe that all of the survey's that he reviewed for this applicant property were an evasion. He stated that he believed that all of these should be denied as evasions of the subdivision and platting act. He then pointed out that a remedy for an evasion is not denial of dividing the land but informing the applicant that it must go through subdivision review.

Commissioner Brenneman stated that if someone owns a piece of property they are not guaranteed a family transfer unless it does not violate the act, and asked what the legal consequences would be.

Rich DeJana stated that the law provides for an exemption unless it is an evasion and they do qualify. He stated that they have two parcels that pass the county policy and procedures. He stated that if the county attorney's office feels, after recording, that there is a violation, than let them proceed with the remedies that are in the statute's. He stated that his clients each have there individual rights ad it is wrong to even attempt to combine them. He also stated that the commissioners were painting pictures that they are not allowed to paint and if a husband and wife are trying to do something to their properties and they deny one of them the right to do it if thinks that they have a problem.

Rick Breckenridge stated that the one that got denied first, the family transfer to Marty and Tasha's mom, has some extenuating circumstances. He stated that they received this piece from Marty's mom and Dad seven years ago and as part of their agreement they are deeding back a portion of that. He stated that the criteria has that you can not deed back for five years so they have waited more than the county attorney's time frame as far as receiving back into someone else's name. He then stated that none of the requests are patterns of development, which is what the criteria that he uses when he advises his clients as to what their rights are entitled to under the law. He then stated that this is a new angle from the county attorney's office, under the straw man argument, that his mother is a straw person. He added by saying that that is a pretty wild assumption.

Marty Crevier spoke off the record in regards to private family reasons for the request.

Peter Steele and Kirsten Holland reviewed the surveys for the Crevier's that have passed. Kirsten Holland stated that 509 review is not just to look at patterns but to look at every transaction that comes through.

Commissioner Watne pointed out that they are only looking at the one COS today.

THURSDAY, APRIL 13, 2006
(Continued)

Peter Steele stated that he would like the commissioner to look at all of them. He stated that the last two have a legitimate purpose for the split, but the other eight are what he is concerned about. He stated that he does not know how they can determine someone's intent.

Commissioner Hall questioned what the intent was for the eight lots.

Marty Crevier stated that they had played the stock market and turned around and invested in properties. He then reviewed his plans for the property. He then reviewed a conversation that he had had with an employee of General Sheet metal who has been on the county planning board who told him that if they wanted to transfer property they need to do it now. He then spoke in regards to other properties that he has and there plans for the sale of those properties.

Discussion was held relative to allowing public comments during this time. Peter Steele stated that the subdivision regulations procedures state that the landowner may request in writing within thirty day of the written notification to the landowner that he or she be given a hearing before the board. He stated that this would be a hearing that you could take testimony.

Steve Maw stated that his property is on the northern end of the Crevier southern property. He then stated that several months ago he was talking to a neighbor up in that area and was told that Marty had bought the Westwood property and that Mr. Crevier had stated that he was going to subdivide the property into four five.

Rich DeJana stated that this is not only hearsay but heresy on hearsay.

Steve Maw then stated that a month later when speaking with Robin Morton he was told that Marty had purchased the neighboring twenty acres and planned on dividing it into four fives and sell it in order to finance the purchase of another piece of property. He stated that he believed this was a blatant disregard for what the law intended. He then presented the commissioners with pictures he had taken of the property stating that the property is in the process of being developed. He stated that he felt that the law had been circumvented and felt that he should go through the process of subdivision review.

David Fretz stated that he owns eighty acres that border this property and when he bought that he did a family transfer for fourteen acres on the frontage piece with the intent that if he got in a financial bind he could sell that piece but he would like to keep it for his grandkids. He stated that he does feel that people have the right to do what they want with their property but he feels that it should not be done through the family transfer but through subdivision review.

Robin Morton stated that he lived next door to Marty Crevier from two different lots. He stated that several years ago he and Marty had bid on the twenty acres that have been divided between he and his mother. He then stated that he had stopped bidding on the property because the only person he was bidding against was Marty and he thought there would be no point in driving the price of the property up and asked for Marty to guarantee to him that he would not just buy this to sell it and make money. He reviewed the history of the property and stated that he was asked by Marty if they could have an easement into the lower part of his property so Marty bought a house next to him and he figured it was to get an easement into the lower end of his property. He then stated that he had given an easement to Marty for electricity to his house and since then three or four more houses had been put in which was not his intention when he gave the easement.

Commissioner Brenneman stated that he felt that all three were an evasion and therefore:

Commissioner Brenneman made a **motion** to deny the Crevier COS. Commissioner Hall **seconded** the motion.

Kirsten Holland again reviewed the history of the lots.

Jeff Harris stated that he just feels that this points out why they need to revise their criteria on how they review family transfers.

Commissioner Brenneman stated that it is their decision to make if this is an evasion and he does not think that the case has been made that this is any other than an evasion of the subdivision act.

Commissioner Hall stated that there are eleven parcels that have been created through family transfer and this is just a glaring evasion in his opinion.

