
MONDAY, MAY 1, 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.

CONSIDERATION OF ADOPTION OF RESOLUTION: 2006 FIRE SEASON

[9:06:19 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jonathan Smith

Commissioner Hall made a **motion** to adopt Resolution 1930. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

RESOLUTION NO. 1930

WHEREAS, The Board of Commissioners, Flathead County, Montana, has the authority, pursuant to Section 7-33-2205, M.C.A., to establish fire seasons annually, during which no person may ignite or set any forest fire, slash burning fire, land-clearing fire, or debris burning fire within areas of the County which they so designate, without the individual or other person desiring to ignite or set any of the above mentioned fires, having obtained an official written permit for such a fire from the recognized protection agency for that protection area;

WHEREAS, burning permits are typically required during the May 1 through September 30 State Forest Fire Season; and

WHEREAS, the Board of Commissioners, Flathead County, Montana has determined that the following fire season and the fire protection areas, as below set forth, should be set.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners hereby establishes a fire season for the year 2006 to run from May 1 to September 30, 2006, inclusive.

BE IT FURTHER RESOLVED, that the protection area to which this resolution applies is the entire Flathead County area, except the three Incorporated Cities in Flathead County and the areas inside the City Limits thereof. This does and shall include all private, State and Federal lands within Flathead County, outside the Cities.

BE IT FURTHER RESOLVED that the recognized protection agencies for the designated protection areas are the Rural Fire Districts, and Fire Service Areas authorized under State law to provide fire protection within their districts and the Department of Natural Resources and Conservation, Glacier National Park, and Flathead National forest, authorized to provide fire protection on certain private, Federal and State land.

BE IT FURTHER RESOLVED, that any person desiring to ignite or set any forest fire, slash-burning fire, land-clearing fire or debris-burning fire within the jurisdictional area of any of the above enumerated protection agencies during the May 1 to September 30 period, or any extension thereof, must first obtain an official written permit from that particular agency.

BE IT FURTHER RESOLVED, that this resolution will take effect on May 1st, 2006.

PASSED AND ADOPTED this 1st day of May, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

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

By /s/Kimberly Moser
Deputy

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

DOCUMENT FOR SIGNATURE: FIRING RANGE APPLICATION / LAPP

[9:07:13 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 firing range application for George Lapp and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

MONDAY, MAY 1, 2006
(Continued)

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

Doug Rauthe director of Northwest Montana Human Resources spoke on home that are currently being constructed and planned in the Somers area. He stated that they need to build homes on the lots that they have and are concerned with the type of moratorium that is being planned on by the Lakeside Sewer. He stated that they want to make sure that the commitments are maintained.

Ruth Helen president of the Somers County Water and Sewer District read a letter to the commissioners. She stated that they respectfully request to be included in the neighborhood plan that is being proposed due to their close proximity. She also stated that they do support a regional water and sewer plant.

Bob Faulkner spoke in regards to issues with a road near his home. He stated that he is not against growth. He spoke on the consequences of having 700 home subdivision in the Lower Valley including costs of services and what the children will do when they are not in school. He then asked where the construction manpower would come for this project. He stated that in his opinion this is an overbuilding of the Lower Valley way over it's capacity. He asked the commissioners to deny this project.

Susannah Casey stated that she had some of the same concerns of Bob Faulkner. She stated that she had questions on the burden of the taxpayers of the valley. She also stated that this would double the population of Somers. She asked how the increase in cost of services would be paid for. She also asked how the runoff and air pollution would be taken care of. She then stated that until the developers are paying for the cost of infrastructure developments like this should be put on hold. She asked the commissioners to give the people of Flathead County a chance to comment by postponing a decision until the growth policy is adopted.

Oren Webber asked who the developers actually are. He also asked for a copy of the environmental impact study. He stated that he agreed with the previous statements and asked that they put this decision on hold.

Sharon DeMeester stated that one of the point at the most recent Master Plan meeting they discussed the water issues that have not been dealt with and the arterials and feeder lines. She stated that all of the data needs to be put together before projects like this are done. She stated that this needs to be put on hold until the Master plan is completed.

Kathryn Maxwell that cooper Farms is not in the Somers proposed planning area. She reviewed the past efforts to zone the Somers area. She stated that the plan was shot down by two county commissioners after a tremendous effort had already been put into it. She stated that this plan is totally developer driven. She also stated that the size of this project is enormous. She then stated that she did not believe that the environmental aspects had not been properly looked at.

Sally Janover stated that she echoed the words from Bob Faulkner. She also stated that there are some other things that need to be taken into account including the speed on the roads, air pollution, and traffic. She asked the commissioners to postpone this until a Growth Policy is in place.

