
MONDAY, OCTOBER 23, 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.

12:00 a.m. Commissioner Brenneman to DUI Task Force meeting @ The Summit

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on October 24, 2006.

TUESDAY, OCTOBER 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.

PRELIMINARY PLAT: PEACEFUL RIDGE SUBDIVISION

[9:23:44 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, Rebecca Shaw, Jim Burton

Shaw reviewed the application submitted by Kaveh Ruhi with technical assistance from Jackola Engineering for Preliminary Plat approval of Peaceful Ridge Subdivision, a minor subdivision creating two residential lots. The subdivision is proposed on 20.026 acres and is located south of Lakeside in the Conrad Point area.

Commissioner Brenneman made a **motion** to adopt Staff Report FSR 06-21 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve Preliminary Plat of Peaceful Ridge Subdivision as amended. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

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. An emergency access easement shall be sought along the on the easement on the east side of the property, which accesses onto Angel Point Drive. This access shall be utilized during a fire emergency only. Such an easement shall be maintained by mowing and brush cutting.[FCSR 3.8(C)1]
3. Only Class A or B fire rated roofing materials are allowed. [Section 3.21, FCSR]
4. Defensible Space Standards shall be incorporated around all primary structures. [Appendix G, FCSR]
5. The proposed water and septic treatment systems for the subdivision shall be reviewed by the Flathead City-County Health Department. [3.14 (A) and 3.15(A), FCSR]
6. If required by the postmaster, the developer shall provide a common mailbox facility in accordance with Flathead County Subdivision Regulations. [3.22, FCSR].
7. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All addresses shall be visible from the road, and at the driveway entrance or on the house.
 - b. All utilities shall be placed underground.
 - c. Lot owners should be aware they are living in a rural area of Flathead County and delayed response times may be experienced from emergency service providers.
 - d. The property owners association or road users' agreement will govern maintenance of the internal subdivision road. The road will be maintained, including necessary repairs, snow removal, and dust mitigation, to ensure safe all-weather travel for two-way traffic and to reduce negative impacts on air quality.
 - e. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
 - f. Lot owners should be aware they are living in an area mapped as an extreme wildfire area.
 - g. Only Class A or B fire rated roofing materials are allowed. [Section 3.21, FCSR]
 - h. Defensible Space Standards shall be incorporated around all primary structures. [Appendix G, FCSR]
 - i. 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.

j. 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.

8. Electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the utility companies. Utilities and easements shall comply with [Section 3.17 and 3.18 of the Flathead County Subdivision Regulations].
9. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Appendix C (I) (A), FCSR].
10. The final plat shall comply with the requirements of Section 2.7 (final plat process) of the Flathead County Subdivision Regulations. [2.7, FCSR].
11. Preliminary plat approval is valid for three years. . [Section 2.5(D)#6, FCSR].
12. All internal subdivision roads will consist of a 50-foot right of way and minimum 20-foot dust mitigated gravel 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 system shall be designed by a licensed professional engineer and, upon completion of construction, be certified by a licensed professional engineer for compliance with Flathead County and AASHTO standards. [Section 3.9, FCSR]
13. A formal homeowners association should be created to include all homeowners on the unnamed gravel road that runs east off of Conrad Point Road. A draft homeowner's association road maintenance agreement shall be submitted with the final plat.

RS

FINAL PLAT: DEER MEADOWS

[9:38:02 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, Rebecca Shaw

Shaw reviewed the application submitted by Joe Godsey with technical assistance from Flathead Geomatics for Final Plat approval of Deer Meadows, a subdivision creating four residential lots, located off of Conn Road, which is accessed off of Hwy 40 east of Whitefish. Preliminary Plat approval was granted on January 12, 2006, subject to 17 conditions. All conditions have been met. Staff recommends approval.

Commissioner Hall made a **motion** to approve the Final Plat for Deer Meadows. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

PRELIMINARY PLAT: SUBDIVISION NO. 196, LOT 1

[9:42:06 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, Rebecca Shaw, Brett Walchuck, Erica Wirtala

Shaw reviewed the application submitted by John Hirshfelder with technical assistance from Sands Surveying for Preliminary Plat approval of Subdivision 196, amended lot 1 that will create four residential lots. The subdivision is proposed on 2.319 acres and is located off of River Road in Evergreen.

Commissioner Hall made a **motion** to adopt Staff Report FPP 06-45 as findings of fact. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Hall made a **motion** to approve Preliminary Plat of Subdivision No. 196, amended lot 1. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

1. All internal subdivision roads 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 system 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 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]
3. 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]

4. The developer shall obtain and show proof of legal access to River Road, a 40' county road. [Section 3.8(A), FCSR]
5. A road identification sign and stop sign shall be installed at the intersection of Landscaped Blvd. and River Road. [Section 3.9(I)(8), FCSR]
6. A 15' bicycle/pedestrian easement shall be secured along River Road along the length of the subdivision.
7. The subdivider shall pay a parkland fee equivalent to the value of 2.319 acres of the unimproved, un-subdivided land. The subdivider shall provide a current appraisal from a certified MAI appraiser no sooner than six months prior to the final plat application to set the value of the parkland cash donation. [Section 3.19, FCSR]
8. The applicant will comply with access requirements of the Evergreen Fire Department. A letter from the fire chief stating requirements have been met shall be submitted with the application for Final Plat.
9. All utilities will be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
10. The lots within the subdivision shall be reviewed by the Flathead City-County Health Department and the Montana Department of Environmental Quality prior to final plat. [Sections 3.12, 3.14(C) and 3.15(C), 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 and Section 3.12(J), FCSR]
12. The applicant shall furnish proof of a common mail delivery location approved by the local postmaster. [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 shall be visible from the road, and at the driveway entrance or on the house.
 - b All utilities shall be placed 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, snow removal, and dust mitigation, to ensure safe all-weather travel for two-way traffic and to reduce negative impacts on air quality.
 - 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 Lots in the 500-year floodplain may be impacted by shallow flooding during a 100-year flood event. [76-5-103 (10) M.C.A.]
 - 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.
14. All required improvements shall be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, shall be provided by the sub-divider prior to final approval by the County Commissioners. [Chapter 8, FCSR]
15. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]
16. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]
17. The subdivision lots will be connected to Evergreen Water and Sewer and reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. A will-serve letter indicating provision of service to four residential lots shall be submitted with final plat. [Section 3.14(A) and 3.15(A), FCSR]
18. A 15' bicycle/pedestrian easement shall be secured along River Road for the length of the subdivision.

RS

FINAL PLAT: PHEASANT HAVEN, PHASE 2

[9:57:01 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, Erica Wirtala

Holland reviewed the application submitted by Brosten Farms, LLC for Final Plat approval of Pheasant Haven Phase 2, which consists of 12 lots in a major subdivision located at 515 Manning Road. Preliminary Plat approval was granted on April 5, 2004, subject to 12 conditions.

Commissioner Hall made a **motion** to approve the Final Plat for Pheasant Haven, Phase 2. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

SECOND READING: ORDINANCE NO. 8/ LITTER

[10:00:55 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Diana Kile, Dave Prunty, Jonathan Smith

Commissioner Hall made a **motion** to approve the amendment on the second reading of Ordinance 8 and authorize the Chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

ORDINANCE NO. 8

LITTER

WHEREAS, the Board of Commissioners 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 a Litter Ordinance on July 20, 1998;

WHEREAS, the Board of Directors of the Flathead County Solid Waste Management District has requested that the Board of Commissioners amend that ordinance to require that persons hauling garbage to the Landfill and container sites operated by that District without covering or otherwise controlling their loads in order to prevent littering on the roadways leading to said facilities, be subject to fine;

WHEREAS, the Board of Commissioners passed a proposed amendment on first reading to delete subsection D of Section 2 in order that persons hauling uncovered or uncontrolled loads to the landfill would be subject to fine; and

WHEREAS, the Board of Commissioners recognizes that littering along roadways to the Landfill and container sites operated by the Flathead County Solid Waste Management District is substantial and requires labor to clean up and control, and has determined that the proposed amendment should be adopted.

NOW, THEREFORE, BE IT RESOLVED that, effective 30 days after the second and final adoption, the following Ordinance shall be in force and effect in Flathead County.

Section One: Definitions

- (a) "Litter" is defined as trash, wastepaper, garbage or other material that is strewn about any roadway or property.
- (b) "Roadway" is defined as any forest road, private road, city street, county road, or public highway in Flathead County.

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.

Section Three: Jurisdiction

This ordinance applies to all of Flathead County outside of the city limits of the Cities of Columbia Falls, Kalispell and Whitefish.

Section Four: Severability

If any provision of this ordinance is held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision. To this end the provisions of this ordinance are declared to be severable.

DATED this 24th 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

- 1. Adopted July 20, 1998
- 2. Amended October 24, 2006

DOCUMENT FOR SIGNATURE: DPHHS TRAINING MEMORANDUM OF AGREEMENT/ AOA

[10:27:28 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 document for signature for DPHHS training memorandum agreement and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

FINAL PLAT: EAGLE'S CREST BLUFFS, RESUBDIVISION OF LOT 12

[10:22:10 AM](#)
Members present:
Chairman Robert W. Watne
Commissioner Gary D. Hall
Members absent:
Commissioner Joseph D. Brenneman
Others present:
Clerk Diana Kile, Eric Giles
Others absent:
Assistant Michael Pence

Giles reviewed the application submitted by Montana Mapping for Final Plat approval of Eagle's Crest Bluffs, Resubdivision of lot 12, a 2 lot major subdivision. The property is located off of Hwy 93, south of Lakeside. Preliminary Plat approval was granted on January 10, 2006, subject to 16 conditions. All conditions have been met. Staff recommends approval.

Commissioner Hall made a **motion** to approve the Final Plat for Eagle's Crest Bluffs, Resubdivision of lot 12. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

MONTHLY MEETING W/ RICK TREMBATH, FIRE WARDEN

[10:31:06 AM](#)
Members present:
Chairman Robert W Watne
Commissioner Gary D Hall
Commissioner Joseph D Brenneman
Others present:
Assistant Michael Pence
Clerk Diana Kile, Rick Trembath, Mark Peck

Discussion was held relative to a future site for the Bigfork Fire Station, and it was suggested that the ideal site would be the Forest Service Ballfield complex. He stated that they have not looked at anything extensively or in detail. The Board of Trustee's for the Bigfork Rural Fire District are seriously trying to establish a future site for the Fire Station. He spoke about going to the BLUAC and Steering Committee with the proposed idea of possibly locating several community services together at one site. The Bigfork Water & Sewer District is looking at getting their administrative office off site of the plant, and he then spoke about Mike Meehan possibly being interested in the concept of a satellite station in Bigfork for the Sheriff's Dept, Search and Rescue and the Dive Team. The mutual aid agreement will expire on January 1, 2007, between all the local fire and city fire departments; the draft for modifications for the agreement is out for review right now and will be signed again in January. A 911 Chief's meeting was held this month and there was consensus to do some organization of the group with by-laws and structure, as to what would constitute a quorum. He spoke about thinning Pacific Corp properties east of Bigfork which is a community effort to put a buffer around the community of Bigfork for wildfire protection.

