
MONDAY, OCTOBER 9, 2006

COUNTY OFFICES CLOSED—COLUMBUS DAY

TUESDAY, OCTOBER 10, 2006

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

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

John Waller spoke regarding the COS for Ron and Nancy Gerard on property located on Capistano Drive. He spoke briefly about issues pertaining to the appropriateness of the COS and also stated that the Gerard's have a family transfer pending on property neighboring him in the Egan Slough area.

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

MONTHLY MEETING W/ JAY SCOTT, FAIRGROUNDS

[8:57:27 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Diana Kile, Jay Scott

Discussion was held relative to activities going on around the fairgrounds with the ski swap, gun show and auction all going well. It was stated that several applications came in for the Office Assistant position and they are in the process of getting ready to start interviewing. He then spoke in regards to the boat storage that is available at the fairgrounds. Discussion was also held in regards to horse racing and long term plans for the fairgrounds.

COS REVIEW: GERARD

[9:20:25 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Diana Kile, Jeff Harris, Kirsten Holland, Annie Thompson

Holland reviewed the Gerard family transfer request and spoke in regards to the violation of Intent for Resolution 509D.

Commissioner Brenneman made a **motion** to deny the Gerard family transfer request. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

CONSIDERATION OF ADOPTION OF RESOLUTION: CHANGE SIGNING AUTHORITY FOR FEDERAL TRANSIT GRANTS/ EAGLE TRANSIT

[11:20:15 AM](#)

Members present:

Chairman Robert W Watne
Commissioner Joseph D Brenneman

Members absent:

Commissioner Gary D Hall

Others present:

Assistant Michael Pence
Clerk Diana Kile, Jonathan Smith

Commissioner Brenneman made a **motion** to approve Resolution #1953A and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

RESOLUTION NO. 1953 A

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 Chairman of the Board of Commissioners of Flathead County, 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 Chairman of the Board of Commissioners of Flathead County, 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 Chairman of the Board of Commissioners of Flathead County, 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 10th day of October, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

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

By /s/Diana Kile
Deputy Clerk

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 October 10th, 2006.

By /s/Diana Kile
Deputy Clerk

MONTHLY MEETING W/ LAURIE REBUCK, JUVENILE DETENTION CENTER

9:36:20 AM

Members present:

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

Others present:

Assistant Michael Pence
Clerk Diana Kile, Laurie Rebuck

Discussion was held relative to the concern for the need of a quiet room where kids can be separated from others in the Juvenile Detention Center. It was stated that this is needed so attorneys can sit down and visit with kids in a private setting. She also discussed the current status of occupancy and stated that trends are starting to move towards keeping kids out of detention as much as possible. It was also stated that the building is adequate enough now if they only had a quiet room. Discussion also included the possibility that if a new jail was built that they could be housed in the new building.

DOCUMENT FOR SIGNATURE: MONTANA WOOL GROWERS ASSOCIATION MOU

9:27:47 AM

Members present:

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

Others present:

Assistant Michael Pence
Clerk Diana Kile

Commissioner Brenneman made a **motion** to approve the document for signature for Montana Wool Growers Association and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

OPEN BIDS: SOUTHSIDE TOWNHOMES SEWER PROJECT

10:03:00 AM

Members present:

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

Others present:

Assistant Michael Pence
Clerk Diana Kile, Sandra Fernandez, Mark Munsinger

One bid received from REB, LLC for \$82,887 with a bid bond enclosed for RSID 142.

Commissioner Brenneman made a **motion** to take the bid from REB, LLC under advisement. Chairman Watne **seconded** the motion. **Aye**—Watne and Brenneman. **Opposed**—Hall. Motion carried by quorum.