Jerry Nix stated that these neighborhood plans are coming in on a piece meal basis in an attempt to by pass the Growth Policy. He stated that it is important that the growth policy become the guidance element that they really need. He encouraged the commissioners to postpone this until the growth policy is adopted. He also stated that if they continue to approve projects like this before the growth policy is adopted would make the growth policy worthless. He then asked for fairness with the neighborhood plans that are already adopted that need to be updated but have not been allowed.

Alan Habel spoke in regards to a dust and maintenance problem with Mennonite Church Road. He stated that he feels that the road department has done the best that they can. He then asked in what point in time were they going to address the paving of the road as a solution. He stated that this is the opportunity to do an RSID. He suggested that the people who use the road pay a fair share. He stated that the road department needs help and he is willing to help the road department in any way he can. He then stated that it is time to catch the revenue. He stated that Mennonite Church road is overused and when it is graded the dust is very bad.

Oren Webber asked when Stillwater Road is scheduled to be rebuilt.

Lia Payne stated that she wanted to add her voice to those who believe that decisions like this should be postponed until the Growth Policy is adopted. She asked them to remember that this is agricultural land. She stated that the decisions that they make are the legacy of the future and asked that they take there time in making those decisions.

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

CONSIDERATION OF RESOLUTION OF INTENT & NOTICE OF PASSAGE: COOPER FARMS NEIGHBORHOOD PLAN

[9:54:26 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, Mark Owens, Don Peterson, Eric Mulcahy, Susannah Casey, Doug Rauthe, Jerry Nix, Brandi Eaton, Ruth A Hellen, Rich Gebhardt, Rita Graham, Bob Faulkner, Dennis Hatton, Don Hauth, Tim Birk, Orrin Webber, Sharon DeMeester, William Paullin, Kathy Robertson, Don Hines, Ken Kalvig, Pat Arnone, Sally Janover, Alan Habel, Bruce Lutz, Lia Payne, Tom Arnone, Katherine Maxwell, Tom Sands

Jeff Harris reviewed Staff Report FPMA 05-08.

Eric Mulcahy gave a presentation of the project.

MONDAY, MAY 1, 2006
(Continued)

Commissioner Hall stated that his questions had been answered on the phasing issues and the water and sewer issues. He stated that he was also glad to know that there were community meetings held.

Jeff Harris recommended adding something that would require a view impact analysis.

Commissioner Hall then stated that as he looked through the report that it does not matter what they do with something this size there is going to be a lot of negative comment. He stated that a lot of his concerns had been mitigated. He also stated that he thought that two homes per acre is what he would want to see. He asked what Jeff Harris felt about waiting for the completion of the Growth Policy.

Jeff Harris stated that they would like to wait on all neighborhood plans until the growth policy is completed. He also stated that staff does recommend approval subject to conditions and asked again that they add the view impact study requirement to condition #3.

Mark Owens stated that if things are favorable to day then they would proceed this year with preparing plans. He stated that they are in agreement with preserving the view of the gateway. He stated that the vegetation and screening would be a part of the covenants.

Commissioner Hall stated that it would be great to combine the Somers neighborhood plan and the Cooper Farms Neighborhood plan.

Commissioner Hall stated that he did appreciate the work that had been done. He also spoke on the statements that have been made that this is a long term plan. He stated that he does believe that this development has great potential but that the community has overwhelmingly asked that this be postponed until the growth policy has been completed. He also spoke on condition six that states that this would provide revenue to the county but does not mention the cost to the county. He also asked that the southwest corner be included in the plan.

Commissioner Brenneman made a **motion** to continue until the adoption of the growth policy. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. **Opposed** – Watne. Motion carried by quorum.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 2, 2006.

TUESDAY, MAY 2, 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,

Linda Christensen spoke with the commissioners in regards to the Columbia Mountain View Lots Unit 3. She referred to some changes that had been made in the file, including a note that had to put on the face of the final plat asking what enforcement that would have. She also asked about further subdividing requiring an internal road. She stated that because these lots are going to be using the Helena Flats Road as access they should look at some of the safety issues. She then spoke on the planning board meeting and some of the issues that were addressed during that meeting. She also reviewed issues with the lighting. She then asked for a county wide ordinance on lighting. She then addressed her concerns with the aquifer and asked for some type of zoning for the aquifer. She then asked the commissioners not to approve gravel pits over the aquifer.

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

FINAL PLAT: EAGLE DEVELOPMENT, PHASE III

8:51:14 AM

Members present:

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

Others present:

Clerk Kimberly Moser, Dawn Marquardt, Debbie Shoemaker, Trevor Schaefer, Bob Martin, Tony Mitchell, Lawrence Otto, Marc Liechti, Linda Christensen

Sears-Tull reviewed the application submitted by Marquardt & Marquardt Surveying for final plat approval of Eagle Development Phase III, a 43 lot major subdivision. This property is located off Highway 93 approximately ½ mile south of Lakeside. Preliminary plat approval was granted on May 10, 2004 subject to 14 conditions. All conditions have been met or otherwise addressed.