CONSIDERATION OF EXTENSION: SWAN JUNCTION, LOT 1B

[10:27:49 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 of Swan Junction, lot 1B until January 6, 2008. Chairman Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

CONSIDERATION OF EXTENSION: TIEBUCKER, LOTS 1-4

[10:28:11 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 of Tiebucker, lot 1-4 until May 10, 2008. Chairman Watne seconded the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

CONSIDERATION OF RELEASE OF COLLATERAL: HAYDEN HEIGHTS AND LONE LAKE ESTATES

[10:28:42 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 release of collateral for Hayden Heights and Lone Lake Estates. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

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

Charles Myer spoke about a contiguous piece of property to the Haskill Mountain Ranch development that he and his wife have owned since 1977. He stated that it is a tree farm growing timber at present in a conservation easement. The property is 155 acres and of that 147 acres would be open area, not built on, common use space. The conservation easement states that 147 acres will be in timber production in perpetuity. The timber is old growth as well as young trees and is continually thinned and managed. He spoke about shelter breaks for wildlife and does not want to see it broken up and put into a huge subdivision. He wants it to be part of the eco system and wants it to be that way forever. He stated that profit is not his motive. He spoke about Charlie Johnson whom he feels is doing a fine job for the county; but when he wrote the letter to the Commissioners, he did not realize that Charles Myer, whose property borders the development, created a subdivision of his own by family transfers. He stated that Kirsten Holland would acknowledge the fact that it took nearly 3 years for him to do it the right way, so he has a regular subdivision. He stated that under the watchful eye of the Planning Board, he has learned a great deal and they have been extremely helpful to him and he can not say enough good things about the Planning Board. He spoke about him and his wife living in Lake County, where their home is, and then stated that he always wanted to live in Kila, but his wife got attached to the lake area. He then spoke about a man doing backhoe work for him wherein the man told him he had put in cisterns for people with 2 and 3 GPM. He then stated that he knows down where Charlie Johnson lives there is an artesian well, so there are good wells in the area. He then stated that what he would like to ask the Commissioners is what are we going to have if we have a subdivision without an adequate supply of water for the 74 homes? He spoke about the problems that could be caused for people already living there and stated that before they even get into Preliminary Plat that they should know what the limits of the water are going to be there. He spoke about his making provision for the people in the 2 lots that border Haskill Mountain Ranch. The 2 lots are going to be putting in a shared well next to Mount Creek in the aquifer that has most of the water. He then spoke about the provisions for them to take water from a spring that he has that is just across the road, that has adequate water for 2 homes, although the water will have to be piped under the road, which he stated that they will have to work with Charlie Johnson on getting the water across somehow. For an example of how he is trying to do things right, he is putting in an advantix septic system, which is the best that you can do. He is doing that to make sure run off and sewage is going to be taken care of in the best possible way, through a monitored system. He suggested that it would be something to look into even though it gets into your profit. He also said that he could be corrected on this, and stated that a few years ago he was reading about a property trade between land that had been purchased and someone was planning on trading the land for some other land with DNRC or FWP. There was going to be a trade and the trade fell through and he feels that we have probably put the square peg in a round hole and have had to turn that into a profit making situation, because of the failure of this idea. He stated that it was suggested for fire that they could take 600 GPM from Mount Creek and set up a fire station there, because Smith Valley would take care of fire coverage. He then spoke about the fire coverage in this size area, which has been stripped of its timber efficiently by Plum Creek, leaving brush and no plan for managing brush that he knows of. He spoke about subdivision roads not being paved, then stated that we are going to trade not paving the subdivision road for paving 4 miles of the road and then said, that is the carrot that is dangled in front of us, and if we get that then everything else is okay, and he then said it is not okay and he does not care if it is Plum Creek or who should pave the road going to the subdivision, that it should be a contingency taken care of by them. He also said he knows Charlie has a few lots that he is going to be selling and Charlie then interrupted and stated, no, he does not. He then spoke about Mount Creek not being able to give you a 100 GPM and that if you went down to look at it, there is hardly any water rolling through there at all.

Mike Meshke, a registered sanitarian and an environmental professional for 17 years, spoke in regards to presenting in brief a critique of the environmental assessment for Haskill Mountain Ranch, which was bought and paid for by his clients in Kila. He stated that the EA is booked out into several sections, the first one being geology and it requires mapping, the instructions say that it requires mapping and the map is not provided. Wildlife requires a response to what major species of fish and wildlife use the area to be affected and the response fails to mention species found readily in published literature, such as the trout and lynx. The response fails to mention the presence of a wolf pack, and also fails to provide references or a source of information for what they did provide. The applicant did not adequately address the question. The county instructions require the applicant to locate on a copy of the plat any known or important wildlife areas and habitat for rare and endangered species. The narrative fails to mention the proximity to the US National Forest, in which it borders the forest for one mile plus. It fails to mention the lynx again, designated threatened by the Forest Service and sensitive by the BLM. The FWP specifically expressed concern in regards to a wolf pack using this land in correspondence for this project. Cutthroat trout listed for this stream are designated sensitive species. The applicant failed to provide a description of the information sources they examined or agencies that they inquired upon, in order to prepare the EA. The aforementioned species are listed either in the literature or correspondence subsequent to the EA. The plat contained none of this information, and the EA is incomplete and inadequate. The EA described large lot character as a measure to reduce impact on wildlife; 27 of the 74 lots are less than 5 acres, 66 are less than 10 acres and that does not meet the existing master plan criteria and the analysis about reducing impact is not described. References and sources for the measures that they selected and the support and rationale is not provided. A comparable area of properties in proximity to National Forest and significant wildlife habitat is the North Fork, with minimum allowable lot size there being 20 acres. He stated that cookie cutter planning with looping roads, small lots and multiple rounds of fencing does not suggest thoughtful or careful consideration of measures to mitigate impacts on wildlife or habitat degradation. The plan is consistent with the immediate and direct interruption of wildlife and degradation of the habitat, a significant amount of which is already occurring in anticipation of Preliminary Plat approval. The agricultural section requires a description of current agriculture uses adjacent to the land; the EA failed to mention the neighboring cattle ranches and local open grazing practices, this was an inadequate response. Fences to manage cattle are referenced in a return correspondence in the file, subsequent to the EA. Impacts of

wildlife habitat and the fencing were not addressed in the EA. The responsibility of the applicant to prepare a thoughtful and competent EA was not met. Examination and analysis of potential impacts to wildlife and agriculture practices were not conducted. Part D requires a description of steps to minimize conflicts with agriculture uses, the response in the EA was N/A. A fragmented submittal with exhibits not referenced, within the EA does not constitute an adequate or complete EA. Examination and analysis of potential impacts and agricultural practices were not completed, the EA is incomplete. The EA directs a way to attach a report for the sewage treatment discussion; the descriptions in the attached report do not meet the criteria set forth in the administrative rules, such as texture, structure, and color staining. Of the 74 lots, 57 do not have test hole data, and 11 of the remaining 17 test holes are not completed within 25 feet of the illustrated drain fields. Thus, 6 test holes are relative to the proposed 71 drain fields, and 6 of 71 or 8% is not considered adequate, this is compounded by numerous bedrock outcroppings, which were not mapped. This Preliminary Plat is not in compliance with the NCA or the administrative rules. Again, sewage treatment requires that the depth of ground water at a time of year when the water table is nearest the surface must be provided, the data is not provided, the EA is incomplete thus, the Preliminary Plat requirement is not met. Section 8; water supply the EA directs the reader to the attached enviro tech report, a one page cover letter does not constitute a report or does it address the question in full accordance with the EA instructions. The attached well log report does not contain data for a pumping water level, recovery water level or recovery time, the EA did not contain the evidence of the quantity of the water supply, or the anticipated reservoir volume and the source of the information, the EA is inadequate. Another report that was provided by the applicant the PBS&J Report concurs with his observations that the data required for accurate analysis is omitted from the on site well logs. Several items contained in the PBS&J Report reflect their concern regarding the available data, such as 43% of the wells in the vicinity do not meet production standards and of the remaining 57% which is 31 wells, only 12 are bedrock wells. Thus, 22 or 42 wells are bedrock, similar to those proposed for Haskill Mountain Ranch, which nearly half fail the DEQ criteria. The PBS&J Report thus states correctly that the true year of the on site well can only be accurately determined when the depth of water and pumping rate is monitored. The statement is related in the conclusion draw down and recovery data was not presented on the well log, which prohibits a truly accurate determination of well yield. The PBS&J Report does not suggest, estimate or conclude that sufficient reservoir or volume exists for 74 homes; an objective stated in the introduction. Section 9, is drainage and the response for EA for erosion control includes a description of fencing, straw bales, rip-rap, hydro-seeding and other items prior to construction of roads. He then spoke about being on the development site last year and the construction of 5-6 miles of road was reportedly under way, prior to application for subdivision. He then stated that to imply that the road construction has not begun, within the EA is disingenuous. Further, the files contain no evidence that the developer is following their self imposed instructions for erosion control, since construction disturbance of greater than one acre requires a general permit for construction activity, obtained from the DEQ and Water Protection Bureau. Calls to the DEQ yesterday, indicate that this permit has not been obtained, nor has the developer reportedly submitted the required notice of intent or storm water pollution prevention plan. Section 1, is roads of the EA and it requests a discussion of the capability of the existing roads to safely accommodate the increased traffic, including conditions with and current traffic flow. The EA fails to mention Kila Road, a narrow road with no shoulder or sidewalk, with children using the road as well as adults, with it being a country community and rural school area. The narrow road and absence of side walks to the school justify improvement, prior to approval of another 700 vehicle trips per day, much of it being heavy. The EA fails to discuss traffic flow, although it discusses heavily the paving of Browns Meadow Road, but nothing else. The EA fails to mention intersections on Kila Road; the east intersection is poor with no speed up, slow down or turn lanes, and the west intersection is, enter at your own risk endeavor. Smith Lake Road was not addressed and current traffic flows were not provided; it is an inadequate EA. It was stated that he could only make one recommendation as a result of the review, and that being that the proposal should be conditioned to 20 acre lot sizes or rejected out right, due to the following factors; the inadequate EA, too dense, out of character, endangering wildlife habitat and big game winter ranges, proximity to national forest, federal lands, environmental degradation without a permit and the Planning Boards findings of fact. The facts are supported by law and the Haskill Mountain Ranch proposal is inconsistent with several other laws.

