
MONDAY, JULY 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.

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

4:00 p.m. Commissioner Hall to attend Flathead on the Move meeting at KM Conference Room

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 4, 2006.

TUESDAY, JULY 4, 2006

COUNTY OFFICES CLOSED – 4TH OF JULY HOLIDAY

WEDNESDAY, JULY 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.

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

QUARTERLY MEETING W/ MARCIA SHEFFELS, SUPERINTENDENT OF SCHOOLS

[9:10:18 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Diana Kile, Marcia Sheffels

Discussion was held relative to the testing cycles that all the schools finished up last April. There were 2 types of tests that had to be taken. The standardized Iowa Basic tests and the CRT (Criteria Reference Test) which is part of No Child Left Behind Act. She visited with the new OES Director and informed him of the inventory of materials in the schools and the buses that could be called into action if needed. She stated her concerns with the growth of the Kila and Somers school district and the fact that the facilities won't be sufficient for the coming years with all the growth. State and Federal laws keeps mandating more for the schools and proportionally they can't keep up with what they are asking them to do. Developers and planners are handed a questioner that she has put together when they are proposing development in there school district. It's a busy time for her office with the end of the year reports they are doing.

MONTHLY MEETING W/ RAEANN CAMPBELL, HUMAN RESOURCE OFFICE

[9:21:53 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Diana Kile, Raeann Campbell

Discussion was held relative to personnel terminations and step increases for the month of June. Elections judges were a big increase. Discussion was also held relative to a workman's comp claim that the county is paying and the possible decision by 3 other insurance companies possibly being involved. The recordable injuries YTD are 14 compared to 21 last year. County went thru April and May with no recordable injuries. They are still dealing with 1 from Solid Waste and 1 from training at the Academy. Ended the year with 200 thousand more in the trust fund than when they started last year.

Commissioner Brenneman made a **motion** to approve the administrative actions taken for the month of June and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

PUBLIC HEARING: BLANKENSHIP FIRE DISTRICT ANNEXATION

[9:34:28 AM](#)

Members present:

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

Others Present:

Clerk Diana Kile

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

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

Commissioner Hall made a **motion** to adopt Resolution 1939A. Commissioner Brenneman **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

RESOLUTION NO. 1939 A

WHEREAS, the Board of Commissioners received a petition signed by owners of land in the Flathead County Fire Service Area requesting to be transferred into the Blankenship Fire District;

WHEREAS, Section 7-33-2401(4), M.C.A., allows the Board of Commissioners to alter the boundaries of a fire service area;

WHEREAS, the property to be annexed is described as follows:

That portion of the S½ of the SE¼ of Section 9, Township 31 North, Range 20 West, P.M.M., lying and being South of the North Fork Road; and

Tract 2BB in the SE¼, NW¼, in Section 16, Township 31 North, Range 20 West, P.M.M.;

WHEREAS, the Board of Commissioners of Flathead County, Montana, adopted a resolution of intention (Resolution No. 1939, dated June 6, 2006) to annex the property into the Blankenship Fire District and to change the boundaries of the Flathead County Fire Service Area to remove the said properties therefrom, and set a public hearing to receive general protests and comments from the public relating to the transfer of the described property into the Blankenship Fire District;

WHEREAS, notice of passage of that Resolution and public hearing was published once a week for two weeks, on June 10 and June 17, 2006, the Board of Commissioners conducted the public hearing as noticed and the Board of Commissioners received input from the public on the requested transfer; and

WHEREAS, the Board of Commissioners has determined that the requested transfer is appropriate.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the petition is granted and the properties described above are hereby transferred from the Flathead County Fire Service Area into the Blankenship Fire District and the boundaries of the Flathead County Fire Service Area are altered to remove said property from those boundaries.

Dated this 5th day of July, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST: Paula Robinson, Clerk By /s/Joseph D. Brenneman
Joseph D. Brenneman, Member

By /s/Kimberly Moser Deputy By /s/Gary D. Hall
Gary D. Hall, Member

CONSIDERATION OF TUITION REIMBURSEMENT REQUEST: POLSEN

[9:48:55 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Raeann Campbell, Mike Meehan, Laurie Rebeck, Virginia Polson

Discussion was held relative to Virginia Polson who was hired in 1997 as a teacher at the juvenile detention center. She was sent a letter by Sheriff Dupont in May stating she needed to obtain the training required for the position she held or she would be terminated from the position. She indicated Donna Maddox never said anything to her about having to have the special education certification. She implied it in an employee review, but it was never required. She was hired without the certification and did not have the money to take all the courses to complete the certification. The county sheriff's department informed her she would have to obtain the training on her own time and at her own expense, that it was not the county's responsibility to supply her with the training. Virginia had asked for tuition reimbursement but it was denied. She didn't pursue it any further. She was not aware of the EEO Policy Manual. She met the requirement of staying with the County for the 2 years, but never completed the course. The amount Virginia is asking for is \$969.00. Commissioner Brenneman asked Virginia if she would consider half the amount, feeling that the County and she were both to fault.

