
MONDAY, JULY 24, 2006

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

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

MONTHLY MEETING W/ JOE RUSSELL, HEALTH DEPT

[9:11:15 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Joe Russell

Discussion was held relative to the 2006-2007 budget for the Health Department.

BUDGET REVIEW: HEALTH DEPT

[9:14:01 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Joe Russell, Laurel Raymond

Discussion was held relative to the 2006-2007 budget for the Health Department

BUDGET REVIEW: TREASURER'S OFFICE

[9:53:19 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Adele Krantz, Laurel Raymond, Paula Robinson

Discussion was held relative to the 2006-2007 budget for the Treasurer's Office.

BUDGET REVIEW: COUNTY ATTORNEY'S OFFICE

[10:08:00 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Ed Corrigan, Vicki Eggum, Laurel Raymond, Paula Robinson

Discussion was held relative to the 2006-2007 budget for the County Attorney's Office.

BUDGET REVIEW: JUSTICE COURT

This meeting was not held.

BUDGET REVIEW: CLERK & RECORDER'S OFFICE

[10:33:38 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Paula Robinson, Tom Reynolds, Monica Eisenzimer, Laurel Raymond, Vicki Gallo

Discussion was held relative to the 2006-2007 budget for the Clerk and Recorder's Office.

PUBLIC HEARING: LONE OSPREY, HAYDENS VIEW, WRANGLER DRIVE AND NOTTA ROAD NAMING

[11:33:42 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Karen Yerian, Carla Allen, Don Jacobson

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 Brenneman made a **motion** to adopt Resolution 1949, 1950, 1951, and 1952. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

RESOLUTION NO. 1949

WHEREAS, Flathead County has proposed to name a private 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.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on July 24, 2006, concerning the proposal, after publication and mailing of notice thereof on July 10, 2006 and July 17, 2006; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **LONE OSPREY RIDGE**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private 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, should be, and it hereby is, named **LONE OSPREY RIDGE**.

BE IT FURTHER RESOLVED that the naming of **LONE OSPREY RIDGE** shall be effective on July 24, 2006.

Dated this 24th 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 /s/Kimberly Moser
Deputy

RESOLUTION NO. 1952

WHEREAS, Flathead County has proposed to name a private 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.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on July 24, 2006, concerning the proposal, after publication and mailing of notice thereof on July 10, 2006 and July 17, 2006; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **NOTTA ROAD**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private 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, should be, and it hereby is, named **NOTTA ROAD**.

BE IT FURTHER RESOLVED that the naming of **NOTTA ROAD** shall be effective on July 24, 2006.

Dated this 24th 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 /s/Kimberly Moser

Deputy

RESOLUTION NO. 1951

WHEREAS, Flathead County has proposed to name a private 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.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on July 24, 2006, concerning the proposal, after publication and mailing of notice thereof on July 10, 2006 and July 17, 2006; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **WRANGLER DRIVE**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private 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, should be, and it hereby is, named **WRANGLER DRIVE**.

BE IT FURTHER RESOLVED that the naming of **WRANGLER DRIVE** shall be effective on July 24, 2006.

Dated this 24th 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 /s/Kimberly Moser

Deputy

RESOLUTION NO. 1950

WHEREAS, Flathead County has proposed to name a private 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.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on July 24, 2006, concerning the proposal, after publication and mailing of notice thereof on July 10, 2006 and July 17, 2006; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **HAYDENS VIEW**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private 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, should be, and it hereby is, named **HAYDENS VIEW**.

BE IT FURTHER RESOLVED that the naming of **HAYDENS VIEW** shall be effective on July 24, 2006.

Dated this 24th 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 /s/Kimberly Moser

Deputy

AUTHORIZE COUNTY ATTORNEY'S OFFICE TO ACCEPT SERVICE: BEASLEY V. BOARD OF ADJUSTMENT

11:35:37 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 authorize the county attorneys office to accept service in the Beasley v. Board of Adjustments case. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

CONSIDERATION OF PRINTING BIDS: SHERIFF'S OFFICE

[11:37:15 AM](#)
Members present:
Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman
Others present:
Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Hall made a **motion** to approve the bid submitted by Insty Prints in the amount of \$174.65 for 7 sets of business cards for the Sheriffs Office. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: EMPLOYMENT AGREEMENT / GRANT ADMINISTRATION – L. MOON

[11:41:47 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 approve the employment agreement for the grant administration by L. Moon. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #06-07-4-11-015-0

[11:44:13 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 DPHHS contract #06-07-4-11-015-0 and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

CONSIDERATION OF ADOPTION OF RESOLUTION: AUTHORIZE EAGLE TRANSIT FILING OF APPLICATIONS WITH THE FEDERAL TRANSIT ADMINISTRATION

[11:47:39 AM](#)
Members present:
Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman
Others present:
Assistant Michael Pence
Clerk Kimberly Moser, Jim Atkinson, Jonathan Smith

Commissioner Brenneman made a **motion** to adopt Resolution 1953. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Resolution No. 1953

RESOLUTION AUTHORIZING THE FILING OF APPLICATIONS WITH THE FEDERAL TRANSIT ADMINISTRATION, AN OPERATING ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FOR FEDERAL TRANSPORTATION ASSISTANCE AUTHORIZED BY 49 U.S.C CHAPTER 53, TITLE 23, UNITED STATES CODE, AND OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION.

WHEREAS, the Federal Transportation Administrator has been delegated authority to award Federal financial assistance for a transportation project;

WHEREAS, the grant or cooperative agreement for Federal Financial assistance will impose certain obligations upon the Applicant, and may require the Applicant to provide the local share of the project cost; and

WHEREAS, the Applicant has or will provide all annual certifications and assurances to the Federal Transit Administration required for the project.

NOW, THEREFORE, BE IT RESOLVED BY the Board of Commissioners of Flathead County, Montana:

1. The Program Manager for Eagle Transit or his/her designee is authorized to execute and file application for Federal Assistance on behalf of Area IX Agency on Aging with the Federal Transit Administration for Federal Assistance authorized by 49 U.S.C. chapter 53, Title 23, United States Code, or other Federal statutes authorizing a project administered by the Federal Transit Administration.

2. The Program Manager for Eagle Transit or his/her designee is authorized to execute and file with its application the annual certification and assurances and other document the Federal Transportation Administration requires before awarding a Federal assistance grant or cooperative agreement.

3. The Program Manager for Eagle Transit or his/her designee is authorized to execute grant and cooperative agreements with the Federal Transit Administration on behalf of Area IX Agency on Aging.

Dated this 24th day of July, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

By /s/Kimberly Moser

Deputy Clerk

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

CERTIFICATION

The undersigned duly qualified Clerk, acting on behalf of the Area IX Agency on Aging, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Board of Commissioners of Flathead County, Montana held on July 24, 2006.

By _____
Deputy Clerk

DOCUMENT FOR SIGNATURE: LETTER ACKNOWLEDGING AOA IS UNDER AUSPICES OF FLATHEAD COUNTY

[11:50:54 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jim Atkinson, Jonathan Smith

Commissioner Brenneman made a **motion** to approve the letter acknowledging that AOA is under auspices of Flathead County. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: EAGLE TRANSIT CONTRACT / NORTHWEST HEALTHCARE SERVICE AGREEMENT, DPHHS CONTRACT AMENDMENT, SPECIAL FRIENDS ADVOCACY SERVICE AGREEMENT, FLATHEAD AREA CUSTOM TRANSPORTATION SERVICE AGREEMENT

[11:52:38 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, Jim Atkinson

Commissioner Hall made a **motion** to approve the Special Friends Advocacy Service Agreement and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the Flathead Area Custom Transportation Service Agreement and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the Eagle Transit Contract/Northwest Healthcare Service Agreement and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the DPHHS contract #07-145-0600. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 25, 2006.