CONSIDERATION OF JUSTICE CENTER GENERATOR MAINTENANCE QUOTE

10:07:40 AM

Members present:

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

Others present:

Assistant Michael Pence
Clerk Diana Kile

Commissioner Hall made a **motion** to take the generator maintenance quote under advisement. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

PUBLIC HEARING: BEAR RIDGE TRAIL, SYLVINE LANE, ROCKY MOUNTAIN DRIVE, BEAVER CREEK RANCH ROAD, PARKER MEADOW ROAD AND PETERSON CREEK LANE ROAD NAMINGS

10:14:54 AM

Members present:

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

Others present:

Assistant Michael Pence
Clerk Diana Kile, Karen Yerian, Pete Wessel, Danette Finneman

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

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

Commissioner Brenneman made a **motion** to adopt resolution #1977, 1978, 1979, 1980, 1981 and 1982. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

RESOLUTION NO. 1977

WHEREAS, Flathead County has proposed to name a private road generally running southerly off an unnamed road which runs southerly and westerly off Spring Creek Road and located Government Lots 7, 8 & 14 Section 34, 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 October 10, 2006, concerning the proposal, after publication and mailing of notice thereof on September 24, 2006 and October 1, 2006; and

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

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running southerly off an unnamed road which runs southerly and westerly off Spring Creek Road and located Government Lots 7, 8 & 14 Section 34, Township 27 North, Range 21 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **BEAR RIDGE TRAIL**.

BE IT FURTHER RESOLVED that the naming of **BEAR RIDGE TRAIL** shall be effective on October 10, 2006.

Dated this 10th day of October, 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/Diana Kile
Deputy

RESOLUTION NO. 1978

WHEREAS, Flathead County has proposed to name a private road generally running westerly off Farm To Market Road and located in the W ½ W ½ of Section 20 and in the S ½ N ½ and N ½ S ½, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on October 10, 2006, concerning the proposal, after publication and mailing of notice thereof on September 24, 2006 and October 1, 2006; and

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

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running westerly off Farm To Market Road and located in the W ½ W ½ of Section 20 and in the S ½ N ½ and N ½ S ½, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **BEAVER CREEK RANCH ROAD**.

BE IT FURTHER RESOLVED that the naming of **BEAVER CREEK RANCH ROAD** shall be effective on October 10, 2006.

Dated this 10th day of October, 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/Diana Kile
Deputy

RESOLUTION NO. 1979

WHEREAS, Flathead County has proposed to name a private road generally running easterly off Parker Lakes Road and located in the SE1/4 of the NW1/4 of Section 12, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on October 10, 2006, concerning the proposal, after publication and mailing of notice thereof on September 24, 2006 and October 1, 2006; and

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

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running easterly off Parker Lakes Road and located in the SE1/4 of the NW1/4 of Section 12, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **PARKER MEADOW ROAD**.

BE IT FURTHER RESOLVED that the naming of **PARKER MEADOW ROAD** shall be effective on October 10, 2006.

Dated this 10th day of October, 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/Diana Kile
Deputy

RESOLUTION NO. 1980

WHEREAS, Flathead County has proposed to name a private road generally running southerly off unnamed roads which run northerly off Sanko Creek Road and located in the S ½ SE ¼ of Section 28, Township 31 North, Range 24 West, P.M.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on October 10, 2006, concerning the proposal, after publication and mailing of notice thereof on September 24, 2006 and October 1, 2006; and

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

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running southerly off unnamed roads which run northerly off Sanko Creek Road and located in the S ½ SE ¼ of Section 28, Township 31 North, Range 24 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **SYLVINE LANE**.

BE IT FURTHER RESOLVED that the naming of **SYLVINE LANE** shall be effective on October 10, 2006.

Dated this 10th day of October, 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/Diana Kile
Deputy

RESOLUTION NO. 1981

WHEREAS, Flathead County has proposed to name a private road generally running easterly off Montana Highway 83 and located in the NE1/4 of Section 35, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on October 10, 2006, concerning the proposal, after publication and mailing of notice thereof on September 24, 2006 and October 1, 2006; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **PETERSON CREEK LANE**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running easterly off Montana Highway 83 and located in the NE1/4 of Section 35, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **PETERSON CREEK LANE**.

BE IT FURTHER RESOLVED that the naming of **PETERSON CREEK LANE** shall be effective on October 10, 2006.

Dated this 10th day of October, 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/Diana Kile
Deputy

RESOLUTION NO. 1982

WHEREAS, Flathead County has proposed to name a private road generally running southerly & northwesterly off Emils Crest Road and located in the S1/2 of the SW1/4 of Section 12, Township 26 North, Range 21 West, P.M.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on October 10, 2006, concerning the proposal, after publication and mailing of notice thereof on September 24, 2006 and October 1, 2006; and

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

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running southerly & northwesterly off Emils Crest Road and located in the S1/2 of the SW1/4 of Section 12, Township 26 North, Range 21 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **ROCKY MOUNTAIN DRIVE**.