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

Commissioner Hall made a **motion** to approve the final plat of Eagle Development, Phase III. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

TUESDAY, MAY 2, 2006
(Continued)

FINAL PLAT: HIDDEN MEADOWS SUBDIVISION UNIT #2

[9:04:50 AM](#)

Members present:

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

Others present:

Clerk Kimberly Moser, Rebecca Shaw, Kirsten Holland, Jeff Harris, Dawn Marquardt, Debbie Shoemaker, Jeff Bell

Shaw reviewed the application submitted by J&S Investments, LLC for final plat approval of Hidden Meadows Subdivision Unit #2, a subdivision creating 9 residential lots. The subdivision is located off Lost Prairie Road, approximately 28 miles west of Kalispell. Preliminary plat was granted on June 13, 2005, subject to 20 conditions. All conditions have been met or otherwise addressed.

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

Commissioner Hall made a **motion** to approve the final plat of Hidden Meadows Subdivision Unit #2. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

FINAL PLAT: ROWE SUBDIVISION

[9:18:51 AM](#)

Members present:

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

Others present:

Clerk Kimberly Moser, Kirsten Holland, Jeff Harris, Rebecca Shaw, Jeff Bell

Holland reviewed the application submitted by Steven P. Rowe for final plat of Rowe Subdivision, which will create 2 residential lots off Northwoods Drive, northeast of Whitefish. Preliminary plat approval was granted on My 17, 2005, subject to 10 conditions. All conditions have been met. Staff recommends approval.

Commissioner Brenneman made a **motion** to approve the final plat Hidden Meadows Subdivision Unit #2. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

MONTHLY MEETING W/ DAVE PRUNTY, SOLID WASTE DISTRICT

[9:21:48 AM](#)

Members present:

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

Others present:

Clerk Kimberly Moser, Dave Prunty

Discussion was held relative to the final budget numbers being approved by the Solid Waste Board, the awarding of two improvement project bids for the Somers and Marion container sites. Discussion was also held relative to the road side litter issue and the progress that has been made in the clean up. Dave Prunty then reviewed the progress of raising the untarped load fines. He then discussed the possibility of providing cash donations to service groups to pick up roadside liter. A solid Waste boom truck is having mechanical problems and is in the shop. The bids for the West Glacier cleanup are do in this week. They also discussed an electronic waste recycling program meeting that is coming up. The new container site educator employee started about three weeks ago and most people are pleased just to know what the rules are. The fourth annual business small quantity hazardous waste event is coming up.

MEETING W/ RAEANN CAMPBELL, HUMAN RESOURCE OFFICE

[10:09:52 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Clerk Kimberly Moser, Raeann Campbell

Discussion was held relative to the personnel transactions that had been approved over the last month. There were no work related accidents for the month of April. A draft early return to work program will be going before the commissioners. Raeann then reviewed the coverage of volunteers for the county and the recommendation that has been received on who should be recorded. She then reviewed the year to date recordable and the trust fund balance. Raeann then reviewed a memo she had turned in on the changes to the benefits including looking into implementing a wellness program and a new supplemental insurance option. Raeann then reviewed the upcoming benefits fair.

Commissioner Hall made a **motion** to approve the personnel transactions that have been made in the month of April and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

TUESDAY, MAY 2, 2006
(Continued)

CONTINUATION OF PUBLIC HEARING: ROAD ABANDONMENT #445 (PORTION NORTH HILTOP)

[10:32:23 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Peter Steele, Bruce Carpenter, John Eisinger, Linda Conners, Richard Hembd, Richard Habeger, Theresa Bilger Habeger, Chuck Roady, William Shaw, Lawrence Birky, Carol Birky

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

Linda Conners spoke as a representative of Flathead Electric. She stated that the road was declared in 1895 and that a portion of the declared but not built road does affect Flathead Electric and that it does not need to be a county road. She stated that the major substation that sits there with a substantial amount of equipment is in the declared roadway. She stated that most of the residents that would speak today would speak in favor of the road abandonment. She stated that Stoltze has indicated that they would prefer having to access points to the tract of land that they own but that she believes there are other options available to them. She also stated that not only would the building have to be moved but a major portion of the transformer.

John Eisinger spoke as a representative of Flathead Electric. He stated that the building and equipment were put in the right of way when Pacific Corp still owned the property. He explained all of the equipment that would have to be moved and what their original plans had been in moving the fence around the property. He stated that what they would have to do for construction purposes to move the equipment out of the right of way would be approximately three hundred thousand dollars. He stated that they would also lose access to the transformer.

Bruce Carpenter an abutting property owner stated that he had no idea that there was an easement for a Flathead County Road. He stated that they have been maintaining the road and would be in favor of abandoning the road. He stated that he did not see a benefit of turning this into a county road. He also stated that he would be concerned about the increase of traffic if this were to ever be made into a county road.