TUESDAY, JULY 25, 2006

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

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

MEETING W/ CAROL WALTERS

[9:23:25 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Carol Walters, Jason Laws

Discussion was held relative to a problem with land she had purchased due to unrecorded contracts. She asked to have Deana Elfers and Steve Powers names taken off of her property and to have a mobile home taken off of her property. Jonathan Smith explained that this is a court issue not a county commissioner issue.

GIS MEETING W/ TOM REYNOLDS & PAULA ROBINSON

[9:53:16 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Tom Reynolds, Paula Robinson, Jonathan Smith

Discussion was held relative to the new address coordinator position. Tom stated that a concern is that every time they rename a road they must go through a formal process. He stated that a lot of the petitions that come back have one hundred percent signatures and would like to come up with a process to allow the road to be named without going through the entire process. He also discussed the work that is being done on the 911 system. Tom also reviewed a meeting he attended on the FEMA flood plains. He then reviewed the personnel workings for the department. He also spoke in regards to an address data model that they are working on. Discussion was then held relative to work that was done with the USDA.

BUDGET REVIEW: ROAD DEPT

[10:06:47 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Charlie Johnson, Guy Foy, Paula Robinson, Laurel Raymond

This budget meeting was rescheduled for 8:00 a.m. Thursday, July 27, 2006.

Discussion was held relative to the Surveyor position. Charlie discussed the options they might have. He asked to wait until after the first of the year to fill that position. Charlie then also reviewed the septic tank failure at the shop that they have not yet put in the budget. He then discussed the historic right of way purchases. Charlie then reviewed the requested striping on county roads. He then stated that they may have to work with the Corp of engineers on dyke issues. He also spoke in regards to having Dave Prunty at Solid Waste servicing the Road Department for solid waste pick up. Finally he reviewed the cost for signs for the road namings.

FINAL PLAT: BEAR HOLLOW

[10:25:15 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Annie Thompson, Jeff Harris, Erica Wirtala, Eric Mulcahy, Mary Mummert, Nicole Lopez-Stickney

Thompson reviewed the application submitted by Bear Hollow Properties, LLC with technical assistance from Sands Surveying and Carver Engineering for final plat approval of Bear Hollow Subdivision, a major subdivision creating 47 residential lots. The subdivision is located approximately 500 feet south of Streeters' corner on Highway 35 just north of Bigfork. Preliminary plat approval was granted on May 10, 2005 subject to 21 conditions. On August 15, 2005 the Flathead County Commissioners reviewed and approved two lot changes and an access change. 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 Brenneman made a **motion** to approve the final plat of Bear Hollow Subdivision. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

PRELIMINARY PLAT: SUNBURST ESTATES

[10:32:38 AM](#)

Members present:

Chairman Robert W. Watne

Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman
Others present:
Assistant Michael Pence
Clerk Kimberly Moser, Nicole Lopez-Stickney, Eric Mulcahy, Mary Mummert, Jeff Harris

Lopez-Stickney reviewed the application submitted by Mary Mummert, represented by Sans Surveying, Inc for preliminary plat approval of sunburst Estates, a minor subdivision that will create four residential lots. The subdivision is proposed on 34.48 acres and will have individual water and septic systems. The property is located in the North 93 Zoning District on Birch Grove Road. There are 18 attached conditions.

Commissioner Hall made a **motion** to adopt Staff Report FSR-06-12 as findings of fact. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Eric Mulcahy reviewed condition 14. He stated that the applicant is not looking to subdivide further. He asked for a condition that states that the open space can not be further subdivided unless the zoning designation is changed.

Commissioner Watne stated that he would not have a problem with that.

Commissioner Brenneman stated that he would have a huge problem with that.

Jeff Harris stated that they could not support the change in the condition.

Eric Mulcahy explained what he believed that county's intent was when they made the clustering conditions.

Commissioner Brenneman suggested trying to get a conservation easement.

Jeff Harris stated that they reviewed this following the clustering provisions of the subdivision regulations and if the applicant has an issue with the regulations as they stand then he would recommend that they go back and revise the plan.

Commissioner Hall made a **motion** to approve the preliminary plat of Sunburst Estates Subdivision. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

CONDITIONS

1. The internal subdivision road will consist of a 60-foot right of way and minimum 20-foot paved travel surface. Cul-de-sacs will consist of a minimum 50-foot travel surface radius and 55-foot outside right of way radius. The road shall be designed by a licensed professional engineer and, upon completion of construction, be certified by a licensed professional engineer for compliance with AASHTO standards. [Section 3.9, FCSR]
2. The subdivider shall provide evidence that the necessary 30-foot road easement on the adjacent eastern property directly adjoining the proposed 30-foot easement on the subject property has been acquired and that the easement encompasses the nature and intensity of use which will result from the development of this subdivision. The resulting 60-foot road easement shall appear on the final plat. [Section 3.9(J)(2), FCSR]
3. The applicant shall receive physical addresses and road names in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing will be assigned by the Address Coordinator. [Section 3.9(I)(7), FCSR]
4. A road identification sign and stop sign shall be installed at the intersection of the internal subdivision road and Birch Grove Road. [Section 3.9(I)(8), FCSR]
5. The subdivider will obtain and show proof of a completed approach permit from the Flathead County Road Department for access onto Birch Grove Road, indicating the approach has been built and received final inspection. [Section 3.8(A), FCSR]
6. Lot owners within the subdivision will participate in a Road 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]
7. The subdivider shall dedicate a 15-foot bicycle/pedestrian easement on the Open Space and on Lot 1 along the portion of the property adjacent to Birch Grove Road. [Section 3.18(A), FCSR]
8. New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
9. The lots within the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality for individual sewer and water and storm water management [Sections 3.14 and 3.15, FCSR]
10. The subdivider shall comply with reasonable access requirements of the West Valley Fire Department. A letter from the fire chief stating requirements have been met shall be submitted with the application for Final Plat. [Section 3.20, FCSR]
11. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. [7-22-2116 MCA and Section 3.12(J), FCSR]
12. The applicant shall obtain a letter from the local postmaster, indicating the applicant has met the postal service's requirements for mail delivery in accordance with the Flathead County Subdivision Regulations. [Section 3.22, FCSR]
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. The property owners association or road users' agreement will govern maintenance of the internal subdivision road. The road will be maintained, including necessary repairs and snow removal to ensure safe all-weather travel for two-way traffic.
 - d. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
 - e. To comply with Section 5.09.020 Flathead County Zoning Regulations, no lot shall be further subdivided, including the designated Open Space area.