Jeffrey Hutten spoke of his comments to the Planning Board both written and oral, and before the last meeting here, written and oral comments also. He stated that he has two points that he wants to touch on from the findings of fact delivered to you by the Planning Board. The emergency egress issue, he believes is still very much an issue at play. He stated that Commissioner Brenneman at the time, expressed concern that the emergency access may not be permanent and the attorney for the developers, Ken Kalvig sent a letter dated October 19, 2006, wherein he stated that there are two easements that solve the problem. He then stated that he believes one of the easements is defective, for the purpose that they want to use it for, yet it was stated that it may be something that they can mitigate, and then spoke about it still being an issue in play. He explained why this is an issue with the original easement between the Forest Service, US and Burlington Northern, granted from the US to Burlington Northern, across their land to access Burlington Northern land and Plum Creeks, which was owned by Glacier Park Co. at that time, the Mount Creek Powder Creek Road #2984. He spoke about the problem being, that the grantor also grants a perpetual easement along and across that certain easement acquired from the GR Creek Company, by deed dated February 24, 1971, which is now Stoltz. What they did with the standard easement from Kirk to the US, which can be assigned in case the US doesn't own it and sells the land, it is a perpetual easement. However, he believes that the US does not have the right to grant that easement onto Burlington Northern, because it was not there's to grant, they did not own the land. It is equivalent to and analogist, to if he was to give his next door neighbor an easement through his land, to his land, to get to his house, that would be a perpetual burden on his property, and it would be a right, that he would have with his property, but he then could not go to the next guy on the road and give him the right to go through his property, it increases the burden and it can not be done. This is what he feels is defective and he thinks that this issue is still in play and probably should be looked at by the county attorney's, before it goes any further. He then spoke about the letter from Mr. Kalvig to the Planning Board that mentions that the density is great near the proposed development, and he stated that it was not the way you do a density analysis. He spoke about his profession in being a GIS Analyst, and stated that he has his own business and does mostly EA's and a lot of irrigation and water rights work. He stated that density is referred to as a certain number, within a certain unit of area, such as people per square mile, or in this case he used homes per square mile, because the censuses data is very course and goes off up into Kila and over to Rogers Lake. He then said that what we do know that as of August 2005, there were 77 homes in the Mountain Creek drainage and the figures are here with Plum Creek being the biggest owner, private land owners with 9,753 acres with the density on private land as 5 homes per square mile, or one home for every 127 acres. This proposed subdivision has a density of 89 homes per square mile, far greater than the existing density. He stated that this is really of all the findings of fact the biggest issue. If the development goes in it will go from 5 homes per square mile to 10, which will double the density, double the traffic and double the septic systems. He then also stated that the map shows dramatically the extra homes coming from the development and stated that this would be a piece of urbanization dropped into a rural area. He then said that it is urban density put into a remote rural area, and he spoke in opposition for that very reason. The easement thing he thinks can probably be worked out, but density is the big issue here and he hates to see it go that way.

Daniel Moore spoke in regards to his feeling that he agrees with Jeffrey Hutton and the findings of fact from the Planning Board in that the density in this area is way too high and not in keeping with the rural character and nature of the greater Kila area. He stated that putting a big major subdivision, suburban type project into a rural agriculture area does not feel right. He then stated that he has looked at a lot of maps and they have a little bit of open space dedicated within the area, but most of the open space is along the side of Browns Meadow Road and part of it across Browns Meadow Road from where the subdivision is. There is a

little tiny sliver of their property that is on the east side of Browns Meadow Road in that area and the rest is along the Mount Creek steam bed, which is very steep and that is what is set aside for open area. There are three more sections of Forest Service land out to the left, another 2,100 acres that they are not even addressing right now, that has had major road improvement work done in the area. He also stated that precedent setting for what is going to happen with the other 2,100 acres, which is if taken all together it is the same land area and size as to what is on Browns Meadow Road from the north down to the entrance to the Haskill Mountain Ranch. He stated that they don't have any idea as to what's going on out there with it basically being all open area and public domain until possibly about 10 years ago. It is hard for him to look at this 500 acre subdivision and think of it as being open space in there now and he is in support of the Planning Boards denial of the project.

Diane Sande lives on Spring Hill Road and spoke about her biggest threat for this whole thing being water. The last time she was here before the Commission it was 52% of the residents had good wells, and that leaves 48% that did not have good wells. She then questioned that if we drill one well with 22 GPM, then that means that we can do 77 or 74 and its going to work out. She commented that she made it through school, and then stated that it does not make good math sense to her. She then stated that she has talked to people who are tickled that they are going to get their road paved, so that they can sell their land. She stated that the people you see here today aren't selling, that they want to stay there and live there. She then spoke about them not even having a clue, that if you punch 77 wells and you have no water that you are not going to sell, no matter how pretty the road is. She stated that if they want pavement, every city around here has pavement, feel free to move in, I want to move out. She spoke about the elk that were across the road from the Cottage Bar this past weekend that move to those areas for there cover. One place that they use to go has already been completely decimated. She stated that the Planning Board made there points, they did the work that they are paid to do, and we need to follow what they have to say, because they are making sense. Just because the land is for sale does not mean that we have to put a subdivision in it.

Debbie Holt spoke in regards to her questioning if the project had met all the legal requirements by law. She stated that she is not talking about theories or what people want to do, she then said that Kila is not a private kingdom, although there is private land for sale that you can buy, or she can buy or some can pool their money together to buy and do whatever they want to with the private land, as long as they are keeping with the laws and regulations, just like any other development, that this is not an exclusive development. She questioned whether the gentleman that was talking about all the EA requirements as to; he said they did not do this, and they did not write that down, or hand this or that in. She then asked if all the developments are required to do that with all the reports and information, and whether they comply with everyone's high standards, with everyone having a different standard and opinion. She then stated that we all have different reasons for living in Kila, but it is not a private domain and she feels like this is being run by special interests and discrimination. She stated that is the way she is feeling as well as many others also. She then questioned, is it special interest? She said she is not trying to hurt anyone's feelings and she likes that people live the way they do in Kila, but stated you can't impose your life on me. She wants a better life and she thinks that what is being offered would give her a better life and she does not mind that there are going to be 74 homes. She questioned whether there was any substantial evidence that they are going to run out of water, and also questioned if there was any documented evidence. She stated that she would like to see on paper that this is going to be bad, because she does not feel that it is bad. She spoke about there being letters from those that do not feel it is going to be bad and from those that are in favor of the subdivision. She then spoke about guidelines and safety with the septic systems having to be complied with and things like that and that if you don't like the way it is run, then she stated that she thinks you ought to run for office and raise the bar. It was stated that the bar is set at a certain standard and if somebody meets that criteria, can you legally tell them we do not like that you want to do this, and we do not feel this way. She stated that this is run to much on what everybody feels like and what every body wants to do and how they want to live and we need to go by written laws and regulations, and if you do not like it anymore, then you need to raise the bar higher and make it more difficult an tell them that they have to have an 200 acre environmental information report, and you did not do that. Nobody did that for these people and it is for sale, for whomever, wants to buy it.

Colleen Wade spoke about her concern with the density and stated that she is not a GIS Analyst, but she is a librarian and she can do research, and this is the map that she came up with from the Montana State Library. She explained the map that was handed out to the commissioners, and stated that all the white area is un-inhabited and all the green area is 0-2, population per square mile, the yellow area is 2-20 people per square mile, so we are talking about the subdivision proposal that is right in the center of the map. It was stated that 74 homes with an average of 2 people per home, which would be approximately 150 people, so that puts us in the red category. So when looking at the map the only substantial red you could see, would be all the way down Batavia so there is going to be a red square right in the middle of the map, and she stated that it seems to be out of character for the area. The second map being a similar well density map; in this area there are 32 square miles around the proposed area, with this map being 11 square miles across in diameter, so in this area, she came up with 57 wells, so they would be talking about all these dots right here, plus about 20 extras going into another box right in the center of the map. And again, that seems out of character for the area. She then stated that the last time she was here when she spoke about the EA, which she still feels is inadequate and that it is a very important point especially in light of Kitty Curtis's recent decision on DEQ requirements. She stated that she thinks we need to look at that seriously in an area like Kila that has a well documented history of spotty and low producing wells, with the fractured bedrock geology, which is a problem well wise. She then spoke about connecting the EA with her concerns as far as the Kila objectives go with the master plan and she feels they are very connected. She spoke about the developer making the argument that it is not necessary to comply with all of the master plan guidelines goals and objectives, but that they should at least make an honest effort to comply with the Kila section where it does apply to them. The first one is where private dwelling or parcels adjoin farmlands; the existing agriculture orientated uses shall have priority. The EA did not only give priority to the adjoining farmlands, it failed to even acknowledge them. Since then there has been some discussion in that it looked like their lawyer implied that there was a resolution to that, but according to Darwin Marquardt that has not been resolved. There is nothing in writing, they have talked about it but nothing has been done. A proposal has been given to the developers representative and they are going back to the investors and he has not heard back. There was some new information last time they spoke about forest service leases, which the Marquardt's have on the western boundary. The developers from what she understands were not aware of the leases, and that area would also have to be fenced, so this is still on the table also, not being resolved in Darwin's mind. There is no written agreement, and he is concerned that possibly the developers didn't really understand that Montana is an open range state and that you are responsible to fence animals out, not in. She stated that she thinks it's important that it was not even acknowledge that there was agriculture in the area, let alone any mitigation in handling it. The second one is the water sources, with a lot of talk about the enviro tech report and the EA and as a lay person there is no summary, in that where she can determine from the report what the experts have concluded, as to whether or not there is a sufficient water supply, so she looked at the PBS & J Report, which is far more professionally done and complete with there being 42 wells in 39 sections, which is a far cry from putting 74 wells into less than one section. In the last sentence of the report they say that there is adequate water for one single family dwelling, nowhere in the report does it say that there is adequate water for 74 homes, in less than a square mile. Another objective is all subdivisions on productive timber lands provide a clause for selective cutting; the covenants for Haskill Mountain specifically prohibit selective cutting in the subdivision. The next objective being; existing economic basis related to stable population growth and she stated that you can see from the population map that the latest statistics, which she found from December of 2005, show that the

population for zip code 59920 is 1,023 people. If you estimate 150 people in this subdivision, which would be an increase of 15% in a very remote location away from services and that doesn't seem to be in character with the area. The last being the general majority of landowners in this area would like to see it remain much as it is with large open areas and low population density. She then spoke on a personal note in regards to her family in the spring and fall driving cattle from her property to state leased land on Browns Meadow Road, just south of the proposed development. With the development of this size it would not be safe for them to do that any longer; they would have to discontinue driving cattle on the road and it would be too bad for them to have to lose that tradition in the rural area. It was stated that once the traditions are lost the character of the community is changed. In conclusion she spoke in support of the Planning Board recommendation and is urging the denial of the proposal based on the incomplete and inadequate EA as well as the lack of compliance with Kila objectives in the master plan.

