
MONDAY, MARCH 12, 2007

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

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

Pat Arnone spoke in regards to Weaver Subdivision and stated her concern with the lots possibly being split again someday as well as the increased traffic and dust on Lauman Road. Arnone is asking that the developer pave the road instead of just dust abatement.

Lynn Pearce spoke in regards to gravel roads where subdivisions are being developed off of them, and then presented the commissioners with pictures of a gravel road and stated her concerns with the shape the gravel roads are in.

Tom Arnone spoke of his concern with the safety on Hwy 206 with increased traffic.

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

MONTHLY MEETING W/ JAY SCOTT, FAIRGROUNDS

9:00:31 AM

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Others present:

Assistant Michael Pence, Clerk Diana Kile

Discussion was held relative to a marketing plan that was presented to the commission. It was reported that things are going well with several events coming up.

FINAL PLAT: SUBDIVISION NO. 250

9:15:28 AM

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Others present:

Assistant Michael Pence, Planning & Zoning Director Jeff Harris, Planner Annie Thompson, Tom Sands, Clerk Diana Kile

Thompson reviewed the application submitted by Youth With a Mission with technical assistance from Sands Surveying and Thomas Dean and Hoskins for Final Plat approval of Subdivision No. 250, a one lot subdivision with a remainder. This property is located southwest of the intersection of Blacktail Road and Blacktail Heights Road. Preliminary Plat approval was waived on June 28, 2004, subject to 7 conditions. All conditions have been met and staff recommends approval.

Commissioner Hall made a **motion** to approve Final Plat of Subdivision No. 250. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

PRELIMINARY PLAT: WEAVER SUBDIVISION

9:26:26 AM

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Others present:

Assistant Michael Pence, Planning & Zoning Director Jeff Harris, Planner Annie Thompson, Pat Arnone, Lynn Pearce, Wayne Weaver, Jack Weaver, Andrew Weaver, Fred Hodgeboom, Owen T. Weaver, Kate Cassidy, Jeff Larsen, Clerk Diana Kile

Thompson reviewed the application submitted by Earl Weaver, Jr., Revocable Living Trust with technical assistance from Larsen Engineering for Preliminary Plat approval of Weaver Subdivision. This proposal will create eleven lots at the intersection of Yeoman Hall Road and Lauman Road on 92.4 acres northwest of Lake Blaine and east of Hwy 206. The lots will be served by individual wells and septic systems. This property is unzoned with the road unpaved.

Commissioner Hall made a **motion** to adopt Staff Report FPP 06-63 as findings of fact as amended with exhibit. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Commissioner Lauman made a **motion** to approve Preliminary Plat of Weaver Subdivision subject to conditions attached. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

CONDITIONS:

1. The internal subdivision road will be certified by a licensed engineer and constructed with a minimum 60-foot right-of-way, and a 24-foot paved travel surface, in accordance with Section 3.9 of the Flathead County Subdivision Regulations. Graveled roadbeds need to be

engineered to accommodate large Type I structural fire engines and water tenders. All roadways must be of adequate design to carry fully loaded fire apparatus.