BE IT FURTHER RESOLVED that the naming of **ROCKY MOUNTAIN DRIVE** shall be effective on October 10, 2006.

Dated this 10th day of October, 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/Diana Kile
Deputy

MONTHLY MEETING W/ MARK PECK, OES

[10:41:09 AM](#)

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

Discussion was held relative to the fire service areas 911 dispatches in regards to the process, procedures and jurisdiction. It was stated that having the fire service area jurisdictions in place needs to be done and it was questioned again where the County Fire Warden position should reside. Discussion was also held relative to the joint use radio site in the Swan in regards to access to the site.

DOCUMENT FOR SIGNATURE: TITLE III/ AOA

[10:19:07 AM](#)

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

Commissioner Hall made a **motion** to approve the document for signature for Title III/ AOA. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

TAX REFUND: IRON FITNESS

[10:20:39 AM](#)

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

Commissioner Brenneman made a **motion** to approve the tax refund request for Iron Fitness. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

CONSIDERATION OF EXTENSION: SKY VIEW ESTATES 2

[11:18:27 AM](#)

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

Commissioner Brenneman made a **motion** to approve the extension request for Sky View Estates 2. Chairman Watne **seconded** the motion. **Aye**—Watne and Brenneman. Motion carried by quorum.

FIRST READING: ORDINANCE NO. 8/ LITTER

[11:07:17 AM](#)

Members present:
Chairman Robert W Watne
Commissioner Gary D Hall
Commissioner Joseph D Brenneman
Others absent:
Assistant Michael Pence
Others present:
Clerk Diana Kile, Jonathan Smith, Dave Prunty

Discussion was held relative to the road side litter issues along Hwy 93 and the method of solving the problem. Surveillance cameras are being installed near the entrance to help catch those whose loads are not secured. The cameras will be taking a

picture of the load, license plate and the driver and that will be the documentation for the fine. A month will be spent on education to let the public know what the new policy is before fines are implemented.

Commissioner Brenneman made a **motion** to approve the first reading of Litter Ordinance # 8 and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

PROPOSED AMENDMENT TO ORDINANCE NO. 8

Litter

WHEREAS, the Board of Commissioners of Flathead County, Montana, is authorized, pursuant to Sections 7-5-102 through 7-5-107 and 7-5-2109, M.C.A., to adopt an ordinance to control litter in Flathead County and adopted Ordinance No. 8 for that purpose, on July 20, 1998; and

WHEREAS, the Board of Directors of the Flathead County Solid Waste Management District has requested that the Board of Commissioners adopt an amendment to Ordinance No. 8 to delete the payment due the District when unsecured loads are hauled there, in order that citations for violation of the Ordinance may be issued in lieu of that charge, and the Board of Commissioners has determined that the following amendment to the Letter Ordinance is appropriate.

NOW, THEREFORE, BE IT RESOLVED that, effective 30 days after the second and final adoption of the following amendment, the following amendment to Ordinance No. 8 shall be in force and effect in Flathead County.

Amend Section Two, subsection D, by deleting that subsection, as follows:

Section Two. Violation of Ordinance - Penalties

A. It is a misdemeanor for any person to throw litter, deposit litter or cause litter to be left on any roadway or other land in Flathead County.

B. It is a misdemeanor for any person to haul garbage or trash to the Landfill or a container site operated by the Flathead County Solid Waste Management Board without containing, covering or otherwise controlling the load such that no garbage or trash may blow or fall from the vehicle.

C. Every person convicted of a violation of this ordinance may be fined up to \$200 for each violation.

~~D. Any person hauling a load of garbage or trash and arriving at the Landfill or a container site operated by the Flathead County Solid Waste Management District with a load that is not contained, covered or otherwise controlled so that no garbage or trash may blow or fall from the vehicle, shall pay a \$5.00 charge to the District before being allowed to dump the load at the facility.~~

BE IT FURTHER RESOLVED that following passage of the foregoing amendment on second reading, Ordinance No. 8 shall be updated to include the amendment.