- f. The single-family dwelling and permitted accessory uses allowed in the Zoning District shall be permitted uses in the Open Space area.
- g. All structures on Lots 1, 2, 3, and 4 shall be setback a minimum of 40-feet from the boundary of the Open Space to comply with Section 5.09.030(7) of the Flathead County Zoning Regulations. All other setbacks required in the appropriate zoning district remain applicable.

h. **Waiver of Protest**
Participation in Special Improvement District

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

- 14. The applicant shall record a deed restriction on the open space parcel, prohibiting further division and dedicating the land as permanent open space. The deed shall permit a single-family dwelling and accessory structures permitted in the Zoning District. The deed restriction shall be filed with the Flathead County Clerk and Recorder and shall run with the land. A copy of the deed restriction shall be submitted with the Final Plat [Section 5.09.020 & 5.09.040, FCZR]
- 15. The Open Space area shall also bear the designation as a Lot on the Final Plat so that ownership of the Open Space area is private and maintenance of the Open Space is the responsibility of the owner. [Section 5.09.020(8)(B) FCZR].
- 16. All required improvements shall be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, shall be provided by the subdivider prior to final approval by the County Commissioners. [Chapter 8, FCSR]
- 17. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]
- 18. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]

MONTHLY MEETING W/ RICK TREMBATH, FIRE WARDEN

[10:48:30 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Rick Trembath

Discussion was held relative to a recommendation to move to Stage one fire restrictions due to the increasing fire risk. He then reviewed the closeout of the Pine Ridge Complex.

BUDGET REVIEW: INFORMATION TECHNOLOGY

[11:05:21 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Norm Calvert, Laurel Raymond

Discussion was held relative to the 2006-2007 budget for Information Technology.

BUDGET REVIEW: CLERK OF DISTRICT COURT

[11:15:41 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Peg Allison, Laurel Raymond, Diana Monroe

Discussion was held relative to the 2006-2007 budget for the Clerk of District Court.

BUDGET REVIEW: FAIRGROUNDS

[11:32:32 AM](#)

Members present:

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

Others present:
Assistant Michael Pence
Clerk Kimberly Moser, Jay Scott, Butch Woolard

Discussion was held relative to the 2006-2007 budget for the Fairgrounds. Jay Scott requested an immediate approval of a half time person.

BUDGET REVIEW: EAGLE TRANSIT

[11:51:25 AM](#)

Members present:
Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Others present:
Assistant Michael Pence
Clerk Kimberly Moser, Jim Atkinson, Cheryl Talley, Wes Hula

Discussion was held relative to the 2006-2007 budget for OES.

4:00 p.m. Roadless Rule Task Force meeting at the Earl Bennett Building
5:00 p.m. Commissioner Watne to attend Refuse Board meeting at the Solid Waste District Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 26, 2006.

WEDNESDAY, JULY 26, 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,

Clif Zablothey spoke in regards to the Whitefish River Ranch South Subdivision. He stated that his main concern is the traffic. He presented a copy of the petition that he started from the surrounding neighbors in regards to their traffic concerns. He also stated that people were upset that they were not notified. He then spoke in regards to the 2 foot gravel shoulder addition to the road stating that he did not think that they would have room to even put that in. He then spoke in regards to the other developments that are going in that area that will further affect traffic in the area. He also referred to concerns he had on the impact to the school district. He then spoke in regards to possible ground water contamination.

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

BUDGET REVIEW: RSVP

[9:07:06 AM](#)

Members present:
Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Others present:
Assistant Michael Pence
Clerk Kimberly Moser, Bobbie Kelly, Eddy Benson, David Patera, Laurel Raymond

Discussion was held relative to the 2006-2007 budget for RSVP.

FINAL PLAT: ELK PARK ESTATES

[9:21:38 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, Helen Brien, David Patera

Giles reviewed the application submitted David Patera with technical assistance from Sands Surveying for final plat approval of Elk Park Estates, a subdivision creating 5 residential lots with a remainder. The subdivision is located west of MT Highway 206 off of Elk Park Road in an unzoned area. Preliminary plat was approved on August 18, 2003 subject to 11 conditions. All conditions have been met. Staff recommends approval.

Commissioner Brenneman made a **motion** to approve the final plat of Elk Park Estates. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

MONTHLY MEETING W/ DAVE PRUNTY, SOLID WASTE DISTRICT

[9:30:45 AM](#)

Members present:
Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Dave Prunty, Laurel Raymond

Discussion was held relative to the West Glacier landfill clean up project. David then spoke in regards to amendment to county ordinance number 8 defining the fine and the definition of uncovered loads. He stated that the Solid Waste District Board moved on approving moving forward with the amendment. It was discussed that any money that comes in from the fines would go into the general fund and not to the landfill. Commissioner Watne questioned why the landfill should pay for the cost of the new camera system from their funds instead of the general fund. Dave Prunty then reviewed the growth policy sections that would affect the Solid Waste District. He stated that they are pleased with what has been included. Discussion was then held relative to the request to have the County Solid Waste pick up the solid waste from the Flathead County Road Department. He stated that they previously did do that but stopped when Evergreen Protested. At the recent Solid Waste District Board meeting it was decided to put the request on the agenda for next month. He stated that the board seems to be split on the decision. He then reviewed the number of tons that have come in for June. He stated that they are at a little over a 12 percent increase. He also stated that the liner project is going well and they have targeted August 31st as the completion project. Dave then reviewed the recent electronics recycling event stating that there was very little activity.

BUDGET REVIEW: MAINTENANCE

[9:58:48 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jed Fisher, Laurel Raymond

Discussion was held relative to the 2006-2007 budget for the Maintenance Department.

BUDGET REVIEW: WEED & PARKS

[10:20:19 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jed Fisher, Laurel Raymond

Discussion was held relative to the 2006-2007 budget for the Weed & Parks Department.

BUDGET REVIEW: LIBRARY

[10:38:00 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, Laurel Raymond

Discussion was held relative to the 2006-2007 budget for the Library.

DISCUSSION RE: BY-PASS BUILDING PREFERENCE

[10:46:43 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Dawn Marquardt, Debbie Shoemaker, Jeff Harris, BJ Grieve, Charlie Johnson, Jerry Reckin

Discussion was held relative to a recent TAC meeting that they discussed the By-Pass Building Preference. Commissioner Hall stated that the TAC Committee came up with a matrix to score the phasing stages of the By-Pass. He stated that the TAC committee recommended moving forward with the north end of the By-Pass first. He stated that even if they did not consider the funding that they have for the Reserve loop they still wanted to recommend the north end but the public was in very strong support of building the south half first. He then reviewed the motions to recommend the south half that was a split decision, and the motion to forward the recommendation to move forward with the north half while asking that they consider public comment. He also stated that the final decision lies with MDOT but his personal choice is to do the south half first. He asked the commissioners to make a decision today on whether to recommend the south or north half. Commissioner Watne stated that he understands the concerns with the south half but he is concerned with the impacts to the new high school. Commissioner Hall stated that he felt with the money that has been obtained for the Reserve Loop he felt that the impacts to the High School have been addressed and therefore supported the south end first to get the traffic off of main street Kalispell.

Commissioner Hall made a **motion** to send a recommendation to MDOT to build the south half of the by pass first. Commissioner Brenneman **seconded** the motion.

Commissioner Brenneman stated that when he went to the TAC meeting he supported the north half first. He stated that part of the matrix was how completing any one segment would affect the money for the rest of the by pass. He stated that he believed that they have sufficient money to build a bypass that would get the trucks off of Main Street and that due to the money being in limbo he is not sure there is going to be a completed by pass anytime in the near future. He recommended that they move forward with a two lane completed by pass now.

Commissioner Hall stated that he felt that if they built a two lane now it would never be converted to a four lane.

Commissioner Brenneman stated that if their children or grandchildren want to put a four lane in then that will be their responsibility.