Commissioner Hall made a motion to consult the County Attorney before any action was taken. Commissioner Brenneman seconded the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Virginia Polson requested that the commissioners compensate her for the time spent on the course.

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

[9:39:29 AM](#)

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

Commissioner Hall made a **motion** to approve the DPHHS Contract #07-07-3-01-005-0 and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: LONE OSPREY RIDGE, HAYDENS VIEW, WRANGLER DRIVE, AND NOTTA ROAD NAMING

9:41:20 AM

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

Commissioner Hall made a **motion** to approve the notice of public hearing and authorize the chairman to sign for Lone Osprey Ridge, Haydens View, Wrangler Drive and Notta Road. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **NOTTA ROAD**.

Road generally running westerly & northerly off Farm to Market Road and located in the N ½ of Section 12 and in the SE ¼ SW ¼ Section 1 all in Township 30 North, Range 23 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **24TH day of July, 2006, at 11:30 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 naming of **NOTTA ROAD**.

This notice shall be mailed to each landowner who has access off of the proposed **NOTTA ROAD**, who has an address assignment on the proposed **NOTTA ROAD** or who owns property along the proposed **NOTTA ROAD**.

Dated this 5th day of July, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile

Deputy

Publish on July 10 and July 17, 2006.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **WRANGLER DRIVE**.

Road generally running westerly off Helena Flats Road and located in the N ½ of the of the SE ¼ of Section 15, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **24TH day of July, 2006, at 11:30 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 naming of **WRANGLER DRIVE**.

This notice shall be mailed to each landowner who has access off of the proposed **WRANGLER DRIVE**, who has an address assignment on the proposed **WRANGLER DRIVE** or who owns property along the proposed **WRANGLER DRIVE**.

Dated this 5th day of July, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/ Diana Kile
Deputy

Publish on July 10 and July 17, 2006.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **HAYDENS VIEW**.

Road generally running westerly off Ashley Lake Road and located in the N ½ of the N ½ of Section 15, Township 28 North, Range 23 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **24TH day of July, 2006, at 11:30 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 naming of **HAYDENS VIEW**.

This notice shall be mailed to each landowner who has access off of the proposed **HAYDENS VIEW**, who has an address assignment on the proposed **HAYDENS VIEW** or who owns property along the proposed **HAYDENS VIEW**.

Dated this 5th day of July, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/ Diana Kile
Deputy

Publish on July 10 and July 17, 2006.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **LONE OSPREY RIDGE**.

Road generally running northerly off Cramer Creek Road and located in the SW ¼ SE ¼ of Section 28 and in the NW ¼ NE ¼ of Section 33, Township 27 North, Range 21 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **24TH day of July, 2006, at 11:30 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 naming of **LONE OSPREY RIDGE**.

This notice shall be mailed to each landowner who has access off of the proposed **LONE OSPREY RIDGE**, who has an address assignment on the proposed **LONE OSPREY RIDGE** or who owns property along the proposed **LONE OSPREY RIDGE**.

Dated this 5th day of July, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Deputy

Publish on July 10 and July 17, 2006.

DOCUMENT FOR SIGNATURE: NORTHWEST DRUG TASK FORCE GRANT AWARD / SHERIFF'S OFFICE

9:43:00 AM

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall

Members absent:

Commissioner Joseph D. Brenneman

Others present:
Assistant Michael Pence
Clerk Diana Kile

Commissioner Hall made a **motion** to approve the Northwest Drug Task Force Grant Award. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONSIDERATION OF ADOPTION OF RESOLUTION: EMERGENCY SERVICES—HAZARDOUS MATERIAL INCIDENTS

[9:47:58 AM](#)

Members present:
Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman
Others present:
Assistant Michael Pence
Clerk Diana Kile

Commissioner Brenneman made a **motion** to adopt Resolution 1947. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

RESOLUTION NO. 1947

WHEREAS, Section 10-3-1208, M.C.A., requires the Board of Commissioners of Flathead County to designate the local emergency response authority for Hazardous Material incidents that occur within the jurisdiction of Flathead County;