DATED this 9th day of October, 2006.

ATTEST:
Paula Robinson, Clerk and Recorder

By/s/Diana Kile
Deputy

BOARD OF COMMISSIONERS
Flathead County, Montana

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

PRELIMINARY PLAT: CHERRY HILL YACHT CLUB, PHASE II

11:21:54 AM

Members present:

Chairman Robert W Watne
Commissioner Joseph D Brenneman

Members absent:

Commissioner Gary D Hall

Others present:

Assistant Michael Pence
Clerk Diana Kile, Jeff Harris, Kirsten Holland, Annie Thompson, Bob Erickson

Holland reviewed the application submitted by Dan Hogan for Preliminary Plat approval of Cherry Hill Yacht Club, Phase II, a fourteen unit condominium subdivision on 6.705 acres with technical assistance from Jackola Engineering. The property is located at 6675 Hwy 93 within the Cherry Hill Zoning District. Staff recommends approval.

Holland proposed that condition 16 be added to read; the common area shall be maintained by the condominium homeowners association.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP 06-48 as findings of fact. Chairman Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the Preliminary Plat of Cherry Hill Yacht Club with amended conditions. Chairman Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

CONDITIONS

1. The interior roadway shall be paved and consist of a 24-foot minimum width. [Chapter 3 and Section 5.4(A), Flathead County Subdivision Regulations]
2. The subdivider 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]
3. The subdivider will obtain and show proof of a completed approach permit from the Flathead County Road Department for access for

14 units onto Caroline Point Road. The permit shall indicate the approach has been built and received final inspection. [Section 3.8(A), FCSR]

4. The subdivider will dedicate a 15-foot bicycle/pedestrian easement on Caroline Point Road. [Section 3.18(A), FCSR]
5. 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]
6. The applicant will furnish proof of a contractual agreement between Lakeside Water and Sewer District and the applicant for sewer service to 14 residential units.
7. 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. [Section 3.14, FCSR]
8. The subdivider shall comply with reasonable fire suppression and access requirements of the Somers/Lakeside 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]
9. 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]
10. The applicant will 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]
11. The 4.676 acres of common area shall be maintained as recreational space and not further subdivided.
12. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All addresses will be visible from the road, and at the driveway entrance or on the house.
 - b. All utilities will be extended underground.
 - c. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
 - d. Defensible space standards and Firewise principles shall be incorporated around all structures.
 - e. Class A or B roofing materials are required on all structures.
 - f.

Waiver of Protest
Participation in Special Improvement District

_____ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes _____ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that _____ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. _____ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for _____ Subdivision.
13. All required improvements shall be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, shall be provided by the subdivider prior to final approval by the County Commissioners. [Chapter 8, FCSR]
14. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]
15. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]
16. The interior roadway and common area shall be maintained by a condominium/homeowner's association. [Commissioner's meeting, 10/10/06]

KH

PRELIMINARY PLAT: ORPHAN ANNER SUBDIVISION

[11:32:17 AM](#)

Members present:

Chairman Robert W Watne
Commissioner Joseph D Brenneman

Members absent:

Commissioner Gary D Hall

Others present:

Assistant Michael Pence
Clerk Diana Kile, Jeff Harris, Kirsten Holland, Annie Thompson, Marilyn Williams, Roger Williams

Thompson reviewed the application submitted by Roger W and Marilyn R Williams for Preliminary Plat approval of Orphan Anner, a two lot single family residential subdivision on 5.15 acres with technical assistance from Big Sky Surveying. The property is located at 3059 Trumble Creek Road. Staff recommends approval.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP 06-43 as findings of fact. Chairman Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the Preliminary Plat of Orphan Anner Subdivision. Chairman Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