Commissioner Hall stated that he felt that they should build the south end to full capacity so they do not regret it in the future.

Commissioner Brenneman stated that without the northern part of the bypass he does not believe that the south half will convert truck traffic.

Commissioner Watne stated that he did not support the two lane concept due to the future cost of remodeling to a four lane.

Commissioner Brenneman stated that at least that way they would have a completed project whereas if they decided to do the four lane there is no guarantee of finishing the by pass.

Charlie Johnson stated that he felt that the bulk of the trucks would go down main regardless to what is done. He stated that he was in support of the north half being completed first.

Commissioner Brenneman recommended amending the motion to just state that the by pass needs to have a south component.

Commissioner Hall stated that MDOT is asking for a decision on moving on the north or the south half first.

Commissioner Brenneman stated that what he had looked at show an option to complete a by pass for the north and south by having just a two lane road.

Commissioner Watne stated that a lot of the traffic is coming in from the west.

Commissioner Hall stated that he would like to keep his motion as is to have the south half done in the first phase.

Commissioner Brenneman stated that he would support the motion that they move forward with the south half first as long as the by pass includes connectivity through the north by pass right of way.

Commissioner Hall withdraws his original motion. Commissioner Brenneman withdraws his original second.

Commissioner Hall made a **motion** to support moving forward with the south half of the by pass as long as it includes interconnectivity through the north bypass right of way. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

DISCUSSION RE: IMPACT FEE COMMITTEE

[11:09:26 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jerry Reckin, Jerry Nix, Charlie Johnson, Dawn Marquardt, Debbie Shoemaker, Jonathan Smith

Discussion was held relative to creating an impact fee committee. Jeff Harris stated that if they want to initiate an impact fee program than they need to set up a committee. He stated that there is no limitation to the number of people but they must have a CPA and a member that represents the development community. He suggested that they advertise for volunteers to be on the committee. He stated that they would advertise for thirty days. He then stated that the planning board has requested that they have two people on the committee.

Commissioner Brenneman stated that he was thinking of having a seven member committee. Discussion was held relative to having 7-9 members. Jeff Harris stated that the county needs to have a CIP to move forward with impact fees.

Jeff Harris, Charlie Johnson and Mike Pence recommended having a nine member committee.

Commissioner Brenneman made a **motion** to establish a impact fee advisory committee comprised of nine members to be designated according the Montana Statute 7-7-1604 and the recommendation of the planning board. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

AUTHORIZE COUNTY ATTORNEY'S OFFICE TO ACCEPT SERVICE: EDWARDS V. COUNTY

[11:07:20 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 Brenneman made a **motion** to approve the county attorney's office accepting service in the Edwards v. County Case. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

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

6:00 p.m. Long Range Planning Task Force Joint Growth Policy Work Session at the Earl Bennett Building

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 27, 2006.

THURSDAY, JULY 27, 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.

BUDGET REVIEW: ROAD DEPARTMENT

[8:05:31 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Charlie Johnson, Guy Foy, Laurel Raymond, Paula Robinson

Discussion was held relative to the 2006-2007 budget for the Road Department.

BUDGET REVIEW: SOLID WASTE DISTRICT

[9:08:38 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, David Prunty, Laurel Raymond

Discussion was held relative to the 2006-2007 budget for Solid Waste District.

BUDGET REVIEW: JUSTICE COURT

[10:36:38 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, David Ortley, Justin Breck, Laurel Raymond

Discussion was held relative to the 2006-2007 budget for Justice Court

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

[10:50:40 AM](#)

Clif Zablothy submitted further names on a petition. He reviewed the concerns with the gravel shoulders proposed on Trumble Creek. He also mentioned concerns with the commercial traffic. He then reviewed the grid pattern that will be required for the Two Rivers plan and stated that this would not comply. He also stated that people that he had talked to directly across from the proposed development had never been notified about the project.

Lloyd Foster stated that on the Whitefish River Ranch South the maps show the groundwater as being 25 feet. He reviewed the water evidence he has seen recently. He stated that this density with the high groundwater is ridiculous. He stated that he felt the commissioners were right on in denying the subdivision application when it first came in.

Sharon DeMeester stated that a real concern is the water table in the area. She stated that the disinfectant that is proposed to be used on the treated water will pollute the river. She asked what they do with the water for seven months out of the year that they do not propose spraying the treated water. She also reviewed the large number of homes that are for sale in the valley. She then asked how many lots have been approved and how many are in the pipeline in the valley. She stated that there is a lot of space available.

Tony Clayton stated that his property is directly behind this proposed development. He stated that he has an easement that goes through this property and nothing has been taken care of in regards to that. He also stated that they are concerned with the water and traffic impacts on Trumble Creek. He then stated his concerns with the impacts on the schools.

Linda Christenson stated that she is concerned with what the future generations are going to have to deal with in regards to water issues. She then stated that she had called the health and sanitation department and some of the concerns with the Whitefish River Ranch is the close proximity of the dry sewer line to wells and freezing issues. She then asked the commissioners to talk with Bonnie Ellis in regards to the nitrous and phosphorous issues.

Emy Amy stated that she agreed with the people who spoke before her. She stated that they are within a mile of the airport and there should be a low density preserved where the planes fly in and out. She stated that this development is within that range.

She stated that the Glacier Ranch subdivision has been denied by DEQ seven times now. She stated that they are desperate to preserve their quality of life.

Darryl Padgett asked the commissioners if they were aware of the large number of accidents that have occurred on Trumble Creek.

Linda Johnson stated that when she went to the Two Rivers hearing she heard that it should be hooked to city municipal services and yet these applications that are furthest from services are asking for approval with level 2 systems. She stated that the commissioners voted no and now it has come back.

Tom Anderson stated that he had come in and described a level 2 system to the commissioners. He stated that the system is results that are equal to the municipal treatments. He reviewed some of the other projects that they have that use this system including a project within Glacier National Park. He stated that the disinfectant they use is a UV disinfectant that does not affect the groundwater. He then stated that the spraying of the water is to utilize water reuse and that the State of Montana will make sure there is not a problem with freezing. He finally stated that they have not had any significant denial from DEQ. He stated that he did not believe that the sewer treatment should not be an issue.

Ken Kalvig in regards to Whitefish River Ranch south, stated that he understood that the major concerns were with waste water treatment and road safety. He stated that he believed that the waste water treatment issue has been covered pretty well. He then stated that in regards to the two Rivers master plan that there was discussion that it should be connected to municipal services but that it was also discussed that do to the size of the plan there would be areas that would be appropriate to services other than municipal. He then stated that the Glacier Horse Ranch is proposing a different system then the Whitefish River Ranch South and that the denial of the Glacier Horse Ranch should give the public some assurance that the system does work and if DEQ does not think this is a good system then it will get denied. He also stated that he believes they have adequately addressed the impacts to Trumble Creek Road with the imposition of conditions 10, 11, and 12.

In regards to Spruce Meadows he stated that you don't find within the city of Kalispell are larger lots and good amenities for open space. He stated that he believed this is a very nice subdivision. He stated that the lots are larger than the average city lot and has lots of open space. He then stated that in looking at the Flathead County Master Plan he believes that this proposal could be allowed and reviewed the sections that he believed applied. He stated that if you look at the master plan he believes that it shows that this density is appropriate. He then reviewed section of the Montana Code that allows this development.