Valerie Kurtzhalt spoke about comparisons made with two other developments that have recently been approved, that being Ashley Lake and Haskills Pass. Although, there may be similarities in terms of development size, location and habitat type, which must be taken into consideration, but they are not in Kila and for that reason they cannot be compared to Haskill Mountain Ranch. It is her understanding that both these developments are involved in litigation, which makes one question, as to if they have been approved as submitted, and if big game winter range is involved; the one unit for 20 acre requirement and the master plan should have been upheld. The fact that this may not have been considered should not influence your decision to do so now. The impact that this development will have on the small community of Kila cannot be mitigated with a promise to pave 4 miles of Browns Meadow Road. She stated that she has many questions about this and thinks we need to put it in perspective, she believes it is short sighted and self serving. She questioned how it could make Browns Meadow Road any safer, because it still does not change the fact that it is a narrow winding mountain road. The increased traffic on Kila Road was questioned as to how it would affect the small community, which includes an elementary school. She stated that folks tend to drive faster on paved roads and combined with the additional traffic along with construction traffic, she feels Browns Meadow Road could be a hazardous nightmare in the future. It may seem up front to benefit local residents, and she does not blame them for finding this generous offer desirable, but it is obvious that Haskill Mountain Ranch will be the only one that truly benefits, as they continue to bring developmental proposals to the table. She recently hiked up Haskill Mountain on a forest service road and stated that the developer claims to have no plans at this time for the remaining 2,100 acres they own, but if this is in fact the truth, she would have to question why they have an extensive and sophisticated road system as far as the eye can see. She provided photographs for this and then stated that this is outside the 500 acre area and that people without plans don't spend that kind of money. The extent of this kind of road building resulting in out of sight expenditures before Preliminary Plat approval serves only to put inappropriate pressure on you, the county commissioners and also the planning staff and the local citizens. She questions how ethical this practice is. In Mr. Kalvig's letter documenting Haskill Mountain Ranch's compliance with the master plan; it is obvious that he went through the master plan with a fine tooth comb to pick out any goal or policy they believe they are in compliance with. As a result she found it interesting that there was absolutely no mention of any one goal or objective that is under the Kila Community Plan. In her opinion some of the stated goals and policies were taken out of context and are misleading. The appropriate buffer zone along Mount Creek seems to be the issue to use to show compliance with multiple goals and policies under the parks and recreation and water and water front development sections. Certainly, they are in compliance, but it seems they are using the one requirement to imply that they have taken measures to mitigate impacts on sensitive wildlife habitat, when actually they have not. There is no consideration on the plat map for these 530 acres for appropriate open spaces, wildlife corridors or density impacts. They have simply chosen to be in compliance with what suits them, totally disregarding what is in her opinion, the most important compliance issue, which is policy 4.7 addressing appropriate density in this critical big game habitat. In FWP clarification letter recently submitted, Gayle Bissell stresses that there will be significant impact on the movements and wintering habits of big game. She describes this area as having once been part of the national forest system, having very high wildlife values; she has talked with the developer about providing open space within the proposal for migrating and wintering animals, and has suggested developmental tools to direct development away from sensitive areas. It appears there has been no attempt by Haskill Mountain Ranch to mitigate there impact on this critical big game winter range location, and in fact they are placing all the responsibility for mitigation on future homeowners, through un-enforceable plat notes and covenants. She then stated that she thinks this is irresponsible and with there continued refusal to comply with 4.7 addressing appropriate density further validates there lack of concern for the impact there development will have. In addition, since Haskill Mountain Ranch owns an additional 2,100 acres, she stated that she has serious legitimate concerns. She stated that the unanimous recommendation of denial by the Planning Board was appropriate and she also believes the EA is inadequate, and is urging the denial of the Preliminary Plat application as submitted.

John Weaver stated that he is a business and land owner in Flathead County and while he does not own property immediately adjacent to the Haskill Mountain Ranch, he spoke about his unique relationship to the land in that his uncle was the timber supervisor for Rainer and managed 1,800 acres of the contiguous land, and that is where he got to hunt and fish as a result of his relationship to his uncle. However, he stated that what it seems to him that it has boiled down to, is that people have a passion that live in that area, against a landowners right to do what he needs to do with his land. He then stated that we have literally thousands of acres that have been set aside for wild game habitat by way of the National Forest Service and other federal agencies that have a tremendous amount of Montana tied up in public lands. Why it is now on the back of the private land owner to provide additional habitat is beyond him and he then spoke about the wolf pack issue and there relationship to the county and then stated that it is hard to swing a dead cat in Flathead County without hitting some kind of wildlife habitat. He spoke about living in the dreaded Happy Valley area, and stated that they have probably got one of the largest whitetail and turkey populations around, with it being a much greater density than anything that has been proposed by this development. He then spoke about hearing EIS's and PB&J and the criticisms of the road building in the area and he stated that he has personal experience with the gentlemen that built these roads, as he built the roads to Hope Ranch and Star Meadows as well, and stated that he is a consciences man that does a good job and is just as concerned about the environment as anyone in this room. He spoke about urban density and is not sure how this could be considered urban density when he has lived in urban areas and certainly this area has nothing to do with an urban situation. He appreciates the people that live in this area and there concerns for this and is urging the commissioners to apply some common sense and recognize that we have an area that is desired by everyone it seems in the country. He stated that we are going to have more people move into this area and it seems to him that the developer has offered some concessions to mitigate the impact, including pavement. He spoke about the discussion earlier on litigation on 2 similar developments in the area, and he thinks it is important to note that litigation has been brought by the developer, not by the county. The county does not want to pave and this developer has agreed to pave as a part of his plan. He is urging them to look at this as a well planned and well thought out opportunity, with these being the ones that we want to approve, the ones that we don't want to approve are the ones that come with little planning.

Kathy Myer spoke about living across the road from the development and stated that she and her husband were at the planning meeting and she thinks that the solution that the planning committee came up with was an adequate one. Some of the things that were discussed in regards to this all looking good and them not hurting anything, but other things were discussed at the planning meeting with the possibility of fire with all the property running up hill and having all of Plum Creeks slash and the left over's from logging, rather than having a healthy forest that could perhaps stop a fire or slow one down. Another issue is that we are going to swap the 6 miles of road within the development for the 4 miles that we will pave out here. She then stated that she didn't know what the agreement was now. They were told that would probably be just fine, because these are only going to be

vacation homes and people won't drive fast, so there won't be any dust problem. She stated that she did not think so. She questioned the water supply for fire suppression and spoke about the water that they are already taking for homes, which really isn't going to be there. She spoke about having to improve the road through Kila by widening it in order to bring in fire trucks and emergency units through there to deal with everyone's problems, and she feels they are going to get a bad swap. You have made a good deal for these people on selling their first 74 homes and everyone else will have to deal with the problems, and in her opinion she stated that she feels they are wiser than that.

Ken Kalvig spoke on behalf of the applicant and stated that Erica Wirtala, Greg Carter and Jeff Raper were there as well for their client. He stated that because they were there talking about a subdivision, it is his understanding that there is an opportunity to discuss issues and mitigation of issues and that they would have an opportunity to address the commissioners outside of the public comment portion, and if that is correct, he stated that he would reserve his comments for that time.

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

PRELIMINARY PLAT: HASKILL MOUNTAIN RANCH

12:15:00 PM

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, Rebecca Shaw, Jeffrey Hutten, Daniel Moore, Greg Carter, Cathy Myer, Charles Myer, Ken Kalvig, Lee Gautier, Tom Sands, Debbie Holt, Erica Wirtala, Olaf Irving, Diana Sande, Mike Meshke, Valerie Kurtzhals, Colleen Wade, Jeff Raper, Charlie Johnson, John Weaver

Holland reviewed the application submitted by Haskill Mountain Ranch, Inc. with technical assistance from Sands Surveying for Preliminary Plat approval of Haskill Mountain Ranch, a major subdivision that will create 74 single-family residential lots on approximately 530 acres off of Brown's Meadow Road. On August 10, 2006, this application was sent back to the Planning Board for clarification on findings of facts. The Planning Board did recommend denial of this subdivision with a unanimous decision of 8-0. The board did vote to amend conditions 2, 4, 15 & 17 and add conditions 22 & 23.

Holland summarized the letter received from FWP in regards to Ms. Bissell meeting with the realtor and the developer working with Haskill Mountain Ranch and she gave them information including updated maps showing the winter range area and also discussed wildlife friendly fencing with them and indicated that she encouraged the developer to include more open space and perhaps designating building envelopes on the lots to direct development away from wetlands, ravines, ridges, streams and other habitat traveled corridors. She indicated that she understands that no changes have been made to the original proposal as a result of the meetings and then stated that the developer still would have an opportunity to make these changes whether through a revised Preliminary Plat or if they didn't violate the subdivision regulations they could be made between Preliminary Plat and Final Plat, but planning staff would like to see the changes before Final Plat, if they were incorporated and the project were to be approved. It was stated that there would be significant impact from development of this site and stated that she was unaware of policy 4.7 in the master plan that indicates that non-riparian and big game winter ranges should observe a 20 acre density as a guideline through the master plan. It was indicated that the cluster development with small lots leaving 10 to 20 acre blocks of habitat open would lessen impacts on wildlife and be more consistent with the master plan designation.