Aye - Hall and Brenneman. **Opposed** – Watne. Motion carried by quorum.

Discussion was held relative to the COS's that were actually denied.

Commissioner Hall asked for it to be a part of the record that Russ Crowder had advised the applicant to move forward with the family transfer request.

CONSIDERATION OF LAKESHORE PERMIT: BROWN

[10:26:42 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, George Smith, Jeff Harris, Shelley Nelson, Jean Johnson

THURSDAY, APRIL 13, 2006
(Continued)

Smith reviewed the Lake & Lakeshore Construction Permit application submitted by Keith & Charlotte Brown to construct a six foot by ten foot funicular landing, which will be incorporated into the previously permitted (FLP-06-10) dock. The landing will be two feet higher than the dock, and will be constructed of untreated wood with concrete piling footers. A standard height wood guardrail will surround the landing and steps. Approximately eight feet of a grade-level rail system will cross the Lakeshore protection Zone and end on the landing. The rails will be mounted on create pilings. The tram car will be constructed of aluminum and safety glass and will have a natural finish copper roof. The tram car will occupy the landing station only when in use, and will be stored at the upper landing station. The combined impermeable surface area will be 1,395 square feet which is within the property allowance for the lot's four hundred nineteen feet of lakeshore frontage. Excavation and construction will be done using a barge/pile driver, and/or when lake is at low pool to minimize impact on the lake and lakeshore. No treated wood will be used for the project. All rubble, construction materials and debris will be removed from the lake and Lakeshore Protection Zone.

Commissioner Brenneman made a **motion** to approve Lakeshore Permit #FLP-06-10(#2) and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

CONSIDERATION OF LAKESHORE PERMIT: SOMERS BAY VILLAS

[10:30:43 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, George Smith, Jeff Harris

Smith reviewed the Lake & Lakeshore Permit application submitted by Somers Bay Villas, LLC to reconstruct an existing wood dock serving the old "Lee Marina". Dock work will be limited to repair of existing components and replacement of portions missing, or too deteriorated to repair. Sound pilings, joists and stringers will be retained, most or all decking will be replaces. The marina originally encompassed thirty boat slips. No expansion is planned. The gangway perpendicular to the shoreline is ten feet wide, by two hundred forty four feet long. Slip gangways and finger docks are four feet wide and vary in length. There is a total of one hundred sixty five linear feet of breakwater.

Commissioner Brenneman made a **motion** to approve Lakeshore permit #FLP-05-05a and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

George Smith reviewed the recent emergency permits requests that have been received due to the increasing rain. He questioned the commissioner on a request that could possibly be coming up to hook up to additional fire hydrants that would need to be approved before the lake level changes, and asked if they had a problem with granting an emergency request. The commissioners agreed that they did not have a problem with that.

CONTINUATION OF COMPENSATION BOARD MEETING

[10:36:52 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Paula Robinson, Adele Krantz, Laurel Raymond, John Weaver, Ed Corrigan, Raeann Campbell, Mike Pence,

Discussion was held relative to Paula Robinson stating that Jim Dupont was unable to attend today but for the record he votes for the 3.4 COLA. Paula then stated that Patty Kimpton was also unable to attend, and that the vacancies do need to be advertised for but that John Weaver is still allowed to vote according to the county attorney.

Paula Robinson reviewed a spreadsheet that had been created to show the COLA increase and its affect on the budget.

Laurel Raymond reviewed the numbers on the spreadsheet stating that this does not included benefits. She stated that the difference is \$518,486. It was stated that the 3.4 percent increase comes from the State of Montana.

Paula Robinson asked the commissioners to keep in mind the benefits that are not included in the totals.

John Weaver stated that this group has put a tremendous amount of work in studying comparative salaries and recognized that Flathead County was slipping behind. He stated that they have implemented a series of salary adjustments to keep Flathead County competitive. He stated that he understood that there were budget concerns but encouraged the board to consider the full 3.4 COLA.

Raeann Campbell stated that from the most recent survey results of Flathead County elected officials with other county officials she believes that the 3.4 percent is probably low.

Mike Pence recommended that they go with this for everyone. He stated that they need this in order to prevent them from going backwards in comparison to other counties.

Laurel Raymond stated that she agreed with Mike that they should go with the 3.4 and adjust in other areas. She also stated that to say 0 would be a mistake. She then stated that that this is something that they would need to do to keep employees from leaving.

THURSDAY, APRIL 13, 2006
(Continued)

Commissioner Watne stated that if they get to far behind it is even more expensive to bet caught back up.

Commissioner Brenneman made a **motion** to approve that the Compensation Board proceeds with the budget with the understanding that there will be the 3.4 percent COLA increase for elected officials and other employees. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

PRELIMINARY PLAT: DANCING CRANE PONDS

11:00:51 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, Jeff Harris, Ed Corrigan, Rich DeJana, Russ Crowder, Dawn Marquardt, Pablo Andreani, Debbie Shoemaker, Bruce Tutvedt, Melissa Clark, Charles Clark, Rick Breckenridge, Gary Krueger

Holland reviewed the application submitted by Pablo and Veronica Andreani for preliminary plat approval of Dancing Crane Ponds, a minor subdivision that will create four residential lots. The subdivision is proposed on 40.00 acres and will be served by individual water and sewer systems. The property is located off of Clark Drive in the West Valley Zoning District. There are 19 attached conditions.