CONDITIONS

- 1 The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626. Street addressing shall be assigned by the Address Coordinator. [Section 3.9(I)(7), FCSR] The addresses shall appear on the final plat.
- 2 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]
- 3 The developer will dedicate a 15-foot bike/pedestrian easement on the Trumble Creek Road and Wishart Road frontages.
- 4 Applicant shall include a storm drainage plan approved by the Flathead City-County Health Department and the Montana Department of Environmental Quality.
- 5 The applicant shall comply with reasonable fire access requirements of the applicable fire district. A letter from the fire chief stating that an agreement has been made shall be submitted with the application for Final Plat. [Section 3.20, FCSR]
- 6 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]
- 7 The developer shall provide written documentation from the appropriate USPS postmaster, indicating mail delivery requirements have been met. [Section 3.22, FCSR]
- 8 The developer shall contact the Superintendent of Schools and, if required, provide and improve a location for the safe loading and unloading of students.
- 9 The following statements shall be placed on the face of the final plat applicable to all lots:
 - g. All addresses will be visible from the road, and at the driveway entrance or on the house.
 - h. All utilities will be placed underground.
 - i. Lot owners are notified they are living in a rural area of Flathead County and delayed response times may be experienced from emergency service providers.
 - j. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
 - k. 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.

l. Waiver of Protest

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

- _____ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes _____ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that _____ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. _____ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for _____ Subdivision.
- g. This subdivision is located within the Glacier Park international Airport perimeter area and is potentially subject to excessive noise and disruption from the operation of commercial aircraft.
 - 10 All required improvements shall be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, shall be provided by the subdivider prior to final approval by the County Commissioners. [Chapter 8, FCSR]
 - 11 The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]
 - 12 Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]
 - 13 All water and septic systems shall receive final approval from the Flathead City-County Health Department and the Montana Department of Environmental Quality. [Section 3.14(A) and 3.15(A), FCSR]

AT

PRELIMINARY PLAT: DANCING CRANE PONDS #2

[11:35:50 AM](#)

Members present:

Chairman Robert W Watne
Commissioner Joseph D Brenneman

Members absent:

Commissioner Gary D Hall

Others present:

Assistant Michael Pence
Clerk Diana Kile, Jeff Harris, Kirsten Holland, Annie Thompson, Debbie Shoemaker, Dawn Marquardt, Pablo Andreani,

Holland reviewed the application submitted by Pablo and Veronica Andreani for Preliminary Plat approval of Dancing Crane Ponds #2, a three lot single family residential subdivision on 37.65 acres. The property is located at 2015 West Valley Drive, in the West Valley Zoning District. Staff recommends approval.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP 06-42 as findings of fact. Chairman Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the Preliminary Plat for Dancing Crane Ponds #2. Chairman Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

CONDITIONS

- 1 The subdivider 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 The applicant shall show proof of completed approach permits from the Flathead County Road Department, indicating the approaches have been built and received final inspection. Access for Lots 1 and 2 shall be onto Clark Drive and Lot 3 will access West Valley Drive. [Section 3.8(A), FCSR]
- 3 The subdivider will dedicate a 15-foot bicycle/pedestrian easement on Lots 1 and 3 at West Valley Drive and Lots 1 and 2 at Clark Drive. [Section 3.18(A), FCSR]
- 4 New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
- 5 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. Lot 3 is exempt from review until time of development as the parcel is over 20 acres in size.[Sections 3.14 and 3.15, FCSR]
- 6 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]
- 7 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]
- 8 The developer shall provide written documentation from the appropriate USPS postmaster, indicating mail delivery requirements have been met. [Section 3.22, FCSR]
- 9 The following statements shall be placed on the face of the final plat applicable to all lots:
 - m. All addresses shall be visible from the road, and at the driveway entrance or on the house.
 - n. All utilities shall be extended underground.
 - o. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
 - p. To comply with Section 3.34.080 FCZR, no lot shall be further subdivided, including Lot 3 (open space).
 - q. Lot 3 has not been reviewed or approved for individual sewer or water facilities or for building site placement.
 - r. Lot owners are notified of the presence of a gravel extraction operation in the vicinity which may contribute to noise, dust, and traffic in the immediate area.
 - s. This subdivision is located in an agricultural area and potential nuisances such as noise, dust, odors, and irregular hours of operation are to be expected. As such, the right to farm on adjoining properties shall not be restricted as a result of the development or occupancy of this subdivision.
 - t. No lot or open space shall be further subdivided.
 - u.