Holland spoke about the findings of facts that the Planning Board clarified after it was sent back on August 10, 2006, staff indicated to the Planning Board that they would need to go into a little more detail on their findings of fact. This ultimately was discussed September 27, 2006, under old business on the Planning Board's agenda. Staff prepared some language for them to work from and the result of that language resulted in 4 findings. Originally they addressed density, wildlife impact, emergency egress, rural remote nature of the subject property, steep lot sites on 9 and 10, and then also the 20 acre policy 4.7 of the master plan. The emergency egress finding was eliminated. A letter was shared with them that was received from the USDA and Forest Service that indicated that use of the road for emergency fire egress is acceptable without improvements and that the applicant could consider it at this time for the county for approval. It was stated in Mr. Amblekamp's letter that this is not an easement and this letter in no way assures the road will always be available, but as long as we maintain the road on our inventory, emergency egress is available without any permit requirements. Their findings in regards to density state that it does not conform to development of the surrounding area and that 67 of the 74 lots are under 10 acres in size, with lots ranging from .25 to 30.023 and therefore, the proposal does not conform to the character of the surrounding area. Finding of fact 2 addresses policy 4.7, in that it does not conform to the master plan policy guideline of one unit per 20 acres and they used the information received from FWP in their first agency comment in making the assessment. Finding of fact 3 states that the site is in a remote rural area with limited public and emergency service and that the site is a high fire hazard area and is approximately 6 miles from the nearest fire station, which would be Smith Valley. Finding of fact 4 states that lots 9 & 10 are unsuitable for a building site placement as neither contains an appropriate area for sanitary sewer facilities; the lots are steeply sloped averaging over 30% in some areas. Regulations state that section 3.3 that lands of this classification are not suitable for subdivision. The applicant since that time has given them a proposed condition of approval, being that condition #2 would change paved to gravel for the internal subdivision road, condition #3 would indicate a permanent emergency egress, which would secure 2 routes in addition to the primary access point. They are asking for additional language in condition #15 to clarify the stream buffer zone and they are adding on their document proposed condition #22 & #23. Planning Board has already added a condition #22 & #23. Condition #22 added by the Planning Board states that no lot or open space shall be further subdivided, which is also addressed on the face of the Final Plat in condition #17-C and then condition #23, as proposed by the Planning Board is that the 16.58 acres of open space shall be dedicated in perpetuity. On the applicant's proposal it should read condition #24 and #25, unless they are asking that #22 & #23 be stricken. Condition #24 states that all land adjacent to Marquardt's land shall be fenced in accordance to the guidelines specified by FWP. In addition a cattle guard shall be installed on the road at the western most property boundary. If this condition were added and approved, it is recommended that rather than saying Marquardt's land it would be defined legally through an attachment for the full legal description. Condition #25, states that lots 9 & 10, which are over 20 acres in size and typically exempt from sanitary review will be submitted to the Flathead City County Health Department for approval of a septic site before Final Plat application is made. The applicant has proposed some slight changes to the Planning Board's conditions and it was stated that she would assert that if the application is approved, that Planning Board would still ask for paving of the internal subdivision road for discussion by the commission. Where they would accept the change to condition #3, to make it a permanent egress, condition #15 would be fine to add the language to clarify per Mark Delray.

Commissioner Hall made a **motion** to adopt Staff Report FPP 06-20 as amended. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. **Opposed** - Brenneman Motion carried by quorum.

Commissioner Hall made a **motion** to approve Preliminary Plat of Haskill Mountain Ranch. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. **Opposed** - Brenneman . Motion carried by quorum.

- 1 The applicant shall pave and build to County standards approximately four miles of Brown’s Meadow Road, from the end of the paving north of the subject property to the subdivision entrance. [Flathead County Road Department Recommendation, as allowed under Section 76-3-510, MCA]
- 2 All internal subdivision roads shall consist of a 60-foot easement, minimum 20-foot travel surface, and 55-foot radius cul-de-sacs. The main access road, consisting of approximately 1.5 miles that would access potential future development shall be paved. All other roads in the development shall consist of a gravel travel surface. Upon completion of construction roads shall be certified by a licensed Professional Engineer for compliance with AASHTO standards. [Agency Comment and staff recommendation]
- 3 The applicant shall secure permanent emergency egress easements for a minimum of two routes in addition to the primary access point. Proof of easements shall be furnished with the final plat application. [3.8, FCSR]
- 4 A minimum of two emergency egress locations shall be constructed according to Section 3.8(E) and clearly marked on the face of the final plat. [3.8(E), FCSR]
- 5 The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626. Addresses and road names shall appear on the final plat. [3.9(I)(7), FCSR]
- 6 The applicant will obtain approach permits for access onto Brown’s Meadow Road from the Flathead County Road Department. The approach shall be built and receive final inspection prior to submittal of final plat. [3.8, FCSR]
- 7 New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [3.17 & 3.18, FCSR]
- 8 All water, septic, and storm water drainage systems will be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [3.14(A) and 3.15(A), FCSR]
- 9 The applicant shall secure annexation for the subject property into the Smith Valley Fire District. [Agency Comment, 6/5/06]
- 10 The applicant shall comply with reasonable fire suppression and access requirements of the Smith Valley Fire District, including tanker recharge rate, road grade, and residential sprinkler requirements. A letter from the Chief stating all 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 developer shall provide a common mailbox facility in accordance with the Flathead County Subdivision Regulations. A letter from the Postmaster shall be submitted outlining mail delivery requirements.[3.22, FCSR]
- 13 A school bus stop shall be established and constructed in a location approved by the Superintendent of Schools and the Child Transportation Committee. This location shall be indicated on the face of the final plat. [Agency Referral, Superintendent of Schools]
- 14 The subdivision will be served by a contract hauler for disposal of solid waste. The central collection facility shall be completely bear-proofed as defined by the Montana Department of Fish, Wildlife and Parks, as shall any facilities located on individual lots. [Agency Comment, 6/12/06]
- 15 A 150-foot “no development zone” shall be designated on each side of Mount Creek. In areas of slopes of 30% or greater, this zone shall extend up to the top of the slope break and to a width of 300 horizontal feet on each side of the stream. In areas where the slopes do not exceed 30%, the buffer zone is 150 feet. Within these setback and buffer zones, the natural vegetation shall not be disturbed or replaced with lawns or other vegetation requiring fertilization or mowing. This zone shall be delineated on the face of the final plat. [Agency Comment, 6/12/06]
- 16 The developer shall meet with the Montana Department of Fish, Wildlife, and Parks to review the department’s recommendations regarding safely living with wildlife. The developer shall provide lot owners with information obtained at this meeting to ensure human safety and wildlife and habitat is protected to the greatest extent possible. Documentation of this meeting shall be submitted with the application for final plat. [Agency Comment, 6/12/06, Staff recommendation]
- 17 The following statements shall be placed on the face of the final plat applicable to all lots:
 - k. All addresses will be visible from the road, and at the driveway entrance or on the house.
 - l. All utilities will be extended underground.
 - m. No lot, open space, or parkland shall be further subdivided.
 - n. Defensible Space Standards shall be incorporated around all structures.
 - o. Only Class A and B roofing materials are permitted.
 - p. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
 - q. Lot owners are notified this subdivision is located a significant distance from emergency services. Delayed response times may be experienced when requesting assistance from fire, medical, or public safety services.
 - r. “Lots 1-11, excluding Lot 4 may be subject to steep terrain. Driveways shall be approved by the Smith Valley Fire Chief as suitable access prior to the commencement of construction.”
 - s. Lots over 20 acres in size have not been reviewed or approved for individual sewer or water facilities or for building site placement.
 - t. Proposed stream crossings are subject to approval by the Flathead Conservation District.
 - u. No vegetation shall be removed from within the “no development zone” along Mount Creek.
 - v. Lot owners are alerted to the presence of large and potentially dangerous wildlife in the area and are reminded that feeding big game is illegal, as it not only has negative impacts on the animals themselves, it increases the presence of dangerous predatory animals. The developer shall provide lot owners with information on safely living near wildlife and methods for minimizing habitat impact as available from and outlined by the Montana Department of Fish, Wildlife, and Parks. Such measures include:
 - i. Keeping dogs under owner control at all times.
 - ii. Using bear-proof garbage containers, stored inside garages or other secure facilities.
 - iii. Removing obvious sources of food.
 - iv. Securing compost piles with electrical fencing.

- v. Feeding pets indoors or bringing food dishes in at night.
- vi. If homeowners choose to feed wild birds, they should do so only between November and April unless bird feeders can be placed at least 10 feet in the air and away from porches or trees.
- vii. Hobby farms are prohibited (goats, chickens, pigs, rabbits, llamas, bee-keeping). Hay, salt, gardens, feed, and compost piles must not be reasonably accessible by wildlife.
- viii. Landowners are prohibited from planting non-native fruit trees. Landowners are encouraged to use native and deer-resistant plants.

w. 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.

- 18 The applicant shall provide a geotechnical soils analysis conducted by a licensed professional engineer for any building pad which exceeds 25% in cross slope, meeting all requirements of Section 3.6(F).
- 19 All required improvements shall be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, shall be provided by the applicant prior to final approval by the County Commissioners. [Chapter 8, FCSR]
- 20 The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [2.7(E), FCSR]
- 21 Preliminary plat approval is valid for three (3) years. [2.5(D)(6), FCSR]
- 22 No lot or open space shall be further subdivided. [See Condition 17(c)]
- 23 The 16.58 acres of open space shall be dedicated in perpetuity.
- 24 All land adjacent to the subdivision shall be fenced in accordance to guidelines specified by Montana Fish, Wildlife, and Parks. Unless the Commission determines that portions of the site do not require fencing because it is satisfied that natural or other features will keep cattle out of the subdivision. Additionally, a cattle guard shall be installed on the road at the westernmost property boundary.
- 25 A licensed professional land surveyor shall certify building sites on Lots 9 and 10. If suitable building sites cannot be located, Lots 9 and 10 shall be removed from the subdivision final plat.

KH

5:00 p.m. Commissioner Watne to Refuse Board meeting @ Solid Waste District Office
6:30 p.m. Commissioner Brenneman meeting w/Brent Kandarian & Charlie Johnson re: Ashley Lake Road @ Ashley Lake

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

WEDNESDAY, OCTOBER 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.

QUARTERLY MEETING W/ BOBBIE KELLY, RSVP

9:10:39 AM

Members present:

Chairman Robert W. Watne
 Commissioner Gary D. Hall

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
 Clerk Diana Kile, Bobbie Kelly

Discussion was held relative to the fair and the senior rest area that is very busy on Thursdays. It was pointed out that the senior rest area on the other days of the week, that there is hardly any activity at all, and the volunteers don't have much to do. Discussion was also held in regards to the possibility of doing something different with the space next year on the off days, when the seniors don't use the area. It was also reported that an ice cream social was held in Columbia Falls during September and they had 80 people show up for the event. She spoke about a part-time job that will have to be posted, due to an office assistant that has to leave. Discussion was held in regards to the management team retreat and the direction they are going with management.