2. Lot owners within the subdivision will participate in a Road Users' Agreement or Property Owners Association which will require each property owner to bear his or her pro-rata share for maintenance of the internal subdivision road. [Section 3.9(J)(3), FCSR] This Road Users' Agreement shall also require each property owner to bear his or her pro-rata share for year-round dust abatement along the portion of Lauman Road abutting the subdivision.
3. The subdivider shall donate an additional 10 feet to the county right-of-way easement for Lauman Road along the length of the subject property.
4. The developer will dedicate a 15-foot bike/pedestrian easement along Yeoman Hall Road and Lauman Road.
5. Road identification signs and stop signs will be installed at the intersection of the internal subdivision road and Lauman Road and Yeoman Hall Road. [Section 3.9(I)(8), FCSR] Road signs should be metal, with reflective letters. [Agency Comment]
6. The subdivider will obtain and show proof of completed approach permits from the Flathead County Road Department, indicating the approaches have been built and received final inspection. [Section 3.8(A), FCSR]
7. The subdivider shall work with the Montana Department of Natural Resources & Conservation and the Creston Rural Fire Department to determine and provide appropriate fire suppression equipment. Letters shall be provided from each agency at final plat, stating that the subdivider has met the requirements for fire suppression and access.
8. Right-of-ways shall be cleared of slash [3.21 (b)].
9. The subdivider will contract with a solid waste hauler and will provide a central off-street area and containers for solid waste collection. The central area shall be conveniently accessible to collection vehicles and appropriately screened. [Section 3.16(B)]. The waste containers shall be completely bear-proofed, as defined by the Montana Department of Fish, Wildlife, and Parks. The containers shall be wildlife-proof [Agency Comment, Montana Fish, Wildlife, and Parks].
10. A school bus stop will be established and constructed in a location approved by the Superintendent of Schools and the Child Transportation Committee. This location will be indicated on the face of the final plat. [Agency Referral, Superintendent of Schools]
11. The developer shall provide written documentation from the appropriate USPS postmaster, indicating mail delivery requirements have been met. [Section 3.22, FCSR]
12. The applicant shall meet the requirements made by Flathead County Weed Department or shall meet with FCWD to make other arrangements. Proof shall be provided that requirements were met. An approved Soil Disturbance and Weed Management Plan shall be provided at final plat application.
13. 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.
14. All water and septic systems shall receive final approval from the Flathead City-County Health Department and the Montana Department of Environmental Quality. [Section 3.14(A) and 3.15(A), FCSR]
15. Applicant shall include a storm drainage plan approved by the Flathead City-County Health Department and the Montana Department of Environmental Quality.
16. 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]
17. The following statements shall be placed on the face of the final plat:
 - a. Access to all lots is via the internal subdivision road. No direct access shall be allowed onto Lauman Road or Yeoman Hall Road.
 - b. Only Class A or B fire rated roofing material are allowed [3.21(1)]. [Agency Comment]
 - c. Fire resistant construction of all buildings is encouraged. [Agency Comment]
 - d. Defensible Space Standards shall be incorporated around all primary structures [3.21(2)]; all landscaping shall incorporate *Firewise* principles along with fire resistant plants and materials. Defensible space standards will assist firefighters in the event of a wildfire situation where suppression resources might be limited. [Agency Comment]
 - e. All addresses shall be visible from the road, at the driveway entrance or on the house.
 - f. 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.
 - g. This subdivision is located in a silvicultural/agricultural area and potential nuisances such as noise, dust, odors, and irregular hours of operation are commonplace. As such, the right to farm on adjoining properties shall not be restricted as a result of the development or occupancy of this subdivision.
 - h. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
 - 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, as it not only has negative impacts on the animals themselves, it increases the presence of dangerous predatory animals. They are encouraged to contact the Montana Department of Fish, Wildlife, and Parks to obtain information on safely living near wildlife and minimizing habitat impact, including:
 - I. Keeping dogs under owner control at all times.
 - II. Using bear-proof garbage containers, 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. Placing bird feeders out of reach of deer and other big game.
 - 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.

- k. There shall be no further subdivision of any lots.
18. 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]
19. 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]
20. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]

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

[9:58:27 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, Planning & Zoning Director Jeff Harris, County Attorney Jonathan Smith, Clerk Diana Kile

Commissioner Lauman made a **motion** to authorize the publication of the Notice of Public Hearing for Kopje Zone Change. Commissioner Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Kopje Holdings LLC, to change the zoning designation in a portion of the Lower Side Zoning District from R-1 (Suburban Residential) to R-2 (One Family Limited Residential).

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

The proposed change would generally change the character of the zoning regulations applicable to the property from a residential district, with a minimum lot size of one acre, intended to provide estate type development, normally located in rural areas away from concentrated urban development, or in areas where it is desirable to permit only low density development, e.g., extreme topography, areas adjacent to flood plains, airport runway alignment extension, etc., to a residential district, with a minimum lot size of 20,000 square feet, intended to provide for large tract development, in suburban areas, beyond sanitary sewer and/or water lines.

The regulations defining the R-1 and R-2 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500.

The public hearing will be held on the **2nd day of April, 2007, at 10:00 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the Lower Side Zoning District.

DATED this 12th day of March, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:

Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Publish on March 15 and March 22, 2007.