Waiver of Protest
Participation in Special Improvement District

_____ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes _____ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that _____ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. _____ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for _____ Subdivision.
- 10 The open space parcel (Lot 3) shall be clearly designated as open space on the face of the final plat. [Section 3.34.80, Flathead County Zoning Regulations]
- 11 The applicant shall record a deed restriction on Lot 3 (open space), prohibiting further division and dedicating the land as permanent open space with a maximum two acre building envelope. The deed restriction shall be filed with the Flathead County Clerk and Recorder and shall run with the land. [Section 3.34.080(1), FCZR]
- 12 The portion of Lot 3 located in the floodplain shall be designated as a no-build zone on the face of the final plat and natural vegetation shall be preserved.
- 13 All required improvements shall be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, shall be provided by the subdivider prior to final approval by the County

Commissioners. [Chapter 8, FCSR]

14 The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]

15 Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]

KH

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

WEDNESDAY, OCTOBER 11, 2006

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

8:00 a.m. Commissioner Hall to Great Falls for RC&D Statewide Association Conference
11:00 a.m. Commissioner Brenneman meeting w/Burlington Northern re: NTIP (till 5:00)
11:30 a.m. County Attorney meeting @ Co. Atty's Office
11:30 a.m. Long Range Planning Task Force Affordable Housing Committee meeting @ Earl Bennett Bldg.

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

THURSDAY, OCTOBER 12, 2006

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

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

Wallace Hill Best spoke in regards to the Flathead County Long Range Planning Task Force legal that was published in the Daily Inter Lake. He indicated that he was surprised that Commissioner Brenneman and Hall voted the way they did and stated that Chairman Watne voted the right way.

Dan Hendricks expressed his concern in regards to property that he and his wife bought last spring. They applied for a zone change out in the Evergreen area and he stated that they got a positive recommendation from the Planning Office and went through the Planning Board with hardly any questions asked. The zone change they are requesting would duplicate the zoning across the street in Camelot Estates. He stated that Montana Mapping informed him that the public comment period would be published and that didn't happen, he was then informed 2 weeks ago that it was not going to be published. He then stated that he wants to get the public comment period out of the way and do the Public Hearing and then continue the hearing if they don't have a Growth Policy in place.

Commissioner Brenneman spoke in regards to the possible litigation if they were to approve a zone change. He stated that the Growth Policy was in the hands of the Planning Board and their hands are tied as to what they can do.

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

MONTHLY MEETING W/ JEFF HARRIS, PLANNING & ZONING OFFICE

[9:18:18 AM](#)

Members present:

Chairman Robert W Watne
Commissioner Joseph D Brenneman

Members absent:

Commissioner Gary D Hall

Others present:

Assistant Michael Pence
Clerk Diana Kile, Jeff Harris, George Smith, Brooke Laidlaw Howard, Eric Mulcahy

Discussion was held relative to the quarterly activity report from the Planning & Zoning Office that was reviewed. He also spoke in regards to the Planning Boards progress on the Growth Policy, and it was stated that if they just go through the policies, neighborhood plan section and implementation section they could be done in 2 weeks, but the Planning Board is undecided about the mapping, which they feel does not have the detail they would like. His report also touched on the target date of October 15th, 2006, not being met. Discussion was also held relative to Somers Bay Villas that have been scaled back to 17 units now, instead of the 23 originally planned for.

CONTINUATION OF PUBLIC HEARING: BLASDEL ZONE CHANGE/ EVERGREEN & VICINITY ZONING DISTRICT

[9:36:14 AM](#)

Members present:

Chairman Robert W Watne
Commissioner Joseph D Brenneman

Members absent:

Commissioner Gary D Hall

Others present:

Assistant Michael Pence
Clerk Diana Kile, Jonathan Smith, Jeff Harris, Brooke Laidlaw Howard, Eric Mulcahy

George Smith spoke in regards to the continuation of FZC 06-15 Blasdel Zone Change/ Evergreen & Vicinity Zoning District

Eric Mulcahy spoke in regards to wanting to continue the Public Hearing again for 30 days.

Jonathan Smith spoke about the risks that are possible.

Commissioner Brenneman made a **motion** to continue the Public Hearing in 30 days. Chairman Watne **seconded** the motion.
Aye - Watne and Brenneman. Motion carried by quorum.

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

FRIDAY, OCTOBER 13, 2006

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

NO MEETNGS SCHEDULE

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