CONSIDERATION OF EXTENSION: CHOKECHERRY GROVE SUBDIVISION

[9:31:39 AM](#)

Members present:

Chairman Robert W Watne
Commissioner Gary D Hall

Members absent:

Commissioner Joseph D Brenneman

Others present:

Assistant Michael Pence
Clerk Diana Kile

Commissioner Hall made a **motion** to approve the extension for Chokecherry Grove Subdivision. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: STANDARD AGREEMENT STATE HIGHWAY TRAFFIC SAFETY OFFICE/ SHERIFF'S OFFICE

[9:21:00 AM](#)

Members present:

Chairman Robert W Watne
Commissioner Gary D Hall

Members absent:

Commissioner Joseph D Brenneman

Others present:

Assistant Michael Pence
Clerk Diana Kile, Pete Wingert, Karen Moore

Commissioner Hall made a **motion** to approve the standard agreement for state highway safety office. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

MONTHLY MEETING W/ DAVE PRUNTY, SOLID WASTE DISTRICT

[9:32:03 AM](#)

Members present:

Chairman Robert W Watne
Commissioner Gary D Hall

Members absent:

Commissioner Joseph D Brenneman

Others present:

Assistant Michael Pence
Clerk Diana Kile, Dave Prunty

Discussion was held relative to the board approving the closure of four container sites on Thanksgiving and Christmas Day. The sites that will be closed are Coram, Columbia Falls, Creston and Somers. It was stated that the West Glacier landfill is now officially closed and he will recommend to the board that they keep the land internal and not sell it. Also discussed was the new litter ordinance to control litter that they will soon be enforcing and the advertising that he has going to educate residents. The plan is to give out courtesy tickets for the first 30 days, before they start the actual fines. He stated that he now has a power point presentation for a long range strategic plan for the landfill. The liner project is now complete with 6 acres of new liner in place. Garbage operations are starting to slow down for the winter months coming. He spoke about the Marion container site position that he is struggling to fill, due to the liability insurance that is required. He also spoke to the Columbia Falls City Council in regards to the Columbia Falls container site and the volume of refuse that the county is pulling out of it. Whitefish and Kalispell city residents are required to have someone haul their garbage, but it is not mandatory, as of yet in Columbia Falls. Earthworks Contractor for the Hwy 93 road job wants to use the deep water well at the landfill to fill their water trucks for dust abatement and soil conditioning when they start working on the road.

BI-MONTHLY MEETING W/ KIM CROWLEY, LIBRARY

[10:04:00 AM](#)

Members present:

Chairman Robert W Watne
Commissioner Gary D Hall

Members absent:

Commissioner Joseph D Brenneman

Others present:

Assistant Michael Pence
Clerk Diana Kile, Kim Crowley

Discussion was held relative to the workshop that was done this past week on visions and goal settings, and she stated that she is going to be working with Karole Sommerfield in the consultant end to try to push this vision out through all the county organizations in regards to core values and operating principals. A \$30,000 follow up grant was received from Bill and Linda Gates foundation for new public computers and that will go over the next two years. A multi year grant was also secured to fund the summer reading program for \$6,000 a year, with the children's librarian working on that. Also discussed was the capital improvements plan which the library board and staff is very excited about.

PRELIMINARY PLAT: PHEASANT RUN PARK

[10:21:18 AM](#)

Members present:

Chairman Robert W Watne
Commissioner Gary D Hall

Members absent:

Commissioner Joseph D Brenneman

Others present:

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

Thompson reviewed the application submitted by John Hirschfelder with technical assistance from Larsen Engineering & Surveying for Preliminary Plat approval of Pheasant Run Park, a manufactured home park consisting of 12 lots on 6.6 acres. The subdivision is zoned R-2 and is located off of Spring Creek Drive.

Commissioner Hall made a **motion** to approve Preliminary Plat of Pheasant Run Park. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

- 1 Electricity, cable and telephone utilities shall be extended underground when possible, and shall abut and be available to each lot, in accordance with a plan approved by the utility provider. Utility easements shall be provided and indicated on the final plat in accordance with Sections 3.17 and 3.18 of the Flathead County Subdivision Regulations.
- 2 All water and sewer facilities for the subdivision shall be reviewed by Flathead County Environmental Health and approved by the State of Montana Department of Environmental Quality
- 3 The following statements shall appear on the face of the plat:
 - a. All lot addresses and unit numbers shall be visible from the road, either at the driveway entrance or on the structure.
 - b. All utilities shall be placed underground.
 - c. On street parking is prohibited
- 4 All required improvements shall be completed and in place or an improvement guarantee must be in place in accordance with Chapter 8 of the Flathead County Subdivision Regulations.
- 5 All roads within the subdivision shall have a paved 20 foot wide driving surface that meets with the Flathead County Road and ASSHTO standards. All road construction shall be reviewed and certified by a registered engineer in writing that it meets these standards
- 6 A minimum of two parking spaces shall be provided for each manufactured home lot. In addition, guest parking at the ratio of one space for each five lots and vehicle storage parking at the ratio of one space for each ten lots shall be provided. Each parking space shall measure nine feet by twenty feet (9' x 20').
- 7 Any signage shall comply with all applicable zoning regulations of the Evergreen Zoning District.
- 8 Refuse collection shall be by a licensed contractor and shall be the responsibility of the park owner and not the individual renters.
- 9 A grading and drainage plan shall be prepared by a registered engineer and implemented in accordance with the requirements of the Flathead County Environmental Health Department and the Montana Department of Health and Environmental Sciences. Temporary erosion control shall be implemented during construction and excavation. All stormwater runoff shall be accommodated on site.
- 10 The developer shall relocate the caretakers driveway outside of the dedicated parkland on the final plat.
- 11 A common off street mail pick-up facility and pull-off of the travel way shall be provided in cooperation with the local post office.
- 12 The preliminary plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions.
- 13 The preliminary plat for Pheasant Run Park is valid for three (3) years.
- 14 The developer shall obtain a letter from the Evergreen water and sewer district stating that services are available.

F:\FRDO\REPORTS\FLATHEAD\FPP\FPP01-7

REVISED PLAT: PHEASANT RUN PARK

[10:24:14 AM](#)

Members present:

Chairman Robert W Watne
Commissioner Gary D Hall

Members absent:

Commissioner Joseph D Brenneman

Others present:

Assistant Michael Pence
Clerk Diana Kile, Annie Thompson, Jeff Harris, Ardis Larsen

Thompson reviewed the application submitted by John Hirschfelder with technical assistance from Larsen Engineering & Surveying for Revised Preliminary Plat approval of Revised Pheasant Run Park, a manufactured home park, consisting of 12 lots and one caretaker's residence. The subdivision is zoned R-2 and is located off of Spring Creek Drive.

Commissioner Hall made a **motion** to approve Revised Plat of Pheasant Run Park. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

FINAL PLAT: BALD ROCK SUBDIVISION

[10:26:29 AM](#)

Members present:

Chairman Robert W Watne
Commissioner Gary D Hall

Members absent:

Commissioner Joseph D Brenneman

Others present:

Assistant Michael Pence
Clerk Diana Kile, Annie Thompson, Jeff Harris, Ardis Larsen

Thompson reviewed the application submitted by Michael & Cynthia Tortomasi with technical assistance from Larsen Engineering & Surveying, Roger Noble and Mike Tortomasi for Final Plat approval of Bald Rock Subdivision, a 4 lot major subdivision. The property is located on Bald Rock Drive, north of Rhodes Draw. Preliminary Plat approval was granted on October 24, 2005, subject to 17 conditions. All conditions have been met. Staff recommends approval.

Commissioner Hall made a **motion** to approve the Final Plat for Bald Rock Subdivision. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #07-07-5-11-008-0

[10:28:35 AM](#)

Members present:

Chairman Robert W Watne
Commissioner Gary D Hall

Members absent:

Commissioner Joseph D Brenneman

Others present:

Assistant Michael Pence
Clerk Diana Kile

Commissioner Hall made a **motion** to approve DPHHS Contract 07-07-5-11-008-0 and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONSIDERATION OF HR TRANSMITTAL PROGRAM: PROGRAM ANALYST/ I.T.

[10:30:39 AM](#)

Members present:

Chairman Robert W Watne
Commissioner Gary D Hall

Members absent:

Commissioner Joseph D Brenneman

Others present:

Assistant Michael Pence
Clerk Diana Kile

Commissioner Hall made a **motion** to approve the HR Transmittal for a Program Analyst/ I.T. Department and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

BOARD APPOINTMENT: IMPACT FEE COMMITTEE

[10:31:01 AM](#)

Members present:

Chairman Robert W Watne
Commissioner Gary D Hall

Members absent:

Commissioner Joseph D Brenneman

Others present:

Assistant Michael Pence
Clerk Diana Kile, Jeff Harris, Mary Sevier, Ardis Larsen

Commissioner Hall made a **motion** to appoint 1 County Commissioner, Kathy Robertson, Kim Fleming, David Greer, Kathleen McMahon, Charles Gough, Steven Sekelsky, Ken Kalvig and John Schwartz to the Impact Fee Committee Board. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONSIDERATION OF COLLATERAL REDUCTION: SIA/ CHERRY CREEK VILLAGE

[10:33:21 AM](#)

Members present:

Chairman Robert W Watne
Commissioner Gary D Hall

Members absent:

Commissioner Joseph D Brenneman

Others present:

Assistant Michael Pence
Clerk Diana Kile, Jonathan Smith

Commissioner Hall made a **motion** to reduce collateral for SIA/ Cherry Creek Village. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

AUTHORIZATION TO PUBLISH CALL FOR BIDS: SEWER PROJECT AT ROAD DEPT.

[10:46:31 AM](#)

Members present:

Chairman Robert W Watne
Commissioner Gary D Hall

Members absent:

Commissioner Joseph D Brenneman

Others present:

Assistant Michael Pence

Clerk Diana Kile, Jonathan Smith, Jarrod Mohr, J. A. Johnson, Ed Corrigan, Guy Foy

Discussion was held relative to the county being required to hook up to city services for the sewer project at the Road Department. It was stated that if you are on a failed system and are within 500 feet of the municipal system then you are required to hook up to it.

Commissioner Hall made a **motion** to approve the call for bids for the sewer project at the Road Department and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONSIDERATION OF PETITION FOR ANNEXATION: PROPERTY AT ROAD DEPT.

10:48:56 AM

Members present:

Chairman Robert W. Watne

Commissioner Gary D. Hall

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence

Clerk Diana Kile, Jonathan Smith, Jarrod Mohr, J. A. Johnson, Guy Foy

Commissioner Hall made a **motion** under protest to petition for annexation and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

FIRST READING OF SPEED LIMIT ORDINANCE: WHITEFISH STAGE ROAD

10:51:10 AM

Members present:

Chairman Robert W. Watne

Commissioner Gary D. Hall

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence

Clerk Diana Kile, Jonathan Smith, Ed Corrigan

Discussion was held relative to the speed limit on Whitefish Stage during school hours, which is from 7:30 to 8:30 A.M., and from 2:00 to 4:00 P.M. on school days.