Theresa Habeger stated that they had specifically bought in the area due to the privacy they had and did not even know that there was a road easement in that area. She stated that if it was up to her she would not want traffic going through there and for safety reasons they should let the substation be where they are at and abandon the road.

Richard Hembd stated that he bought a nice piece of property in a quiet area and like it back there. He stated that his main concern is that they did not know about this in time to petition to abandon the entire roadway. He stated that it would be good to abandon the portion that has been requested but he would like the rest of it abandoned as well for safety reasons.

Chuck Roady spoke as a representative of Stoltz. He stated that Stoltz owns the property immediately to the west and that it appears to them that this road was meant to be a through way. He stated that they opposed the abandonment unless an alternative route could be found. He asked them to consider the future benefit of retaining the right of way. He stated that they usually work for years to get a right of way and now here is one that is already there and he does not feel that they should abandon it.

Commissioner Hall asked if there was any possibility for an alternate route.

Lawrence Birky stated that he was in favor of abandoning the road but wanted the whole thing abandoned not just the small requested portion. He stated that he would not sell any more land for a substation and would not give an alternate route to Stoltz.

Peter Steele stated that the road is a sixty foot declared road.

Linda Conners stated that it is a presumption that the road is sixty foot but the documents do not state that.

Unidentified Person stated that they do hear a lot of comment from the Hilltop subdivision about emergency traffic getting to that subdivision is very slow and they would desire that the road hook back to something. He stated that they do see that at some point this could be a pretty essential road. He stated that there has been ten new lots in that area and there is going to be a lot more pressure put on Hilltop Road.

No one else rising to speak Chairman Watne closed the public hearing

Commissioner Hall stated that this has been one of the most controversial road abandonment he has ever done. He stated that the normal procedure is that they will approve a road abandonment if there are no objections.

Commissioner Brenneman stated that this case seems to be different in that it affects all of the electricity users in the valley which seems to carry more significance. He stated that they are charged with doing what is in the best interest of the greatest number of people.

Commissioner Brenneman made a **motion** to approve Road Abandonment #445 described as the southerly 30 feet of Tract 3C in Section 1, Township 30 North, Range 21 West. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. **Opposed** - Hall. Motion carried unanimously.

TUESDAY, MAY 2, 2006
(Continued)

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: FILLER ZONE CHANGE / EVERGREEN & VICINITY ZONING DISTRICT

11:14:40 AM

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Erica Wirtala

Commissioner Hall made a **motion** to approve the notice of public hearing and authorize the chairman to sign. Commissioner Brenneman **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 David and Karie Filler to change the zoning designation on property located in the Evergreen and Vicinity Zoning District from R-1 (Suburban Residential) to B-2 (General Business).

The boundaries of the area proposed to be changed from R-1 to B-2 are set forth on Exhibit "A".

The proposed change would change the general character of the zoning regulations applicable to the property from an area intended to provide estate type development normally located in rural areas away from concentrated urban development, or in areas where it is desirable to permit only low density development, e.g., extreme topography, areas adjacent to flood plains, airport runway alignment extension, etc., to an area intended to provide for those retail sales and service functions and businesses whose operations are typically characterized by outdoor display, storage and/or sale of merchandise, by major repair of motor vehicles, by outdoor commercial amusement and recreational activities and by businesses serving the general needs of the tourist and traveler.

The regulations defining the R-1 and B-2 Zones are contained in the Flathead County Zoning Regulations on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 9327013500.

The public hearing will be held on the **17th day of May, 2006, at 10:00 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the Evergreen and Vicinity Zoning District.

DATED this 2nd day of May, 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

Deputy

Publish on May 6 and May 13, 2006.

David & Karie Filler
ZONE CHANGE FROM R-1 to B-2
STAFF REPORT #FZC-06-01
APRIL 12, 2006

Location and Legal Description of Property:

Tract 1:

A tract of land in Government Lots 3 and 4 of Section 30, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana, and more particularly described as follows:

Beginning at a point on the Easterly boundary of old US Highway No. 93, which point is East a distance of 30.00 feet and North 00°09' East, a distance of 1094.00 feet from the SW corner of the aforesaid Section 30; thence
South 89°50' East, a distance of 156.90 feet to the SW corner of that certain tract of land described in deed to Richard E. Barber and Georgette J. Barber, husband and wife, recorded March 5, 1965 under Recorder's Fee #1716 in Book 469, page 626, records of Flathead County, Montana; thence
North 36°04' East along the Northwesterly boundary of said Barber land, a distance of 469.00 feet to the centerline of the Stillwater River; thence
Northwesterly along the centerline of said Stillwater River to the intersection of the East boundary of said US Highway No. 93; thence
South 00°09' West along the East boundary of said US Highway No. 93, a distance of 570.00 feet to the Place of Beginning.