KOPJE HOLDINGS LLC
ZONE CHANGE FROM R-1 TO R-2
EXHIBIT "A"

Location and Legal Description of Property: The property is located on the east side of U.S. Highway 2 East, directly north of the East Evergreen Drive on Alpine Lane. The property is legally described as Tract 5J in SE4 SW4 Section 27, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

CONSIDERATION OF ADOPTION OF RESOLUTION TO ESTABLISH AN AUDIT COMMITTEE

[9:59:25 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, Treasurer Adele Krantz, Clerk & Recorder Paula Robinson, Clerk Diana Kile

Commissioner Lauman made a **motion** to adopt Resolution #2026 to establish an audit committee. Commissioner Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

RESOLUTION NO. 2026

WHEREAS, the Board of Commissioners of Flathead County, Montana, consolidated the office of the County Auditor with the office of the Clerk and Recorder;

WHEREAS, the Clerk and Recorder and the Board of Commissioners believe that independent auditing which is intended to increase efficiency and the level of performance of County agencies, and to insure compliance with laws, policies, guidelines and procedures, will be of great benefit to Flathead County;

WHEREAS, the Board of Commissioners has contracted with a private certified public accountant to provide auditing services in order to increase efficiency and the level of performance of county agencies and to insure compliance with laws, policies, guidelines and procedures; and

WHEREAS, the Board of Commissioners has determined that an audit committee should be established to serve in an advisory capacity to the auditor to provide recommendations for the annual work plan of the auditor and review of the audit function.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, Montana, that an Audit Committee is hereby established to serve in an advisory capacity to the auditor to provide recommendations for the annual work plan of the auditor and review of the audit function. The Audit Committee shall be composed of one Commissioner, the Clerk and Recorder/Auditor, the Treasurer/Public Administrator, the Administrative Officer, the Finance Director, the IT Director and a Deputy County Attorney.

BE IT FURTHER RESOLVED that the Audit Committee shall meet with the contracted Internal Auditor at least quarterly or as often as it deems appropriate.

Dated this 12th day of March, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By _____
Gary D. Hall, Member

By/s/Dale W. Lauman
Dale W. Lauman, Member

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

BOARD APPOINTMENT WHITEFISH LAKESHORE PROTECTION COMMITTEE

9:57:34 AM

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, Clerk Diana Kile

Commissioner Lauman made a **motion** to appoint Helen Cates to the Whitefish Lakeshore Protection Committee. Commissioner Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

CONSIDERATION OF NO SMOKING POLICY/ PERSONNEL POLICIES & PROCEDURE MANUAL

10:01:20 AM

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, Clerk Diana Kile

Commissioner Lauman made a **motion** to adopt the No-Smoking Policy. Commissioner Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 13, 2007.

TUESDAY, MARCH 13, 2007

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

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

PRELIMINARY PLAT: STAGE RIDGE VILLAGE I

[9:15:06 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Others present:

Assistant Michael Pence, Planning & Zoning Director Jeff Harris, Planner Annie Thompson, Joe Pastor, Ron Brevik, Bruce Lutz, Brett Walcheck, Clerk Diana Kile

Thompson reviewed the application submitted by Stage Ridge, Inc., with technical assistance from Sands Surveying for Preliminary Plat approval of Stage Ridge Village I; a minor subdivision that will create five commercial lots at 990 Grand Drive, between Grand Drive and Hwy 35 in Bigfork. The subdivision is proposed on 17.48 acres and is zoned B-3 community business. Staff recommends approval subject to 19 conditions.

Commissioner Lauman made a **motion** to adopt Staff Report FSR 06-33 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Bruce Lutz spoke in regards to the change that was made with lot 3.

Thompson stated that the issue with the Planning Board is that subdivision regulations state that lands unsuitable for subdivisions are steep slopes in excess of 30 percent or more grades.

Discussion was then held relative to substantial changes being made between Preliminary and Final Plat. Language on condition #8 will be changed to state; the applicant will shift the northerly lot line of lots 3 & 4 50 feet to the north to accommodate a building pad that is 40 feet by 40 feet in lot 3. Lots 2, 3 & 4 are required to under go a geo technical soil analysis conducted by a licensed professional engineer prior to Final Plat approval. Said report must find the development of this lot will pose no significant geological hazards to either this lot or neighboring properties. Applicant will be required to comply with recommendations of said report.