It was stated that there will be signs installed that automatically change during these hours.

Commissioner Hall made a **motion** to approve the first reading of Ordinance # 7. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

PROPOSED AMENDMENT TO ORDINANCE NO. 7

Speed Limits

WHEREAS, the Board of Commissioners is authorized, pursuant to Sections 7-5-102 through 7-5-107, 7-14-2113, and 61-8-310, M.C.A., to adopt an ordinance and to impose speed limits on certain public roads and highways;

WHEREAS, the Board of Commissioners determined that all speed limits imposed by the Board since 1985 should be codified into a single ordinance, and, therefore, adopted Ordinance No. 7, Speed Limits, on July 5, 1995; and

WHEREAS, the amendment to Ordinance No. 7 set forth below for the following school speed limit was requested based upon traffic studies conducted by the Montana Department of Transportation.

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. 7, shall be in force and effect:

Section Two. School Zone Limits on Highways, is amended by adding and deleting the following to Subsection 11, based upon traffic studies done by the Montana Department of Transportation:

11. Thirty Five miles per hour on Whitefish Stage Road from 400 feet South of the intersection of Whitefish Stage Road with Winchester Street and continuing North to a point 400 feet North of the intersection of Whitefish Stage Road with Mission Way Road, an approximate distance of 6,500 feet to be in effect during the hours of 7:30 to 8:30 a.m. and 2:00 to 4:00 p.m. on school days. ~~during the morning and afternoon crossing periods.~~ During the remainder of the day, and on non-school days, the speed limit will continue to be 45 mph.

BE IT FURTHER RESOLVED that following passage of the foregoing amendment on second reading, Ordinance No. 7 shall be updated to include that amendment.

DATED this 25 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

**11:00 a.m. County Attorney meeting @ Co. Atty's Office
Commissioner Brenneman to Flathead Basin Commission meeting in Pablo**

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

THURSDAY, OCTOBER 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.

[8:39:09 AM](#)

Bob Stephens spoke in opposition to extending the lots to the west in Wapiti Acres. He stated that the reason he is opposed is because of the dust problems. He also stated that he is concerned about the lack of water.

[8:41:51 AM](#)

Wes Higgins property adjoins the proposed lot 3 on the west and the Wapiti Park on the north and spoke in regards to the water issue. He stated that for 20 years he had an adequate water supply and after properties around him were developed his water supply diminished. He spoke about the dust problems and having to keep speed down to 10 MPH to not stir up more dust. He then spoke about the grade on the property and is concerned that it exceeds the county limits.

[8:44:21 AM](#)

Fred Waldner spoke about the property he owns in Wapiti Acres and his biggest concern is the water. He stated that it was suggested in the meeting last week that they do an analysis on the water quantity in Wapiti Acres. He spoke about not being able to run more than 2 hoses at a time, and would like to have a water quantity analysis done, before any more wells are put in. He also spoke about the dust in the summer months being really bad.

[8:46:58 AM](#)

Rick Breckenridge, the applicant's consultant spoke about the water issue and stated that Wapiti Acres had a water system that was designed for the initial subdivision, and they have since added on to it. The DEQ engineer for public water supply systems recommended that they take certain steps to see what the problem was. It was stated that in his analysis it was not a lack of water, that the problem is the size of the water line and that the system is over burdened for the size of the water main, that it was not designed for the burden that is being put on it now. He also spoke about the water rights on Mr. Gardner's property superseding their water rights.

[8:53:04 AM](#)

Candy Stephens spoke about her concerns with the water system and stated that her and her husband drilled their own well, and since that time the water has diminished, and indeed there is a water problem. She stated that they would be in favor of doing an RSID to help resolve the problem with the dust in the area.

[8:55:04 AM](#)

Fred Waldner spoke about the original well on the property at the time being only for a ½ acre lot and stated 10 years ago another 22 acres was added by a boundary line adjustment. He stated that he is not sure how it lays out the water rights to the existing well, extending out to the additional property. The property was originally part of the subdivision and the additional acreage was added as a boundary line adjustment. The 88 acre piece that was up above was split and added to increase the size of 4 of their properties, and at that time it was increased from ½ acre to 22 acres, and he is not sure if at that time the water rights extend to the expanded property.

[8:57:18 AM](#)

Andy Tweet the president of the Wapiti Homeowners Association spoke in regards to the meeting held with the Planning Board and Mr. Gardner. He stated that they want to proceed with the aquifer study and find out just exactly what the water table is out there and then to also get the road paved through an RSID with Mr. Gardner involved. He stated that Mr. Gardner was going to get with Mr. Stevens and find a hydrologist to see what the cost would be.

[8:58:33 AM](#)

Susan Tweet spoke about the water system and stated that she is the director of the water association and discussed the water shortage in the subdivision. She stated that they are trying to apply for grants to update the water system and drill another well.

[8:59:26 AM](#)

Wes Higgins spoke in regards to his water rights on the property and stated that he had water rights established of 25 years, which would make him believe that his water rights supersede any water right on the newly purchased property.

[9:00:34 AM](#)

Tracy Gardner the applicant for Wapiti Acres spoke in regards to his water rights going back to 1976 and also spoke about his original property being 1.8 acres. He checked into the price of the test for the water and stated the price would be between \$15,000 and \$25,000 to do the test. He spoke to DEQ and was told that for 2 additional homes that the test was not necessary. He stated that the well he currently has irrigates the whole 2 acres without any trouble. He spoke about the meeting with the homeowners in regards to doing dust abatement and the residents were not interested, he stated they only want a permanent solution. He spoke about Wes Higgins subdividing his property and another resident being in the process of a family transfer.

[9:04:39 AM](#)

Wes Higgins spoke about the comment made by Mr. Gardner about the comment of his subdividing his property and questioned where Mr. Gardner got his information. He stated that the zoning would not allow him to subdivide it anyway.

[9:04:53 AM](#)

Bob Stephens stated that he is the one that indicated Wes Higgins was interested in putting another house down there for his own house and have his kids live up above him, so that in there old age, they would be taken care of that way. He spoke about dust abatement not helping much and the problems they have had with the road. He then spoke about the Weeds & Park Department spraying the weeds, which hadn't been done for several years. He stated that he is not asking Mr. Gardner to do all the work, all they want to do is get something done so that they can all live together.

[9:10:02 AM](#)

Amy Hubbard spoke about the water system in Wapiti Acres and stated that they are working on the system by applying for a loan in January that would give them there preliminary engineering grant to analyze everything that needs to be done. She spoke about being aware that some of the homes needed larger pipes. She expressed her concerns of another well being put in, as to how it would affect there water supply, if at all. She stated that the issue of him providing land for a new well isn't a concern of theirs because they have a place to drill a new well as it sits already, so that would not benefit them at all to have more land. She also spoke in regards to his existing well and questioned why, that couldn't serve his other houses, since it is 30 gallons per minute.

[9:12:10 AM](#)

Holland stated that the 2 conditions prepared for proposal at 10:30 are available at the Planning Office if anyone would like to pick up a copy of them.

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

QUARTERLY MEETING W/ RICHARD STOCKDALE, ANIMAL CONTROL

[8:28:34 AM](#)

Members present:

Chairman Robert W Watne
Commissioner Gary D Hall [8:32:00 AM](#) Seated

Members absent:

Commissioner Joseph D Brenneman

Others present:

Assistant Michael Pence
Clerk Diana Kile

Richard Stockdale reported on the field activity summary for Animal Control with the statistics for July through September, 2006. He stated that they had several bat calls in July and August, but that has slacked off this past month. The spay neuter trailer is out at the shelter and T-Bend has finished the paving. He reported on his trip to Texas to bring back a trailer for animal control that everything operates great on it. He then spoke about the interviewing that he has done for the veterinarian and veterinarian tech position and is still in the process of doing more interviews.

COS REVIEW: GERARD

[9:12:33 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Diana Kile, Rick Breckenridge, Ronald Gerard

Holland reviewed the Gerard family transfer request and stated that on the October 10, 2006, meeting the applicant was not notified of the meeting date. The planning office recommends denial. The application was originally filed last year with the Plat Room and it did not trigger a pattern review, due to an oversight by the Plat Room. It was stated that they did the research on this to show why it was a pattern, since they had missed it the first time and it was simply an oversight. It was also stated that because it is a pattern is why it is being reviewed now, because the original certificate of survey was never filed. The approval was originally to do a smaller parcel towards the river and then a larger remainder parcel. Since that certificate of survey was never filed and the applicant came back with a different layout, then the first one goes away and this is the one that has to be filed if any. It is therefore, up to this board to determine if this family transfer is an invasion or if it is indeed eligible for an exemption of subdivision regulations. She stated that several people wrote or called the office asking about Mr. Gerard's intent and that it has been alleged that Mr. Gerard or his agents, propositioned or offered to a neighbor to do the same type service and that it was a way to divide your land without going through the trouble of subdivision regulations. It was stated for the record that it was alleged and that they never if ever have proof in family transfers that makes it easy to make the decisions, but the planning office does feel that this is clearly an invasion. Mr. Gerard's wife will also potentially be before the board proposing a family transfer in the Egan Slough area. It was stated that she would like to give land to her children and Mr. Gerard is proposing to give land to his wife. Resolution 509 does allow them to consider all surrounding circumstances, which is why it was brought up. In looking at the pattern of both development and of the families desire to do family transfer it is felt that this is an attempt to evade subdivision and that it should go through subdivision review.

Commissioner Brenneman made a **motion** to deny the COS for the Gerard family transfer. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. **Opposed** - Watne. Motion carried by quorum.

MONTHLY MEETING W/ MONICA EISENZIMER, ELECTION DEPT

[9:39:33 AM](#)

Members present:

Chairman Robert W Watne
Commissioner Gary D Hall

Members absent:

Commissioner Joseph D Brenneman

Others present:

Assistant Michael Pence
Clerk Diana Kile, Monica Eisenzimer

Discussion was held relative to the upcoming general election on November 7, 2006. Absentee voting started on September 22 and to date they have issued 7,500 ballots. She stated that they have 3 trucks rented this year and that the Road Dept will help with the driving to deliver supplies to polling locations with several people being lined up for loading and unloading. Election Judge turn out has been good with several people wanting to be judges and some just wanting to volunteer to help. It was stated that the web site for the election department will be updated soon, which will have more information for the military to vote. The store room will be used for counting absentee ballots on election day, so that the counted ballots can be locked up. Additional judge training has taken place and some have been trained individually. Gil Parsons from Computer Services will run the computer and update the information as it is brought in. It was reported that ES&S personnel will be here also, but they won't be involved in processing the election results, they will only be here for technical assistance. The election results with this new system are processed so much faster that it will slow down the results if they report after every 5 precincts. The cards are programmed differently this time, with every card only having results from one precinct on it which will automatically update results.