WHEREAS, the Board of Commissioners of Flathead County has recently appointed Mark Peck as the Interim Emergency Services Coordinator for Flathead County;

WHEREAS, Mark Peck, Interim Emergency Services Coordinator, has had training in hazardous material incident response in compliance with 29 CFR 1910.120(q); and

WHEREAS, the Board of Commissioners of Flathead County has determined that Mark Peck, Interim Emergency Services Coordinator, should be the local emergency response authority for Hazardous Material incidents that occur within the jurisdiction of Flathead County.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that Mark Peck, Interim Emergency Services Coordinator, is hereby appointed as the local emergency response authority for Hazardous Material incidents that occur within the jurisdiction of Flathead County.

Dated this 5TH day of July, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST:
Paula Robinson, Clerk

By Diana Kile
Deputy

11:00 a.m. County Attorney meeting at the County Attorney's Office
4:00 p.m. Commissioner Hall to attend the Flathead On The Move meeting at KM Conference Room

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 6, 2006.

THURSDAY, JULY 6, 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,

[9:17:57 AM](#)

Randy Ogle spoke as a representative of the Kubski and Sather. He stated that they opposed the subdividing of Lot 5 of Cole Ranch Estates. He then reviewed the history of Cole Ranch Estates and presented the commissioners with documentation of that history. He stated that since Lot 5 has already been divided this request to further subdivide is clearly in violation of the covenants.

Wally Wilkinson stated that it was the intention of the developers to allow a one time lot split for lot 5. He stated that they had advertised the Lot 5 as a thirteen acre piece and had intended to deed the remaining portion to a company who would be doing the improvements to the subdivision. He stated that they had intended when this subdivision was applied for was to divide that lot one time and feels that has now been done.

Matt Kinsella stated that the larger partials are a nice peaceful place and he and the other adjoining landowners are opposed.

Paul J Hill stated that he is opposed to this subdivision. He stated that they came in about six months ago to split off a piece of their property for their daughter and were told no because it would be a violation of the covenants. He asked why they need to submit covenants if the county does not enforce them.

Commissioner Watne explained that the county does not enforce covenants.

Kirsten Holland stated that they do not require covenants.

Twyla Klundt stated that a week before Paul Hill had stated that he was behind them one hundred percent and so she was surprised that he spoke in opposition. She stated that they are trying to do this for their son. She stated that she had documentation of speaking with the planning department about her future plans to divide the property.

Paul J Hill stated that when he spoke with Twyla he had assumed they were entitled to the split and that he no longer believes that.

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

PRELIMINARY PLAT: COLE RANCH ESTATES

[9:33:45 AM](#)

Members present:

Chairman Robert W. Watne

Commissioner Joseph D. Brenneman

Commissioner Gary D. Hall - [9:52:01 AM](#) seated

Others present:

Clerk Kimberly Moser, Kirsten Holland, Jeff Harris, Randy Ogel, Wally Wilkinson, Wayne Sather, Joe Kauffman, Matt Kinsella, Paul H Hill, Twyla Klundt.

Holland reviewed the application submitted by Kenneth E Klundt for preliminary plat approval of Cole Ranch Estates, Amended Lot 5, a two lot major subdivision located off Hodgson Road, West of US Highway 2 East. The property is unzoned. There are 12 attached conditions. Staff recommends approval.

Holland stated that Peter Steele and she met with Randy Ogle to try and straighten the confusion out. She stated that there was no subdivision but that there was a boundary line adjustment. She then reviewed some of the issues that were addressed during the original approved preliminary plat meeting. She then explained how the boundary line adjustment did not create an additional partial. She stated that the planning board unanimously approved the application with a change to make the created partial to five acres to conform to the neighborhood. She also stated that based upon the covenants and the way they were written she does not believe the Klundts have had the opportunity to subdivide as the covenants allow. She stated that technically this lot has not been subdivided.

Commissioner Brenneman stated that according to the timeline submitted by Randy Ogle the Klundts bought Lot 5 on June 26, 1995 and then on September 26, 1995 the Klundts subdivided the lot.

Kirsten Holland explained that they did not subdivide the property but had no choice but to sign the boundary line adjustment. She explained that the Klundts only bought thirteen acres of Lot 5 but there was no legal description for just thirteen acres of Lot 5 so the paperwork shows them buying the whole lot and then transferring a portion of the lot. She stated that the landowners could have at anytime changed the covenants to prohibit the subdividing of lot 5. She stated that there goal is to not violate the covenants even though they do not enforce them.