EXCEPTING THEREFROM that portion conveyed to the State of Montana for highway purposes, by instruments recorded March 21, 1956 under Recorder's Fee #1784, in Book 385, page 505 and January 8, 1992 as Document #9200809490, records of Flathead County, Montana.

Tract 2:

A tract of land in Government Lots 3 and 4 of Section 30, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana, and more particularly described as follows:

Beginning at a point on the old Easterly boundary of US Highway No. 93, which point was East a distance of 30.00 feet and North 00°09' East, a distance of 1094.00 feet from the SW corner of said Section 30; thence
South 89°50' East, a distance of 156.90 feet to the True Point of Beginning of the tract to be described; thence
South 89°50' East, a distance of 703.10 feet to the centerline of Stillwater River; thence
Northwesterly upon the centerline of the Stillwater River to a point
North 36°04' East, a distance of 496.00 feet from the Point of Beginning; thence
South 36°04' West and upon the existing fence line a distance of 496.00 feet to the Point of Beginning.

TUESDAY, MAY 2, 2006
(Continued)

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: CREATION OF GREEN ACRES WATER & SEWER DISTRICT

[11:17:41 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 notice of public hearing and authorize the chairman to sign. Commissioner Brenneman **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 7-13-2205, M.C.A., that it will hold a public hearing to consider a petition to create the Greenacres County Water and/or Sewer District. The petition contains 73 signatures. The first page of the petition and Exhibit A are attached hereto.

The boundaries of the proposed Greenacres County Water and/or Sewer District are set forth on Exhibit A to the Petition.

The public hearing will be held on the **17th day of May, 2006, at 10:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed creation of the Greenacres County Water and/or Sewer District and will consider any written protests that shall have been filed with the county clerk and recorder prior to such hearing by or on behalf of owners of taxable property situated within the boundaries of the proposed district.

DATED this 2nd day of May, 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 on May 6 and May 13, 2006.

**GREENACRES COUNTY WATER AND/OR SEWER DISTRICT
EXHIBIT A**

Boundaries of the proposed district are described below:

All those lands included Greenacres West Unit #1 (Lots 1-35, including well site), Greenacres West Unit #2 (Lots 36-60), Greenacres West Unit #3 (Lots 61-125, including wells sites, and homeowners park), Greenacres West Unit #4 (Lots 126-131, Lots 137-141, Lots 161-164 and Lots 132A, 133A, 134A, 135A, & 136A of the Amended Plat of Lots 132-136 Greenacres West Unit #4), and Tower Addition (Lots 1-2) in Section 20, Township 28 North, Range 21 West, Flathead County Montana.

BOARD APPOINTMENT: FIRE DISTRICT AND LAKESIDE COMMUNITY COUNCIL

[9:59:06 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Clerk Kimberly Moser

[10:21:38 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 Brenneman made a **motion** to appoint Jerry Thornburg and William Buxton to the Lakeside Community Council. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

Commissioner Hall made a **motion** to appoint the requested people for the various vacant fire board positions. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

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

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 3, 2006.

WEDNESDAY, MAY 3, 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,

Shirley Anderson spoke in regards to the Columbia Mountain View Subdivision. She first spoke on the support for the neighborhood plan. She stated that the five acre density's support the neighborhood plan. She stated that her question is not about approval but how the open space is designed. She then stated that the staff report that went to the planning board had a condition that required a permanent deed restriction and then the planning board eliminated that condition in favor of conditions 9 and fifteen. She asked for a legal document and not just a note on the face of the final plat.

Linda Christensen stated that she had spoken with the county attorney's office on deed restrictions and did not receive a return phone call. She asked why there is never a meaningful discussion on the issues during the process. She also asked about the change from a major to a minor subdivision. She asked for some thought to be put into the process.

Pat Arnone spoke in regards to the Cove Creek Subdivision. She stated that she did speak on the concerns she had for traffic and the minutes for that planning board meeting did not adequately show what her concerns were. She then read the traffic statistics for Yeoman Hall Road. She stated that with this subdivision and another coming forward it would put over 800 more vehicles on a two mile stretch of road.

Scott Hineman stated that when you come up to Yeoman Hall on 206 it crests and is a very dangerous intersection. He stated that he felt that they would be forcing an obvious loss of life by putting more traffic on the road. He also stated that he felt that the wildlife numbers are incorrect and that there are a lot more deer than is mentioned. He then spoke in regards to the water issues in the area. He stated that this is not the right place for a thirty three lot subdivision. He also stated that the parkland area is unusable and no home could be built on it. He stated that he could not fathom only seventeen kids coming out of that many homes into the schools.

Steve Rolfing stated that while he agreed that this is inappropriate density he is concerned that they have limited infrastructure and his ability to utilize the infrastructure in the future. He asked that they hold off on this to give the neighborhood a chance to decide what density would be best.