Skip Fincher reviewed his history in coming to the valley. He stated that this land was purchased to farm Christmas Trees and the valley lost the need and there vision had always been to divide the property. He stated that this is not the best farmland.

Clif Zablothey stated that he had spoken with Charlie Johnson in regards to the roads in the area. He stated that there were a number of issues that had not been discussed and need to be looked into further.

Steve Streich stated that he appreciated his neighbors concern but he is quite happy with the proposed development. He stated that like the density and felt that it is a low density with a lot of open space and amenities. He then stated that the Two Rivers project was never promised to be on city sewer and would never have locked himself into that. He also stated that he felt that the package plants are quite adequate.

Commissioner Hall asked Erica Wirtala which roads this subdivision would affect pointing to a map.

Erica Wirtala stated that when drawing up the plans and working with Charlie Johnson it was discussed having a change in Transtad and he felt that he could never see it coming out but maybe an extension of Church.

Justin Metcalf spoke in regards to the density of the Spruce Meadows subdivision. He stated that the valley is in a boom and will be in need of the parcels. He spoke in regards to the problem with the Bitterroot Valley, in regards to the degradation of the land due to the lack of comprehensive planning, and that he is afraid that the same thing could happen here. He stated that Spruce Meadows is a new form of rural residential development but it was created to limit the taps into the aquifer, reduce nutrient loading of the soils with level two septic systems, and keep the cost of housing affordable. He also stated that a big issue for him is saving water for future generations. He then spoke on how by replanting the native grasses it would save a tremendous amount of water.

Clif Zablothey spoke in regards to issues with Tronstad road and asked them to make sure that the road is correct as to where it comes in.

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

PRELIMINARY PLAT: WHITEFISH RIVER RANCH SOUTH

11:38:12 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, Jeff Harris, Kirsten Holland, Loyd Foster, Walter Fincher, Roger Fincher, Justin Metcalf, Tom Swenson, Richard Wishcampber, Karen Franklin, Judy Martinson, tom Anderson, Paul Wells, Ben Franklin, Ken Kalvig, Marlene Horsefall, Joe Hettinger, Erica Wirtala, Jeff Larsen, Emy Amy, Sharon DeMeester, Tony Clayton, Clif Zablothey, Linda Christensen, Linda Johnson, Erica Mylcahy, Jere Johnson, Tom Sands, Mark Peck, Jonathan Smith, Steve Streich, Darryl Padgett, Bob Lovejoy, Brett Kulina

Sears-Tull reviewed the application submitted by Whitefish River Properties, LLP with technical assistance by Sands Surveying, WMW Engineering, and Envirotech Consulting for preliminary plat approval of Whitefish River Ranch South, a major subdivision that will create 52 single-family residential lots. The subdivision is proposed on 80.112 acres and will be served by a public sewer system and a public water systems. The subdivision is located off of Trumble Creek Road in Evergreen.

On November 9, 2005 the Planning Board voted three to two to deny the application based on the lack of adequate time to review the additional information that was submitted un public comments and was received by the Flathead County Planning &

Zoning Office on November 7, 2005, public access was not adequately addressed, clarification for continued access for wildlife corridor, and jurisdiction of the existing ponds was not adequately addressed.

On November 18, 2005 the Flathead County Planning & Zoning Office, Montana Fish, Wildlife and Parks and Flathead County Weed and Parks Department met at FWP office on meridian to discuss public access, clarification for continued access for wildlife corridor and jurisdiction of the existing ponds. FWP and Flathead Weed and Parks were interested in trying to put together a continual bike path that would run along Whitefish River. The property would need to be deeded to either the county or the state for the departments to obtain liability insurance.

After much discussion, the applicants have decided to allow public access across the northern portion of the property, Trumble Creek Road and Whitefish River.

On December 12, 2005 the Flathead County Board of Commissioners denied the preliminary plat based on the proposed community sewer system will still produce 100% more phosphate and double the nitrate level compared to using a municipal sewer and water system, the proposal will add an additional 650 vehicle trips per day on Trumble Creek road, which is substandard. The Health safety and welfare of County residents will be compromised. Also based on the effects on local services are not acceptable with the imposition of conditions, and the impacts of the development of this subdivision with the conditions or restrictions identified are not within acceptable parameters with respect to review required under 76-3-608 MCA. The Commissioners also would require the subdivision shall install a dry sewer system and include another waiver of protest on the final plat that the subdivision shall connect to the publicly available Kalispell and or Evergreen sewer system when services become available.

The applicant submitted a new application on March 21, 2006 and stated that the new proposal incorporates the concerns that were raised from the Flathead County Planning & Zoning Staff, the Flathead County Planning Board, and the Flathead County Board of Commissioners. They have included additional information regarding the advanced wastewater treatment system, the mutually agreed upon road improvement program, the reduction of lots from 62 to 52 to include the elimination of the the townhouse proposal, and public access to the river corridor is specifically identified.

On June 21, 2006 the Planning Board met to consider the project and voted five to three to approve the application with amendments to condition 7, 32, and 36.

Commissioner Hall questioned where the half mile mark came from in regards to hooking to municipal services.

Jeff Harris stated that the number came from the Environmental Assessment but it is typically 500 feet.

Commissioner Hall asked if they could make it a mile and a half or to Rose Crossing.

Jeff Harris stated that the commissioners can impose any conditions that they would like.

Sears-Tull stated that they have updated that language on condition number one.

Erica Wirtala suggested language for conditions number 7 and 32. She again reviewed the timeline of the project. She stated that the planning board felt that the public access should come from the north down but they would like to use Walking Hose Way with a public access walking and bike path to the riparian access. She also stated that the planning board wanted a two hundred riparian width but they felt that 100 feet would be sufficient. She then reviewed the changes they have made since this came before the commissioners previously including the removal of townhouse, the density change, and the common area or open space area that can be utilized by the public. She also stated that they see this as a benefit to the Two Rivers plan due to the public access. She then stated that in regards to the sewer she does not believe it should be denied based on the level 2 system and if sewer was available the density would have been increased. She also reviewed the concerns with road safety reviewing the upgrades planned for the surrounding roads. She stated that the developers want to do something positive for the community and that the chairman of the planning board spoke very highly of the project. She stated that the developer is paying for this and there is not a cost to the taxpayer. She then reviewed the easement concerns that had been addressed and that a new easement is being drawn up and that the gentleman will have access.

Discussion was held relative to adding the new easement as a condition.

Erica Wirtala stated that she has no knowledge of Whitefish River Ranch north being denied by DEQ. She then spoke in regards to a plan to lessen the number of septic systems in the area. In regards to the mile and a half requirement she stated that she felt an RSID district would have to be done.

Discussion was held relative to the northern public access. Traci Sears Tull stated that this would be a temporary access.

Ben Franklin spoke in regards to a public trail system along the river and that there should be a formal study done on a trail system throughout the county. He stated that they have pledged to invest ten thousand dollars towards that study that he hopes will challenge other developers to do the same. He also stated that he felt that the 100 foot riparian is adequate instead of the two hundred feet. He stated that there are two sides of the river.

Discussion was held relative to condition number 7. Commissioners Hall stated that he had concerns with the sewer and the road but felt that with the changes this is a better application. He asked if they can require or ask that the developer build a bike path along the road. Erica Wirtala stated that that was already the plan. It was decided to take out the word dedicate the bike path and put in that they will build that bike path.