Commissioner Brenneman stated that according to the criteria the only one that there is any real issues with is A and they can not use that as a reason for denial.

Kirsten Holland stated that it would cause concern to deny a subdivision based solely on neighborhood comments and that they meet all of the other statutory requirements.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP-06-12 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 preliminary plat of Cole Ranch Estates, Amended Lot 5. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

CONDITIONS:

1. A variance shall be granted by the County Commission to Table 3, Section 3.9 of the Flathead County Subdivision Regulations for the internal subdivision road length. [Section 7.1, Flathead County Subdivision Regulations.]
2. 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]
3. 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]
4. 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]
5. The applicant will comply with reasonable fire suppression and access requirements of the Columbia Falls Rural 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]
6. 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]
7. The applicant shall meet the requirements of the U.S. Postal Service for mail delivery in accordance with the Flathead County

Subdivision Regulations. A letter from the Postmaster shall be submitted outlining mail delivery requirements.[Section 3.22, FCSR]

8. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. Lot owners will participate in a Road User's Agreement for maintenance of the internal subdivision road. The road will be maintained, including necessary repairs, snow removal, and dust mitigation, to ensure safe all-weather travel for two-way traffic and to reduce negative impacts on air quality.
 - b. All addresses will be visible from the road, and at the driveway entrance or on the house.
 - c. All utilities will be extended underground.
 - d. Lot owners should be aware they are living in a rural area of Flathead County and delayed response times may be experienced from emergency service providers.
 - e. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
 - f. _____ Waiver of Protest
Participation in Special Improvement District

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

9. 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]
10. 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]
11. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]
12. Lot 5B will be reconfigured to contain five or more acres. [Planning Board condition imposed 5/17/06]

MONTHLY MEETING W/ KIM CROWLEY, LIBRARY

[9:58:34 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Kim Crowley

Discussion was held relative to the receipt of the Library of the Year Award, and the opening of the librarian positions and the chosen new hires to replace those positions. Kim then discussed other positions that will need to be replaces. She then discussed the findings of the space needs consultant. She also stated that two of their librarians received scholarships from the state to receive there masters degree. She then spoke in regards to a project with Flathead on the Move and the Returning Strangers Project, Principals for Civil Dialogue.

PRELIMINARY PLAT: CABERNET ESTATES NO. 5

[10:14:29 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Eric Giles, Jeff Harris, Rebecca Shaw, Michael Fraser, Christine Rommerein

Giles reviewed the application submitted by Cabernet Estates LLC for preliminary plat approval of Cabernet estates No. 5. This proposal will create eight townhouse lots, on Chapman Lane off Chapman Hill Road in Bigfork. The subdivision is proposed on 5.5 acres and is zoned RC-1. The Bigfork Land Use Committee recommended approval. Staff recommends approval.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP-06-19 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Discussion was held relative to condition #11 and requiring either an easement for the bike path or a letter of refusal from the homeowners association or owner of the park.

Commissioner Brenneman made a **motion** to amend condition #11 to state that the applicant shall establish a fifteen foot bike path easement or submit a letter of refusal from the owners of the park. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Discussion was then held relative to getting a letter from the Bigfork Sewer that they will provide services. Mike Fraser stated that he did not feel that would be appropriate due to the fact that it is already hooked to services.

Commissioner Hall made a **motion** to add a condition requiring a letter of service from the Bigfork water and sewer. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve the preliminary plat of Cabernet Estates No. 5 subject to 12 amended conditions. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

CONDITIONS

1. The applicant shall receive physical addresses and road names in accordance with Flathead County Resolution #1626. The addresses and road names shall appear on the final plat. [Section 3.9(I)(7), Flathead County Subdivision Regulations]
2. 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]
3. 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]
4. All water, sewer, 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]
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 and Section 3.12(J), FCSR]
6. The applicant shall furnish proof of a common mail delivery location approved by the local postmaster. [Section 3.22, FCSR]
7. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All addresses shall be visible from the road, and at the driveway entrance or on the house.
 - b. All utilities shall be placed underground.
 - c. Lot owners should be aware they are living in a rural area of Flathead County and delayed response times may be experienced from emergency service providers.
 - d. The property owners association or road users agreement will govern maintenance of the internal subdivision road. The road will be maintained, including necessary repairs, snow removal, and dust mitigation, to ensure safe all-weather travel for two-way traffic and to reduce negative impacts on air quality.
 - e. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
 - f. Lot owners are alerted to the presence of 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. Fencing must not impede movement of wildlife.
 - g.