Discussion was held relative to the paving of Clark Drive. The applicant stated that it would not be financially feasible to bring the road up to county standards and to pave it. Dawn Marquardt stated that the subdivision regulations do not require paving.

Kirsten Holland stated that they were okay with changing condition one to state that Clark Drive would be built to county standards with a gravel driving surface from the end of the existing pavement to the internal subdivision road entrance.

Discussion was then held relative to condition 1 that required a paved internal subdivision road. Holland reviewed the road maintenance agreement that had been developed. It was agreed to change condition 1 from paved to gravel.

Commissioner Hall made a **motion** to adopt Staff Report FSR-06-03 as findings of fact. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Dawn Marquardt addressed concerns she had with the condition that she believed confused the open space designation.

Commissioner Hall made a **motion** to approve the preliminary plat of Dancing Crane Ponds subdivision with 16 amended conditions. Commissioner Brenneman **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, minimum 20-foot paved driving 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, Flathead County Subdivision Regulations]
2. The subdivider 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), FCSR]
3. A road identification sign and stop sign shall be installed at the intersection of the internal subdivision road and Brown's Meadow Road. [Section 3.9(I)(8), FCSR]
4. The subdivider will obtain and show proof of a completed approach permit from the Flathead County Road Department for access onto Brown's Meadow Road, indicating the approach has been built and received final inspection. [Section 3.8(A), FCSR]
5. 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 his or her pro-rata share for maintenance of the private road. [Section 3.9(J)(3), FCSR]
6. The subdivider will dedicate a 15-foot bicycle/pedestrian easement on Lots 1 and 5 along Brown's Meadow Road. [Section 3.18(A), FCSR]
7. New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
8. The subdivider will submit proof that all water, septic, and storm water drainage systems will be approved 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 subdivider will comply with reasonable fire suppression and access requirements of the Smith Valley Fire Department. A letter from the fire chief stating requirements have been met shall 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 shall provide a common mailbox facility in accordance with the Flathead County Subdivision Regulations. [Section 3.22, FCSR]
12. 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.
 - b. All utilities will be extended underground.
 - c. The property owners association or road users' agreement will govern maintenance of the internal subdivision road. The road will be maintained, including necessary repairs and snow removal to ensure safe all-weather travel for two-way traffic.

**THURSDAY, APRIL 13, 2006
(Continued)**

- 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. [Section 3.21, FCSR]
- f. Defensible Space Standards shall be incorporated around all primary structures. [Appendix G, FCSR]
- g. Lot owners are alerted to the presence of large and potentially dangerous wildlife in the area and are reminded that feeding big game is illegal. They are encouraged to contact the Montana Department of Fish, Wildlife, and Parks to obtain information on safely living near wildlife and minimizing habitat impact, including:
 - i. Dogs must be kept under owner control at all times.
 - ii. Residents must use bear-proof garbage containers.
 - iii. Remove obvious sources of food.
 - iv. Compost piles are prohibited unless secured by electrical fencing.
 - v. Pets to be fed indoors or food dishes brought in at night.
 - vi. Place bird feeders out of the reach of deer and other big game
- h. 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.

- 13. 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]
- 14. 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]
- 15. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]
- 16. *The subdivider will be responsible for dust abatement on Brown's Meadow Road during construction of the subdivision.*

CONSIDERATION OF RSID POLICY CHANGE

[10:55:33 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Hall made a **motion** to continue until Thursday. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONSIDERATION OF PRINTING BIDS: COUNTY ATTORNEY'S OFFICE & ELECTION DEPT.

[9:30:46 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 approve the bid submitted by Great Northern Printing in the amount of \$1,309.23 for envelopes for the Election Department. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve the bid submitted by Great Northern Printing in the amount of \$99.75 for business cards for the County Attorney's Office. Commissioner Watne **seconded** the motion. **Aye** – Watne, Brenneman, and Hall. Motion carried unanimously.

CONSIDERATION OF HR TRANSMITTAL: SYSTEMS & NETWORK ADMINISTRATOR II / I.T.

[10:55:05 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

THURSDAY, APRIL 13, 2006
(Continued)

Commissioner Hall made a **motion** to continue this until Monday. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

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

2:30 p.m. Long Range Planning Task Force Sewer, Water & Storm Drainage Committee meeting at the Commissioners' Meeting Room

4:00 p.m. Long Range Planning Task Force meeting at the Earl Bennett Building

7:00 p.m. Commissioner Brenneman to attend Fire Service Area meeting

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 April 14, 2006.

FRIDAY, APRIL 14, 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.

No meetings scheduled.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 17, 2006.