Commissioner Hall made a **motion** to adopt Staff Report FPP-06-27 as findings of fact. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Jeff Harris spoke in regards to condition number 7. He stated that they do not have a problem with the changes requested by Erica Wirtala. He stated that they felt this is more of a temporary access until a permanent access can be developed. In regards to the one hundred feet riparian he stated that if they wanted to consider that then they would have to amend condition 32.

Erica Wirtala reviewed why they wanted to have it at one hundred feet and that they do not want the public to have access to the ponds and two hundred feet would allow for that and would affect some of the lots. She stated that the parks department felt that the ponds should be maintained by the homeowners association.

Commissioner Brenneman stated that they could just change the condition to state that their will be two hundred feet except for the ponds.

Erica Wirtala stated that it would still affect four lots.

Jeff harris stated that they are okay with the one hundred foot from the high water mark riparian.

Commissioner Hall stated that professionals have looked at this and he has to depend on them. He stated that if there is going to be an issue with sewer than DEQ will not approve it. He then stated that he felt the road concerns have been addressed. He stated that he does share the concern for the aquifer but he supports this subdivision and that all of the previous reasons for denial have been mitigated.

Commissioner Brenneman asked that the drainfield be eliminated and that all affluent be used for spraying. He stated that in order to achieve the same as municipal treatment it must be absorbed in four feet of ground and once the soil has absorbed as much as it can it will go into the groundwater. He stated that as long as they are talking about putting stuff into the aquifer he could not support it.

Commissioner Hall stated that he could appreciate that concern but that the high water is to the south and that he felt that DEQ will make that decision for them if there is a problem with it.

Discussion was held relative to the proposed condition change made by Commissioner Brenneman to require holding tanks where the affluent could be stored until the five months out of the year where they could reuse that for irrigation. Jeff Harris stated that they could add a sentence that no affluent drainfield could be utilized. Paul Wells stated that what is being asked is not possible. He reviewed the lagoon system that would be utilized. He stated that this system would be better than municipal. Commissioner Brenneman stated that he was unconvinced by the engineer.

Traci Sears-Tull requested that they add a condition that an easement is to be recorded and that the applicant will provide ten thousand dollars for a trail study.

Discussion was held relative to the changes that had been made to conditions including, the addition of conditions 37 and 38, the amendment of conditions of one and three, and the changes to conditions 7 and 32.

Commissioner Hall made a **motion** to approve Whitefish River Ranch South subject to 38 amended conditions. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. **Opposed** - Brenneman. Motion carried by quorum.

Commissioner Hall stated for the record that he is in support of Spruce Meadows Subdivision but would not be able to attend the meeting.

CONDITIONS

1. The applicant shall receive physical addresses and road names in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by the Address Coordinator. [Section 3.9(I)(7), FCSR]
2. Roads and driveways shall conform in all locations to maximum grade standards [Section 3.6(E) and 3.9, Table 2, FCSR]
3. The private, internal subdivision road shall consist of a 60-foot right-of-way, minimum 20-foot paved driving surface, and a 55-foot radius cul-de-sac and be designed by a licensed, professional engineer and upon completion of construction shall be certified by a licensed professional engineer for compliance with AASHTO standards. [Section 3.9, Flathead County Subdivision Regulations]
4. A road identification sign and stop sign shall be installed at the intersections of the internal subdivision roads and the intersections of Appalossa Lane and Walking Horse Way and Trumble Creek Road. [Section 3.9(I)(8), FCSR]
5. The applicant shall obtain and show proof of a completed approach permit from the (Montana Department of Transportation or Flathead County Road Department) for access onto Trumble Creek Road, indicating the approach has been built and received final inspection. [Section 3.8(A), FCSR]
6. Lot owners within the subdivision shall participate in a Road Users' Agreement or Property Owners Association for the internal subdivision roads, which shall require each property owner to bear his or her pro-rata share for maintenance of the private road. [Section 3.9(J)(3), FCSR]
7. The developer shall dedicate and build a 15-foot bike/pedestrian easement on the Trumble Creek Road frontage and along Walking Horse Way from Trumbull Creek Road down to Common Area "E" and ending at the Public Riparian Access. The portion of public access along the Whitefish River portion of the proposal shall start at the high water mark/eastern bank of Whitefish River extending 100 feet east. [Section 3.18(A), FCSR]
8. The developer shall dedicate an additional 10 feet of road right-of-way along Trumble Creek Road. [Two Rivers Master Plan]
9. The developer shall construct a deceleration lane within the 20-foot road reserve for access to the subdivision from Trumble Creek Road according to Flathead County Road Department recommendations. [Two Rivers Master Plan]
10. The developer shall rebuild the portion of Trumble Creek Road, which lies immediately east of and adjacent to the development. This will consist of rebuilding the road to a 24 foot top paved surface built to county specs.[Applicant and Agency Comment]
11. The developer shall also perform a safety improvement construction of the remainder of Trumble Creek Road from the south boundary of the development southward to Rose Crossing Road. This improvement shall consist of filling, and constructing two-foot gravel surface shoulders on each side of the existing pavement, along with constructing a back slope from the shoulder having a four to one slope to catch with the existing ground within the existing right of way. Adjustments to the backslope may be necessary due to the right of way constraints, and shall be approved by the county road superintendent. [Applicant and Agency Comment]
12. Flathead County and the developer shall enter into a "late-comers agreement", which will be set up to reimburse the developer for a portion of the capital improvements made for the safety improvement construction to the south portion of Trumble Creek Road. Future developments proposed along Trumble Creek Road between Whitefish River Ranch South to Rose Crossing Road shall be required to be a part of this program. [Applicant and Agency Comment]
13. 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]

14. The proposed public water and septic treatment systems for the subdivision shall 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]
15. 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]
16. The applicant will comply with reasonable fire suppression and access requirements of the Evergreen Volunteer Fire District, to include a 10,000 gallon water supply/storage of underground storage tank with a dry hydrant. A letter from the fire chief stating that an agreement has been made shall be submitted with the application for Final Plat. The recharge facilities proposed within the development shall be used in conjunction with the proposed water system.[Applicant Comment [Section 3.20, FCSR & Agency Comment]
17. 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]
18. If required by the local postmaster, the developer shall provide a common mailbox facility in accordance with the Flathead County Subdivision Regulations. [Section 3.22, FCSR]
19. 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]
20. 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 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 shall govern maintenance of the internal subdivision roads. The roads shall 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.

21. 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]
22. The open space/parkland along the river is a critical bank stabilization area. Removal of vegetation from the open space/parkland should not be allowed. Any alteration to the park shall need to go through Flathead County Floodplain Permit Process and the Flathead County Conservation 310 Permit Process. [Agency Comment]
23. 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]
24. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]
25. Any alteration or development in the floodplain shall require a Flathead County Floodplain Permit and possibly a Flathead Conservation District 310 permit and or the Army Corps of Engineers 404 permit. [Agency Comments and Floodplain Administer]
26. A Letter of Map Amendment from FEMA to correctly reflect the submitted survey information and define the 100-year flood boundary shall be submitted prior to final plat. [Agency Comments and Floodplain Administer]
27. The Riparian Access Corridor along the Whitefish River shall be left in a natural state to allow for the movement of wildlife. [Applicant Comment]
28. The Homeowner's Association shall contract a certified water operator to maintain and monitor the public water system. [Applicant Comment]
29. Should public sewer be installed within a half-mile of the subdivision, the residents and/or developer shall waive their right to protest an RSID to bring the sewer to the Whitefish River Ranch South and connect to it. [Applicant Comment]
30. Individual septic systems from the recently approved 16-lot Whitefish River Ranch North shall be permitted to connect to the advanced treatment system of Whitefish River Ranch South upon agreement of terms between the owners of the North and South developments.