Tom Arnone asked to point out that Yeoman Hall road was named by that county, and Yeoman means a person who works their own land and now they are proposing a high density development on that road.

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

PRELIMINARY PLAT: COLUMBIA MOUNTAIN VIEW LOTS UNIT 3

[9:25:46 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, Scott Hineman, Linda Christensen, Shirley Anderson, Pat Arnone, Steve Rolfing, Tom Arnone, Carter L fritz, Laura Long, Dawn Marquardt, Debbie Shoemaker, Jessie DeBlauw, Peter Hoveland, Tom Wincham, Renee Howe, Jean Johnson, Marc N Milisavljevich, Joe Kauffman, Katz Cassidy, Rhonda DeBlauw

Sears-Tull reviewed the application submitted by Carter & Cheryl Fritz for preliminary plat approval of Columbia Mountain View Lots Unit 3, a subsequent minor subdivision that proposed to create three single family residential lots on 3.15 acres with a remainder in an unzoned area. There are 15 attached conditions. Staff recommends approval.

Commissioner Brenneman stated that in light of his relationship with the applicant he would be voting present only.

Commissioner Hall made a **motion** to adopt Staff Report FPP-05-86 as findings of fact. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. **Present** - Brenneman. Motion carried by quorum.

Commissioner Hall made a **motion** to approve the preliminary plat of Columbia Mountain View Lots Unit 3 subject to 15 conditions. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. **Present** - Brenneman. Motion carried by quorum.

Conditions:

1. 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].
2. 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 approaches, drainage systems, and sidewalks. [Appendix C (III)(F) FCSR]
3. The subdivider shall receive physical addresses in accordance with Flathead County Resolution #1626. The addresses shall appear on the final plat. [Section 3.9(I)(7) FCSR]
4. The subdivider shall dedicate a fifteen-foot pedestrian/bicycle easement on the Helena Flats Road frontage for each lot and the remainder. [Section 2.18(A) FCSR]
5. 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]

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6. 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]
7. A letter shall be obtained from the Evergreen 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]
8. 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.
9. The applicant shall place a note on the final plat that Tract 2AB, the remainder, shall be limited to no more than five additional lots.
10. 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.
11. 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. All utilities shall be installed underground.
 - c. Lot owners are bound by the soil disturbance and weed management plan to which the subdivider and the Flathead County Weed Department agreed.
 - d. 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.
 - e. 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.
 - 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.
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. The preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6) FCSR]
15. Any further created lots will be accessed by an internal subdivision road.

PRELIMINARY PLAT: COVE CREEK RIDGE SUBDIVISION

[9:40:59 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, Scott Hineman, Pat Arnone, Steve Roling, Tom Arnone, Laura Long, Jessie DeBlauw, Peter Hoveland, Tom Windham, Renee Howe, Jean Johnson, Marc Milisavjevich, Joe Kauffman, Kate Cassidy, Rhonda DeBlauw

Tull reviewed the application submitted by TLW Properties, LLC for preliminary plat approval of Cove Creek Ridge, a major subdivision that will create 33 single-family residential lots on 39.09 acres west of Lake Blaine and east of Lauman Road, and is unzoned. There are 17 attached conditions. Staff recommends denial.

Commissioner Hall stated that he had viewed the site this morning and that there is a pond on the site yet the applicant states that there are no natural water ways on the property.

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Commissioner Brenneman questioned a portion of the environmental assessment that states that there is public access to the lake. He stated that as far as he knew there was not public access. Sears-Tull stated that she had received comment that this was correct that there was not public access. He also discussed the stated that the proposed development would not conflict with the adjacent properties.

Discussion was held relative to accessing Lauman Road.

Commissioner Brenneman stated that it looks as if they are trying to put as many lots in as they can. He then reviewed issues he had with the layout of the subdivision. He stated that he could not support the project.

The applicant stated that they would have no problem with connecting to Lauman and paving it. Jean Johnson stated that when designs public water and sewer systems they must cluster the lots.

Commissioner Brenneman made a **motion** deny Cold Creek Subdivision. Motion fails for lack of a second

Commissioner Hall stated that he would like to eliminate the cul-de-sac on Barner Drive and connect to Lauman and pave to Yeoman Hall road.

Traci Sears-Tull reviewed the proposed condition language.

Commissioner Hall made a **motion** to adopt Staff Report #FPP-06-64 as findings of fact. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. **Opposed** - Brenneman. Motion carried by quorum.

Traci Seras-Tull then reviewed the required changes to condition 6, and 4 due to the change on road design.

Commissioner Brenneman stated that it would be reasonable that the Creston Fire Chief would require a water storage tank for fire protection.

Commissioner Watne agreed that they would not see the amended plat after the lots were redesigned to accommodate the road change.