CONSIDERATION OF JOINT USE RADIO TOWER ROAD ACCESS/ LETTER TO LAKE COUNTY

[9:58:28 AM](#)

Members present:

Chairman Robert W Watne
Commissioner Gary D Hall

Members absent:

Commissioner Joseph D Brenneman

Others present:

Assistant Michael Pence
Clerk Diana Kile

Discussion was held relative to the need for a letter to authorize Flathead County to send a letter to Lake County Commissioners allowing them to cross Flathead County property to access a radio tower site in the Swan.

Commissioner Hall made a **motion** to authorize the administrative director to send a letter to Lake County authorizing them to access the radio tower property. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONTINUATION OF PRELIMINARY PLAT: WAPITI ACRES, LOT 13

[10:37:44 AM](#)

Members present:

Chairman Robert W Watne
Commissioner Gary D Hall

Members absent:

Commissioner Joseph D Brenneman

Others present:

Assistant Michael Pence - absent
Clerk Diana Kile, Jed Fisher, Kirsten Holland, Nicole Lopez-Stickney, Tracy Gardner, Julie Gardner, Bill Astle, Candy Stephens, Jeff Miller, Amy Hubbard, Bob Stephens, Fred Waldner, Susan Tweet, Andy Tweet, Wes Higgins, Darlene Askvig, Richard Askvig, Peggy Mathiason, Rick Breckenridge

Others absent:

Assistant Michael Pence

Holland stated that the Planning Office agreed to facilitate a meeting between the applicant and the homeowners association and a summary of that report was presented to the Commissioners. The homeowners in attendance all indicated that they all have experienced significant reductions in water volume in the past decade. It was stated that the applicants well is not associated in any way with the Wapiti Acres well. The land that was offered to the homeowners association for a new well does not meet the needs, because a location for a new well is not the problem, it is the question as to if there is adequate water in the area to serve additional home sites. It was also stated at the meeting that the Planning Board would be hard pressed to deny a subdivision based on the fact that 2 new lots would negatively impact water availability, in such a way that they could make the applicant solely responsible, by not recommending approval of the application. It was discussed that a preliminary engineering study that would have to be conducted for the Wapiti Acres community system would be a way that Mr. Gardner could participate in identifying the water resources as a neighborhood homeowner and on a per lot basis, the issue could be addressed and a fee levied. It was stated that not everyone in the subdivision would be participating since not everyone is part of the community well. Condition 16 was drafted as a result of the discussion. Discussion was also held relative to dust abatement on both Juanita Way and Dale Drive, which are both county roads. It was stated that the Planning Board would not recommend off site paving as that expenditure could not be justified by the creation of 2 additional lots. It was also stated that Mr. Gardner did agree to work with a designated member of the homeowners association to contact the County Administrator to begin the process of establishing an RSID, which is condition 17. It was stated that condition 17 was not discussed with Mr. Gardner, but he did get a copy of the report and the paving would be required for Final Plat.

Holland reviewed the application submitted by Tracy Gardner with technical assistance from Montana Mapping for Preliminary Plat approval of Wapiti Acres, lot 13, a major subdivision that will create three single family residential lots on 22.89 acres south of Kalispell. Also reviewed was the condition of the existing wells, grade of the road and dust abatement as well as the applicant being asked to participate in any study or funding source that takes place for the water system. There are 17 attached conditions.

Commissioner Hall stated that he would like to propose that during the construction process or until Final Plat that dust abatement would be done on Juanita Way up to Dale Dive.

Commissioner Hall made a **motion** to adopt Staff Report #FPP 06-33 as amended as findings of fact. Chairman Watne seconded the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Rick Breckenridge addressed condition 14 and stated that he would like to see the no build zone be changed to a 30% slope. He also stated that he would also like to see a management plan for the natural vegetation, through a qualified forester. He also spoke about condition 15 and stated that recommendations from hydrologist state in fractured bedrock aquifers that they scatter out the wells. Propose on condition 15 that the two lots have shared well.

Tracy Gardner spoke about the test if they did decide to go ahead with it and split the cost he stated that he would like a time frame put on it.

Bill Astle spoke about condition 14 and made the comment that it wouldn't cause any great problem in construction that it would be something that would be a compromise with the neighborhood. He stated that the good faith of the applicant was on-site spur of the moment and the grade is more in keeping with the subdivision requirements and he felt it was fair to the applicant. He also spoke about the hydrological study and would like clarification as to the per lot basis.

Commissioner Hall made a **motion** to approve Preliminary Plat for Wapiti Acres, lot 13, with amended conditions. Chairman Watne seconded the motion. **Aye** – Watne and Hall. Motion carried by quorum.

1. The internal subdivision road will consist of a 60-foot right of way and minimum 20-foot paved travel surface. The cul-de-sac will consist of a minimum 50-foot travel surface radius and 55-foot outside right of way radius. The road system 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 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]
3. New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
4. The applicant will comply with access requirements of the South Kalispell Fire Department. A letter from the fire chief stating requirements have been met shall be submitted with the application for Final Plat.
5. All water, septic, and storm water drainage 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]
6. The applicant shall dedicate a 15-foot bicycle/pedestrian easement along Lot 1 at Dale Drive.
7. As offered by the applicant, the portions of Lots 1 and 2 that are segregated by the internal subdivision road shall be donated to the County for incorporation into the existing Wapiti Park.
8. The developer shall provide a mailbox facility as required by the local USPS Postmaster, in accordance with the Flathead County Subdivision Regulations.
9. All areas disturbed during development of the subdivision will be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. Noxious weed management shall be conducted annually. Any vegetation reduction shall be under the supervision of a qualified forester.
10. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All addresses will be visible from the road, and at the driveway entrance or on the house.
 - b. All utilities will be extended underground.
 - c. No lot shall be further subdivided.
 - d. Lots are subject to steep terrain. Driveways shall be approved by the South Kalispell Fire Chief as suitable access prior to the start of combustible construction in accordance with Section 3.6(E), FCSR.
 - 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 impede 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.

11. All required improvements shall be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, shall be provided by the applicant prior to final approval by the County Commissioners. [Chapter 8, FCSR]
12. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]
13. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]
14. A no-build zone shall be imposed on land over 30% in slope. Lots and building sites shall conform specifically to Section 3.6(E) and (F).
15. A shared water well shall serve Lots 2 and 3.
16. The applicant shall participate in a hydrogeological assessment to evaluate groundwater availability. Participation costs shall be on a per-lot basis and be shared equally with Wapiti Acres homeowners. Representatives of the homeowner's association will be responsible for implementing the study and for enlisting participation from other area landowners. Application for final plat may proceed prior to completion of an assessment.
17. The applicant and a designated member of the Wapiti Acres Homeowner's Association shall contact the County Administrator to establish a Rural Special Improvement District for Dale Drive and Juanita Way. Documentation of this effort shall be submitted with the application for final plat.
18. The applicant is responsible for dust mitigation during construction on Juanita Way and the southern portion of Dale Drive in accordance with County Resolution #1374.

FINAL PLAT: THE ROCK

[11:30:00 AM](#)

Members present:

Chairman Robert W Watne
Commissioner Gary D Hall

Members absent:

Commissioner Joseph D Brenneman

Others present:

Clerk Diana Kile, Kirsten Holland, Nicole Lopez-Stickney, Tim Birk, Rick Breckenridge, Peggy Mathiason

Others absent:

Assistant Michael Pence

Holland reviewed the application submitted by Tim Birk with technical assistance from Montana Mapping for Final Plat approval of The Rock Subdivision, which consists of five lots in a minor subdivision. The property is located off Hwy 2 south of Hodgson Road. Preliminary Plat approval was granted on September 30, 2002, subject to 15 conditions. On September 29, 2006, the applicant was granted an additional 30 days to complete the Final Plat application process. Staff recommends approval.

Commissioner Hall made a **motion** to approve the Final Plat for The Rock Subdivision. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: CONDITIONS, COVENANTS & RESTRICTIONS WAIVER PAGE/ GRANITE VIEW SUBDIVISION

[9:59 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Clerk Diana Kile

Others absent:

Assistant Michael Pence

Commissioner Hall made a **motion** to sign the waiver page for Granite View Subdivision. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: CONDITIONS, COVENANTS & RESTRICTIONS WAIVER PAGE/ TOREY ESTATE

[9:59 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall

Members absent:

Commissioner Joseph D. Brenneman

Others present:
Clerk Diana Kile
Others absent:
Assistant Michael Pence

Commissioner Hall made a **motion** to sign the waiver page for Torey Estates. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

MEETING W/ KEVIN DETTMERING RE: PARKER HILL

[11:32:46 AM](#)

Members present:
Chairman Robert W Watne
Commissioner Gary D Hall
Members absent:
Commissioner Joseph D Brenneman
Others present:
Clerk Diana Kile, Kevin Dettmering, Heidi Dettmering, Marc Ulehti, Mary Hemming
Others absent:
Assistant Michael Pence

Discussion was held relative to a problem with a drainage and safety issue on Parker Hill Road. The problem they are having is that an homeowner gated the road in 1985 and was instructed by the County Attorney's office to remove the gate. He then built a driveway that impedes water flow and also installed a culvert that drains into the low point of Parker Hill Road. The problem he has is that the homeowner was allowed to put in a driveway that does not meet county standards and it creates a large safety issue for vehicle and fire equipment to be able to get in and it is also a plowing issue. He is asking that the county enforce its regulations. It was stated that he has spoken to Charlie Johnson and Peter Steele and they don't seem to be real interested in doing anything with it.

Marc Ulehti feels it is tough right now to repair what has been done to the road since the county now requires that they slope away from the road so that drainage does not get onto roadways. The road was built for the owner to have a nice road directly to his house and it would take substantial grading to correct the issue for others on the road. He stated that a culvert would have to be installed that would direct the water away from the low area. There are 3 different right of ways that cross the property and he feels there is enough space there to stay within the right of way to correct most of the issues.

8:30 a.m. Commissioner Brenneman to DEQ Subdivision Water Quality Issues meeting @ Montana Realtors Office
10:00 a.m. Quarterly Jail Facility Tour

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

FRIDAY, OCTOBER 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.

9:00 a.m. Commissioner Brenneman to a Mosquito Board 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 30, 2006.