[Applicant Comment]

31. The applicant shall designate a bus stop that shall receive written approval from the Superintendent of Schools. [Agency Comment]
32. It shall be noted on the face of the final plat that the open space /parkland area indicated as the Public Riparian Access along the River would include a 100 foot strip, from the high water mark of Whitefish River towards the subdivision, along the river shall be open for the public to enjoy. The applicant shall work with the Flathead County Planning & Zoning Office concerning the exclusion of the existing ponds. [Applicant Comment]
33. Phasing plans shall be submitted at the time of Final Plat Application.
34. Groundwater must be monitored throughout the proposed common drainfield site for this development during high water which maybe occurring now. [Agency Comment]
35. The high water mark for the Whitefish River shall be clearly marked on the final plat.
36. The 24.185 acres designated as common area shall remain in open space in perpetuity.
37. The developer shall provide proof that the existing easement to Lot 3C is updated to reflect the changes in the current proposal to include full access to all internal subdivision roads.
38. The applicant will provide \$10,000 for the preparation of a feasibility study for a trail system along Whitefish River.

PRELIMINARY PLAT: SPRUCE MEADOWS

[12:28:25 PM](#)

Members present:

Chairman Robert W. Watne
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jeff Harris, Kirsten Holland, Loyd Foster, Walter Fincher, Roger Fincher, Justin Metcalf, Tom Swenson, Richard Wishcampber, Karen Franklin, Judy Martinson, Tom Anderson, Paul Wells, Ben Franklin, Ken Kalvig, Marlene Horsefall, Joe Hettinger, Erica Wirtala, Jeff Larsen, Emy Amy, Sharon DeMeester, Tony Clayton, Cliff Zabloutney, Linda Christensen, Linda Johnson, Erica Mylcahy, Jere Johnson, Tom Sands, Mark Peck, Jonathan Smith, Steve Streich, Darryl Padgett, Bob Lovejoy, Brett Kulina

Holland reviewed the application submitted by Spruce Meadows LLC with technical assistance from Sands Surveying, for preliminary plat approval of Spruce Meadows subdivision, a 30 lot major subdivision located off Lake Blaine Road, approximately one half mile east of county Highway 206 and MT Highway 35. The property is unzoned. There are 17 attached conditions. On June 21, 2006 the Flathead County Planning Board made motion to adopt staff report as findings as amended and recommend approval to the County Commissioners. On a roll call vote the motion failed two to five sighting safety, access, density, water, and too dense for the rural location. No other motion was made.

Kirsten Holland spoke in regards to the emergency access that has been conditioned. She then discussion the concerns with the wildlife corridor and that the applicant has stated that they felt this density is appropriate. She also stated that the applicant had expressed a willingness to improve Lake Blaine Road and have also expressed an interest in addressing other impacts they would have on local services. Kirsten Holland stated that she was comfortable with the application.

Eric Mulcahy stated that they concur with all of the proposed conditions. He stated that the intent was to provide clustering and open space where people would feel comfortable living. He then reviewed some of the landscaping plans that they have. He stated that they had contacted the fire chief and it was decided that they should upgrade and expand the existing cistern. He stated that one of the concerns of the planning board was Lake Blaine Road. He stated that this development would be increasing the impact by about twelve percent. He stated that through the traffic study they have a very high level of service and that the road is in excellent shape. He also stated that the applicants were willing to make a contribution to the Road Department to help fund adding shoulder and other work to the road. He then spoke in regards to the level 2 system that they have proposed explaining why they chose this system instead of a community system.

Commissioner Brenneman addressed his concern with having the applicant make a presentation. Chairman Watne stated that he believed that applicant had the right to speak during this time.

Eric Mulcahy stated that he would have spoke during the public comment section but was directed by the commissioner to speak during this time. He then presented pictures of the property to the commissioners.

Chairman Watne stated that like the looks of the subdivision.

Commissioner Brenneman question the distance of the road from the closest lot. He then spoke in regards to the concerns of the planning board and asked if the applicant had addressed any of those concerns.

Kirsten Holland stated that the only change is to the emergency ingress/egress access. She then stated that the water issues will be addressed by DEQ and that the applicant has no way to change the location.

Commissioner Brenneman asked Jeff Larsen what his qualification were to do the traffic study.

Jeff Larsen stated that he has probably done twenty traffic studies and reviewed how he does traffic studies.

Commissioner Brenneman then questioned the variance. Kirsten Holland explained that with the emergency access there is no variance. Commissioner Brenneman then question what the applicant has offered for Lake Blaine Road. Kirsten Holland stated that the applicant has proposed donating money to the road department to improve Lake Blaine Road but the road department had indicated there opposition to that. Eric Mulcahy stated that the estimate is about one hundred thousand dollars to upgrade the road just from their subdivision and the applicant has offered to donate \$75,000 to the road. Justin Metcalf stated that they were not able to come up with any concrete with the Road Department at this time. He indicated that he would be fine with

adding a condition that the developer will contribute \$75,000 dollars cash or like amount in services to Lake Blaine Road from the subdivision access point to Highway 35.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP-06-17 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 Spruce Meadows subdivision subject to 18 amended conditions. Commissioner Watne **seconded** the motion. **Aye** – Watne and Brenneman. Motion carried by quorum.

CONDITIONS:

1. The applicant shall obtain an easement for emergency ingress and egress to connect with the adjoining gravel road to the east of the subject property. The access shall be built to County standards for secondary access routes. [Section 3.8(C)(2) and 3.8(E), FCSR]
2. The internal subdivision road shall consist of a 60-foot right-of-way and minimum 20-foot paved travel surface and be designed and certified by a licensed, professional engineer. [3.9, FCSR]
3. The applicant shall receive physical addresses and road names in accordance with Flathead County Resolution #1626. Addresses and road names shall appear on the final plat. [3.9(I)(7), FCSR]
4. A road identification sign and stop sign shall be installed at the intersection of the internal subdivision road and Lake Blaine Road. [3.9(I)(8), FCSR]
5. The applicant will obtain and show proof of a completed approach permit from the Flathead County Road Department for access onto Lake Blaine Road, indicating the approach has been built and received final inspection. [3.8(A), FCSR]
6. Lot owners within the subdivision will participate in a Road User's Agreement for maintenance of the internal subdivision road and emergency ingress/egress route, which will require each property owner to bear his or her pro-rata share for maintenance of the road. [3.9(J)(3), FCSR]
7. The applicant shall dedicate a 15-foot bicycle/pedestrian easement along the Lake Blaine Road frontage. [3.18(A), FCSR]
8. New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [3.17 & 3.18, FCSR]
9. 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. [3.14(A) and 3.15(A), FCSR]
10. The applicant will comply with reasonable fire suppression and access requirements of the Creston Fire Department. A letter from the Fire Chief stating requirements have been met shall be submitted with the application for Final Plat.[3.20, FCSR]
11. All areas disturbed during development of the subdivision will be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. [7-22-2116 MCA, Section 3.12(J), FCSR]
12. 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.[3.22, FCSR]
13. The applicant shall contact the Child Transportation Committee and, if required, provide and improve a location for the safe loading and unloading of students.
14. 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 designated open space shall not be subdivided and shall be preserved in perpetuity as open space.
 - c. All addresses will be visible from the road, and at the driveway entrance or on the house.
 - d. All utilities will be extended underground.
 - e. 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.
 - f. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
 - 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.
 - vi. Fences shall not restrict movement of wildlife.
 - h.