Waiver of Protest

Participation in Special Improvement District
8. _____ (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.
9. 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 sub-divider prior to final approval by the County Commissioners. [Chapter 8, FCSR]
10. 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]
11. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]
12. The applicant make every effort possible to establish a 15-ft bike path/pedestrian easement along the common area adjacent to Chapman Hill Rd.
13. The applicant shall obtain a will serve letter from the Bigfork Water and Sewer District.

PRELIMINARY PLAT: JOSHUA ACRES

[10:28:28 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Rebecca Shaw, Jeff Harris, Eric Giles, Erica Wirtala, Murphy Wayar, Abe Levengood, Jonathan Smith

Shaw reviewed the application submitted by Dennis Wagar & Alice Motichka for preliminary plat approval of Joshua Acres. This proposal will create ten residential lots, west of Marion and is proposed on 40.191 acres of unzoned land. There are 14 attached conditions. Staff recommends approval.

Commissioner Hall made a **motion** to adopt Staff Report FPP-06-23 as findings of fact. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Eirca Wirtala reviewed the problem that they had with condition 13 requiring a community water system. She asked that they amend it to ask for a shared well system. She stated that they could reduce the number of wells to five.

Discussion was held relative to the need of the Marion school for a new well.

Commissioner Brenneman made a **motion** to amend condition 13 to stated that there shall be a shared water system with no more than five wells. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the preliminary plat of Joshua Acres subdivision subject to 14 amended conditions. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

CONDITIONS

1. A letter shall be obtained from the Marion Fire District stating that the fire access and suppression system has been reviewed, approved and installed in accordance with its requirements.
2. The internal subdivision road and access road shall be paved and all roads being constructed shall meet the requirements of FCSR 3.9 Table 1.
3. The applicant shall receive physical addresses and road names in accordance with Flathead County Resolution #1626. The addresses and road names shall appear on the final plat. [Section 3.9(I)(7), Flathead County Subdivision Regulations]
4. 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]
5. All utilities will be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
6. The proposed water and septic treatment systems for the subdivision will be reviewed by the Flathead City-County Health Department. [3.15(B), 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 and Section 3.12(J), FCSR]
8. The applicant shall furnish proof of a common mail delivery location approved by the local postmaster. [Section 3.22, FCSR]
9. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All addresses shall be visible from the road, and at the driveway entrance or on the house.
 - b. All utilities shall be placed underground.
 - c. Lot owners should be aware they are living in a rural area of Flathead County and delayed response times may be experienced from emergency service providers.
 - d. The property owners association or road users agreement will govern maintenance of the internal subdivision road. The road will be maintained, including necessary repairs, snow removal, and dust mitigation, to ensure safe all-weather travel for two-way traffic and to reduce negative impacts on air quality.
 - e. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
 - f. Only Class A or B fire rated roofing materials are allowed. [Section 3.21, FCSR]
 - g. Defensible Space Standards shall be incorporated around all primary structures. [Appendix G, FCSR]
 - h. 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. These include, but are not limited to grizzly and black bears, mountain lions, moose, elk and deer. 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. Birdfeeders must be over 10 feet off the ground and out of the reach of deer and other big game.
 - v. Compost piles are prohibited unless secured by electrical fencing.
 - vi. Pets should be fed indoors and no pet food shall be left outdoors.
 - vii. Fencing must not impeded movement of wildlife.

i. 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.

10. 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 sub-divider prior to final approval by the County Commissioners. [Chapter 8, FCSR]
11. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]
12. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]

13. A shared water system shall be installed with no more than five wells to serve the Joshua Acres subdivision.
14. The subdivider shall pay a parkland fee equivalent to the value of 40.191 acres of the unimproved, undivided land. The subdivider shall provide a current appraisal from a certified MAI appraiser no sooner than six months prior to the final plat application to set the baseline value of the parkland cash donation. [Section 3.19(C)(2)(a); Section 3.19 (D)(1), FCSR]

8:30 a.m. AOA TAB meeting at Eagle Transit

8:45 a.m. Commissioner Watne to attend meeting w/ Mark Peck, OES

10:45 a.m. Travel to Chapman Hill Road

11:15 a.m. On-site viewing of Chapman Hill Road

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 7, 2006.

FRIDAY, JULY 7, 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.

3:00 p.m. Commissioner Hall and Brenneman to attend International Fellows meeting at Sliter's Park

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 10, 2006.