Commissioner Hall made a **motion** to approve Cold Creek Subdivision as amended. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. **Opposed** - Brenneman. Motion carried by quorum.

CONDITIONS

1. All internal subdivision roads will consist of a 60-foot easement, minimum 24-foot paved travel surface, and 60-foot radius cul-de-sacs and be designed and built by a licensed professional engineer. [Section 3.9, FCSR]
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 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]
4. A road identification sign and stop sign will be installed at the intersections of the internal subdivision roads and the intersections of Yeoman Hall Road and Lauman Road. [Section 3.9(I)(8), FCSR]
5. The developer will dedicate a 15-foot bike/pedestrian easement on Yeoman Hall Road and Lauman Road frontage. [Section 3.18(A), FCSR]
6. The applicant will obtain and show proof of a completed approach permit from the Flathead County Road Department for access onto Yeoman Hall Road and Lauman Road, indicating the approach has been built and received final inspection. [Section 3.8(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. 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]
9. The applicant will comply with reasonable fire suppression and access requirements of the Creston Rural Fire District. A letter from the 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, 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. A letter from the Postmaster shall be submitted outlining mail delivery requirements. [Section 3.22, FCSR]
12. The 9.97 acres of parkland shall conform to the open space standards set forth in Section 3.33 of the Flathead County Zoning Regulations and shall be designated on the final plat and set aside in perpetuity. [Section 3.33.060, FCZR]
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. 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.
 - e. If archaeological, historical, or paleontological sites are discovered during residential construction, all work will cease and the lot owner will contact Flathead County and the Montana State Historic Preservation Office to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate.

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- f. 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.
- g. 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. 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]
17. The developer shall contact the Child Transportation Committee and, if required, provide and improve a location for the safe loading & unloading of students.
18. Banner Road shall be extend west and connect with Lauman Road.
19. The applicant shall pave, and construct to County standards, Lauman Road from the intersection of Lauman and Yeoman Hall Road to the north end of the subdivision [County Commissioners, as allowed under Section 76-3-510, MCA]
20. The applicant shall resubmit, and obtain approval from the Flathead County Planning and Zoning Office, the Preliminary Plat to show Banner Drive connecting to Lauman Road and abutting, affected lots reconfigured.

PRELIMINARY PLAT: PHEASANT RUN SUBDIVISION

[10:27:57 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, Joe Kauffman, Marc Milisavlevich

Sears-Tull reviewed the application submitted by Marc Milisavlevich for preliminary plat approval of Pheasant Run Subdivision , a major subdivision that will create 8 residential lots with a remainder. The subdivision is proposed on 40.40 acres and will be served by individual wells and individual septic systems. The property is unzoned. There are 27 attached conditions. Staff recommends approval.

Marc Milisavlevich stated that he believed that they have addressed the concerns of the neighbors.

Commissioner Hall made a **motion** to adopt Staff Report #FPP-06-09 as findings of fact. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Joe Kauffman questioned having lot six use the emergency access road as a driveway. The commissioners agreed that they did not have a problem with that. Traci Sears-Tull stated that the subdivision regulations do prohibit that usage. Joe Kauffman agreed that they could put a sign up on the emergency access road that it is to be used for emergency access only. Commissioner Hall recommended adding to condition 7 that lot 6 could use the secondary emergency access as a driveway and that the applicant shall construct a sign that the road is to be used for emergency access only.

Commissioner Brenneman made a **motion** to approve the preliminary plat of Pheasant Run Subdivision subject to 27 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 road length [Table 3, Section 3.9, Minor Street Standards, FCSR] for the subdivision based on the attached findings of fact in staff report #FPP-06-09.
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 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]
3. A stop sign will be installed at the intersection of River Estates Drive and Columbia Falls Stage Road. [Section 3.9(I)(8), FCSR]