Discussion also included the temporary cul-de-sac in regards to condition #12, in which the language will be changed to; The internal subdivision road will be certified by a licensed engineer and constructed with a minimum 60 foot right of way, a 24 foot paved travel surface, and a 55 foot radius temporary cul-de-sac in accordance with Section 3.9 of the Flathead County Subdivision Regulations.

Commissioner Hall made a **motion** to approve Preliminary Plat for Stage Ridge Village I with amended condition #8 and #12. Commissioner Lauman **seconded** the motion.

Discussion then included changes to conditions #4 & #5.

Commissioner Hall made an amendment to the motion to include condition #4 to say; all water and sewer systems shall receive final approval from the Flathead City County Health Department and the Montana Department of Environmental Control. Condition #5 that states; the applicant shall include a storm drainage plan approved by the Montana Department of Environmental Control.

Aye - Brenneman, Hall and Lauman. Motion carried unanimously.

MONTHLY MEETING W/LAURIE REBUCK, JUVENILE DETENTION CENTER

This meeting was postponed.

BI-MONTHLY MEETING W/KAROLE SOMMERFIELD, 4-H OFFICE

[10:14:21 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Others absent:

Assistant Michael Pence, Karole Sommerfield, Clerk Diana Kile

Discussion was held relative to a new part time extension agent that was hired through the University on a military grant; Core Values Workshop; new scale and shortage of housing at the fairgrounds due to more youth participation.

MEETING W/ LIZ MARCHI RE: PORT AUTHORITY ANNUAL REPORT

[10:22:40 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Others present:

Assistant Michael Pence, Liz Marchi, Gary Winship, Clerk Diana Kile

Liz Marchi presented her annual report update with a power point presentation on Montana West Economic Development in regards to future in Montana. It was reported that the name has been changed from Jobs Now to Montana West Economic Development. She spoke on the work plan in regards to marketing and recruiting, providing access to capital and building strong collaborations.

COS REVIEW: STEVENS

[10:51:10 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Others present:

Planner Kirsten Holland, Tom Sands, Judy Peterson, Clerk Diana Kile

Holland reviewed the Stevens family transfer request.

Commissioner Hall made a **motion** to approve the Steven's COS. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

COS REVIEW: LEE

[10:57:46 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Others present:

Planner Kirsten Holland, Debbie Shoemaker, Debbie Marquardt, James Lee, Clerk Diana Kile

Holland reviewed the Lee family transfer request.

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

PRELIMINARY PLAT: EAGLE'S CREST HEIGHTS

[11:14:15 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Others present:

Planning & Zoning Director Jeff Harris, Planner Rebecca Shaw, Dave DeGrandpre, Trevor Shaffer, Craig Shaffer, Becky Weaver, Clerk Diana Kile

Shaw reviewed the application submitted by Montana Eagle Acquisitions with technical assistance from Land Solutions for Preliminary Plat approval of Eagle's Crest Heights for a 115 lot subdivision, south of Lakeside for single family homes on approximately 392.89 acres, which will be surrounded by a private airstrip. This is the sixth subdivision for the Eagle's Crest development, which has created 90 lots previously. With this proposal there will be 205 lots in the overall development.

Commissioner Hall made a **motion** to adopt Staff Report FPP 06-66 as findings of fact. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Trevor Shaffer spoke in regards to condition #27 that addresses Montana Fish, Wildlife and Parks concerns.

Condition #27 will be changed to read: A signed letter from Montana Fish Wildlife & Parks stating that requirements have been met shall be submitted with Final Plat application.

Trevor Shaffer then spoke in regards to condition #19-I that states; no further subdivision of lots is permitted.

Jeff Harris stated that the review and evaluation was based on the plat presented.

Trevor Shaffer then withdrew his request.

Commissioner Hall made a **motion** to approval Preliminary Plat of Eagle's Crest Heights with an amended condition. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Conditions:

1. The applicant shall receive physical addresses and road names in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by the Address Coordinator. [Section 3.9(I)(7), FCSR]
2. The applicant shall work with the Address Coordinator to provide adjustments to the transportation network to meet road naming requirements. The adjustments shall appear on the final plan and a letter from the Address Coordinator shall be submitted with the final plan stating that requirements have been met. [Section 3.9(I)(7), FCSR]
3. All internal subdivision roads will consist of a 60-foot right of way and minimum 20-foot paved travel surface. All cul-de-sacs will consist of a minimum 50-foot travel surface radius and 55-foot outside right of way radius and not include landscaped islands. 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] The unnamed 60' wide right of way road that access Highway 93 on the south side of the subdivision may be paved after the subdivision infrastructure has been developed. This will allow heavy truck traffic access to the subdivision without doing damage to the paving.
4. A Homeowners Association shall be established for the repair and maintenance of the private roadways, walkways and common areas. All property owners within the subdivision shall bear a pro-rata share of the costs. (3.9(J)(3) and Appendix A, Flathead County Subdivision Regulations)
5. Roads and driveways will conform in all locations to maximum grade standards [Section 3.6(E) and 3.9, Table 2, FCSR]
6. The applicant shall meet all requirements of the Montana Department of Transportation for access onto US Highway 93, including mitigation requirements and approach permits. A letter shall be submitted with final plat stating the department's requirements have been met. [Section 3.8(A), FCSR]
7. A stop sign shall be installed at the intersection of the southern access and US Highway 93 South. [Section 3.9(I)(8), FCSR]
8. Any street lighting shall be located within the subdivision and shall be shielded so that it does not intrude onto adjoining properties. [Section 3.9 J. 5., FCSR]
9. New electrical and telephone utilities will be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
10. All water and sewage treatment systems shall receive final approval from the Flathead City-County Health Department and the Montana Department of Environmental Quality. [Section 3.14(A, B & C) and 3.15(A), FCSR]
11. The applicant must submit a Storm Water Drainage Plan that is certified by a licensed Professional Engineer that shall be approved and reviewed by the Flathead County City-County Environmental Health Department and the Montana Department of Environmental Quality. [Section 3.12.A]
12. During construction of infrastructure improvements, no silt-laden water or excess shall flow to downstream areas. Erosion control measures are required and shall be enforced. [Section 3.13, FCSR]
13. The applicant shall comply with reasonable fire suppression and access requirements of the Somers Fire District and the Montana DNRC. A letter from the Chief and the DNRC stating requirements have been met shall be submitted with the final plat materials. [Section 5.3.B.1., FCSR & letter, Montana DNRC 11/28/06]
14. Only Class A or B fire rated roofing materials are allowed. [Section 3.21, FCSR]
15. Defensible Space Standards shall be incorporated around all primary structures. [Appendix G, FCSR]
16. Conditions, Covenants and Restrictions for Eagles Crest Developments shall address building requirements stating that all structures shall be no more than 35 feet in height and shall have at least 20 foot setbacks from property lines [Lakeside Neighborhood Plan IV.E.5].
17. The design and development of the subdivision shall contain satisfactory building sites properly related to topography and shall preserve the natural terrain, drainage, existing topsoil, trees, natural vegetation, wildlife and fish habitats to the extent possible. [Section 3.2, FCSR]
18. 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]
19. The subdivider shall pay a parkland fee equivalent to the value of 10.79 acres $[(154.52*5\%)+(122.27*2.5\%)]$ acres of the unimproved, undivided land. The subdivider shall provide a current appraisal from a certified MAI appraiser no sooner than six months prior to the final plat application to set the baseline value of the parkland cash donation. [Section 3.19(C)(2)(a); Section 3.19 (D)(1), FCSR]
20. The applicant shall require lot owners to have a contract with a solid waste hauler. [Section 3.16(A)]. The waste containers shall be completely bear and wildlife proofed, as defined by the Montana Department of Fish, Wildlife, and Parks.
21. The applicant shall provide written documentation from the appropriate USPS postmaster, indicating mail delivery requirements have been met. [Section 3.22, FCSR]
22. The following statements will be placed on the face of the 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 user's 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 applicant 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.

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

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

title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for _____ Subdivision.

i. No further subdivision of lots is permitted.

23. All required improvements will be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, will be provided by the subdivider prior to final approval by the County Commissioners. [Chapter 8, FCSR]

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

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

26. Lot 37 is for airport and airport facilities only. No residential structures shall be permitted.

27. A signed letter from Fish Wildlife and Parks stating requirements have been met shall be submitted with the final plat application.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: MINIMUM STANDARDS FOR DESIGN & CONSTRUCTION/ ROAD & BRIDGE DEPT.