Waiver of Protest

Participation in Special Improvement District

_____ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes _____ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that _____ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. _____ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for _____ Subdivision.
15. All required improvements shall be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, shall be provided by the applicant prior to final approval by the County Commissioners. [Chapter 8, FCSR]

16. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [2.7(E), FCSR]
17. Preliminary plat approval is valid for three (3) years. [2.5(D)(6), FCSR]
18. The developer will contribute \$75,000 for improvements to Lake Blaine Road from the subdivision access point to MT Highway 35, either in cash or construction.

PRELIMINARY PLAT: TIMBER ROCK ESTATES

[1:11:10 PM](#)

Members present:

Chairman Robert W. Watne
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jeff Harris, Rebecca Shaw, Erica Mulcahy, Brett Kulina, Tom Sands

Shaw reviewed the application submitted by GK Family Investment, LLC with technical assistance by Sands Surveying, Inc and Jerry Lipp with Environmental Consulting Services, for preliminary plat approval of Timber Rock Estates, a major subdivision that will create 5 residential lots, south of Lakeside. The property is unzoned. The Lakeside Land Use Committee unanimously approved the request on May 30, 2006. On June 21, 2006 the Flathead County Planning Board a motion passed to adopt staff report and recommend approval with changes to conditions including adding a condition that the lots shall not be further subdivided and changing all of the will's to shall's. There are 23 attached conditions.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP-06-16 as findings of fact. Commissioner Watne **seconded** the motion. **Aye** – Watne and Brenneman. Motion carried by quorum.

Discussions were held relative to the condition that requires that the applicant seek annexation into the Somers Rural Fire District or submit a letter from the Somers Fire Chief refusing annexation.

Commissioner Brenneman made a **motion** to approve the preliminary plat of Timber Rock Estates subject to 23 amended conditions. Commissioner Watne **seconded** the motion. **Aye** – Watne and Brenneman. Motion carried by quorum.

CONDITIONS

1. The private, internal subdivision road shall consist of a 60-foot right-of-way, minimum 20-foot driving surface, and a 55-foot radius cul-de-sac and be designed and certified by a licensed, professional engineer. [Section 3.9, Flathead County Subdivision Regulations]
2. The internal subdivision road shall be paved. [Section 3.9(K), FCSR]
3. Roads and driveways shall conform in all locations to maximum grade standards [Section 3.6(E) and 3.9, Table 2, FCSR]
4. The applicant shall receive physical addresses and road names in accordance with Flathead County Resolution #1626. The addresses and road names shall appear on the final plat. [Section 3.9(I)(7), Flathead County Subdivision Regulations]
5. A road identification sign and stop sign shall be installed at the intersection of the internal subdivision road and Raven Ridge Road. A road identification sign and stop sign shall be installed at the intersection of Highway 93 S and Timber Rock Road. [Section 3.9(I)(8), FCSR]
6. The applicant shall obtain and show proof of a completed approach permit from the Montana Department of Transportation for access from Highway 93 onto Timber Rock Road, indicating the approach has been built and received final inspection. [Section 3.8(A), FCSR]
7. The applicant shall furnish proof of legal access for emergency ingress/egress across the Timber Ranches neighborhood in Lake County.
8. Lot owners within the subdivision shall participate in a Road User's Agreement or Property Owners Association for the internal subdivision road, which shall require each property owner to bear his or her pro-rata share for maintenance of the private road. [Section 3.9(J)(3), FCSR]
9. All 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]
10. The proposed water and septic treatment systems for the subdivision shall be reviewed by the Flathead City-County Health Department. [3.15(B), FCSR]
11. The applicant shall comply with reasonable fire suppression and access requirements of the Flathead Fire Services Area, or the Somers Fire District when annexation takes place. A letter from the Director or Chief stating requirements have been met shall be submitted with the application for Final Plat. [Section 3.20, FCSR]
12. The applicant shall obtain annexation into the Somers Rural Fire District or furnish a letter of rejection from the Somers Fire Chief.
13. During construction of infrastructure improvements, no silt-laden water or excess shall flow to downstream areas. Erosion control measures are required and shall be enforced. [Section 3.13, FCSR]
14. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. [7-22-2116 MCA and Section 3.12(J), FCSR]
15. The applicant shall furnish proof of a common mail delivery location approved by the local postmaster. [Section 3.22, FCSR]
16. The design and development of the subdivision shall contain satisfactory building sites properly related to topography and shall preserve the natural terrain, drainage, existing topsoil, trees, natural vegetation, wildlife and fish habitats to the extent possible. [Section 3.2, FCSR]
17. All lots shall be certified by a professional engineer or a licensed surveyor that they contain a buildable pad that does not exceed 25% in cross slope. Each building site pad which exceeds 25% in cross slope shall be required to undergo a geo-technical soils analysis

conducted by a licensed professional engineer prior to final plat approval. Said report must find that development of this lot would pose no significant geological hazards to either this lot or neighboring properties and the applicant would be required to comply with the recommendations of said report. [Section 3.6.]

18. Only Class A or B fire rated roofing materials are allowed. [Section 3.21, FCSR]
19. Defensible Space Standards shall be incorporated around all primary structures. [Appendix G, FCSR]
20. 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 shall govern maintenance of the internal subdivision road. The road shall 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.
 - j. Lots shall not be further subdivided.
21. 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]
22. 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]
23. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]

CONSIDERATION OF ADOPTION OF RESOLUTION: STAGE 1 FIRE RESTRICTIONS

[1:10:41 PM](#)

Members present:

Chairman Robert W. Watne
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Mark Peck

Commissioner Brenneman made a **motion** to adopt Resolution 1954. Commissioner Watne **seconded** the motion. **Aye** – Watne and Brenneman. Motion carried by quorum.

Resolution No. 1954

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

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

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

NOW, THEREFORE, BE IT RESOLVED that, at the request of the Interagency Fire Committee, the Board of Commissioners of Flathead County, Montana, hereby establishes the following Stage I fire restrictions on all State forested lands and on private forested lands open to the public in Flathead County, Montana and the following acts or uses are prohibited:

- a) Control of Campfires

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

b) Control of Smoking

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

c) In addition to the prohibitions in Section 50-37-103, M.C.A., use of fire works during Stage I Restrictions is prohibited.

Exemptions:

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

BE IT FURTHER RESOLVED that the foregoing restrictions shall take effect at 12:01 a.m. on July 31, 2006, and shall remain in effect until rescinded by the Board of Commissioners of Flathead County, Montana.

DATED this 27th day of July, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By _____
Gary D. Hall, Member

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

ATTEST:
Paula Robinson, Clerk

By /s/Kimberly Moser

Deputy

10:00 a.m. Quarterly Jail Facility Tour

2:00 p.m. Commissioner Brenneman to attend meeting w/ Ray Thompson at Semitool

3:30 p.m. Commissioner Brenneman to attend meeting w/ Dave Sipe & Gary Marks in Whitefish

7:00 p.m. Special Fair Board meeting at Expo Building

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 28, 2006.

FRIDAY, JULY 28, 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 July 31, 2006.