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4. The applicant shall obtain and show proof of legal and physical access to River Estates Drive. [Section 3.8(A), FCSR]
5. Lot owners within the subdivision will participate in the existing Road Users' Agreement or Property Owners Association for River Estates Drive, the existing internal subdivision road, which will require each property owner to bear his or her pro-rata share for maintenance of the private road and the 60' Secondary Emergency Access Easement. [Section 3.9(J)(3), FCSR]
6. The applicant shall construct the 60-foot Secondary Emergency Access to County standards, with a breakaway gate at the eastern boundary of Lot 6 as indicated on the face of the preliminary plat.
7. Lots 6 and 7 shall be permitted to utilize the Secondary Emergency Access for primary access with the understanding that the roadway shall remain clear, with no additional gates permitted, and shall provide emergency ingress/egress for all lots abutting River Estates Drive in perpetuity. A sign shall be placed on each end of the emergency access stating "Emergency Access Only, Not a Thru Street" [Section 3.8(C) & (E), FCSR]
8. The applicant shall obtain and show proof of completed approach permits from the Flathead County Road Department for access onto Columbia Falls Stage Road, indicating the approaches have been built for lots 7, 8 and remainder and have received final inspection. [Section 3.8(A), FCSR]
9. The developer shall dedicate a 15-foot bike/walk path easement on Lot 7, Lot 8 and the remainder, west of the right-of-way of Columbia Falls Stage Road.
10. 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]
11. The lots within the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality for individual septic and water systems and storm water management. [Sections 3.14(A) and 3.15(A), FCSR]
12. The applicant must submit a Storm Water Drainage Plan that is certified by a licensed Professional Engineer that will need to be approved and reviewed by the Flathead County City-County Environmental Health Department and the Montana Department of Environmental Quality. [Section 3.12.A]
13. The applicant will comply with reasonable fire suppression and access requirements of the Badrock Volunteer 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 & Agency Comment]
14. 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]
15. 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]
16. 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]
17. 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 roads. The roads 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.
18. 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]
19. Removal of vegetation from the portion of Lot 1 that abuts Flathead River shall not be allowed. Any alteration to this area will need to go through Flathead County Floodplain Permit Process and the Flathead County Conservation District 310 Permit Process. [Agency Comment]

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20. 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]
21. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]
22. Lot 1 shall be certified by a professional engineer or a licensed surveyor that it contains a buildable pad that does not exceed 25% in cross slope. If the building site pad exceeds 25% in cross slope, it 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.]
23. A building setback of 200 feet from the top of the steep bank of the river for homes or other structures. [Agency Comment]
24. A no development zone in the 200 foot building setback should be created to include no roads or impervious surfaces are allowed. [Agency Comment]
25. A vegetated buffer zone along the immediate stream bank, on the steep sloping bank, and for the first 50 feet of the upper elevations should be established. [Agency Comment]
26. Lot 8 and the remainder shall share a common driveway.
27. The applicant shall place a note on the final plat that no further subdivision of the remainder is permitted.

MEETING W/ RICK SWAN, TD&H RE: CORRECTION TO MYLAR / HARBOR VILLAGE AT EAGLE BEND NO. 9

This meeting was not held.

CONSIDERATION OF LAKESHORE PERMIT: SAXTEN

[10:50:19 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, George Smith, Kirsten Holland

Smith reviewed the lakeshore permit application submitted by John Saxten to build an on-grade stone deck with a stone perimeter wall sixteen inches high. The deck area will be thirty-two feet by twelve feet, and will connect to an existing dock by a four foot wide stone walk/stairway. Section of the existing rip-rap may be replaced to stabilize the deck. Additionally, an existing gravel boat launch ramp will be surfaced with flat native stone to facilitate launching, and access to an existing boathouse located out of the protection zone.

Commissioner Hall made a **motion** to approve Lakeshore Permit #FLP-06-32 and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: MDOT SECTION 5311 CONTRACT / EAGLE TRANSIT

[10:52:54 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 two MDOT Section 5311 contracts for Eagle Transit. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

COS REVIEW: HOYE

[10:54:30 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, Henry Hoye, Luella Hoye, Joe Kauffman

Holland reviewed the Hoye family transfer request.

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

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COS REVIEW: BROWER

[10:58:35 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, Joe Kauffman, Larry Brower, Lily Brower

Holland reviewed the Brower family transfer request.

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

AUTHORIZE COUNTY ATTORNEY'S OFFICE TO ACCEPT SERVICE: ROBERT E SMITH, ETAL V. COUNTY

[11:02:03 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Peter Steele, Kirsten Holland

Commissioner Hall made a **motion** to authorize the county attorney's office to accept service in the Robert E Smith versus County case. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: E-911 COORDINATOR CONTRACT

[11:04:52 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 E-911 coordinator contract. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

CONSIDERATION OF PRINTING BIDS: ELECTION DEPARTMENT AND COUNTY ATTORNEY'S OFFICE

[11:05:11 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the bid submitted by Insty Prints in the amount of \$599.00 for pollbooks for the Election department and the bid submitted Eagle Light Business Forms in the amount of \$151.60 for envelopes by for the County Attorney's office. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

[11:07:14 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 purchasing of a fork lift for the Maintenance department. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

8:30 a.m. Commissioner Brenneman to attend meeting w/ Tom Jenko re: Lake Hills Drive

11:15 a.m. County Attorney meeting at the County Attorneys Office

4:00 p.m. Roadless Rule Task Force 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 May 4, 2006.

THURSDAY, MAY 4, 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.

7:00 a.m. Commissioner Hall to attend Montana West Economic Development Board meeting at Glacier Bank corporate Board Room
8:15 a.m. Personnel Interview
9:00 a.m. Personnel Interview
10:00 a.m. Personnel Interview
11:00 a.m. Personnel Interview

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

FRIDAY, MAY 5, 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 May 8, 2006.