[11:49:20 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Guy Foy, Planning & Zoning Director Jeff Harris, Jeff Larsen, Ardis Larsen, Mr. Johnson, Clerk Diana Kile

Guy Foy stated that the standards were completed last week from Jackola Engineering and will be available for viewing on the Flathead County website on Thursday.

Commissioner Lauman made a **motion** to continue the authorization for the publication of the Notice of Public Hearing until March 15, 2007. Commissioner Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

10:30 a.m. Commissioner Brenneman to LEPC Meeting @ OES
1:15 p.m. 911 Meeting @ Justice Center

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 14, 2007.

WEDNESDAY, MARCH 14, 2007

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

7:30 a.m. Commissioner Hall to Economic Development Roundtable @ FVCC, Room 109
11:00 a.m. County Attorney meeting @ Co. Atty's Office
11:30 a.m. Commissioner Hall to Core Values Workshop @ Fairgrounds Expo Bldg.
1:00 p.m. Commissioner Hall to USDA Rural Development Presentation @ Rocky Mtn. Tile & Stone

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 15, 2007.

THURSDAY, MARCH 15, 2007

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

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

Linda Christensen spoke in regards to a formula that is being used by DEQ for phosphorus analysis, which she feels is flawed. She stated that as long as there is a fast moving aquifer underneath the soil with the model that they use, they are following the non degradation rules. She then stated that if the aquifer factor is taken away it does not pass. What the formula is saying is as long as the aquifer is there and moving the pollutants down the stream at a fast pace then it is okay. Also discussed was phosphorus absorption in different areas and storm water run off. She then stated that the aquifer needs to be protected in the growth policy and with any other means that they can with DEQ not protecting the aquifer.

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

MEETING W/ FAIR BOARD RE: MARKETING PLAN

[10:00:49 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Others present:

Assistant Michael Pence, Fair Director Jay Scott, Butch Woolard, Terry Fosbery, Ted Dykstra Jr., Lynn Tripp, Paul Atkinson, Clerk Diana Kile

Discussion was held relative to the plan that was submitted to the commission in regards to moving funds from one account to another in order to proceed with finishing the Trade Center building. It was stated that with the building being finished it would be more desirable and marketable to rent. The recommendation from the Fair Board is to finish the Trade Center, which would require \$300,000 to finish the floor, install heat, ITT capabilities and to finish paving the parking lot.

Board members then stated what their vision of the future is for the fairgrounds in regards to goals they are looking at in the future. Discussed was the use of buildings only being used for a short time out of the year; generating income out of the entire grounds; out of area events and boat storage. It was stated that if the fairgrounds continues to do what they have always done they will continue to get what they have always gotten; that they need to change.

Discussion was also held in regards to the fairgrounds property and the 160 acres of the Siderius family property. It was stated that Commissioner Brenneman will respond to the Siderius family with a letter that states that they are not interested in moving the fairgrounds, but if they have a proposal on how this might work the Fair Board would be willing to look at it.

Paul Atkinson stated that when they stopped horse racing they set aside \$162,000 into an entertainment fund, whereas they would have the funds to put on events and would like to have the revenue moved to the construction budget.

Commissioner Hall spoke in support of the direction the Fair Board is choosing to go.

Commissioner Brenneman stated that he will prepare a letter to send to the Siderius family to inform them of the direction the Fair Board is moving.

Commissioner Lauman spoke in support of moving funds around to help get the flooring in the Trade Center building and stated that he is in full support of keeping the fairgrounds where it is.

CONSIDERATION OF ADOPTION OF RESOLUTION: FLATHEAD COUNTY PLANNING BOARD JURISDICTIONAL AREA

[10:44:36 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Others present:

Assistant Michael Pence, County Attorney Jonathan Smith, Planner & Zoning Director Jeff Harris, Rick Breckenridge, Ardis Larsen, Charles Lapp, Clerk Diana Kile

Commissioner Lauman made a **motion** to adopt resolution #2027 to establish the Flathead County Planning Board jurisdictional area. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

RESOLUTION NO. 2027

WHEREAS, Flathead County is authorized and directed by Section 76-1-501, M.C.A., to establish the jurisdictional area of the Flathead County Planning Board;

WHEREAS, Flathead County and the City of Columbia Falls have established boundaries for the jurisdictional area of the Columbia Falls City-County Planning Board;

WHEREAS, Flathead County and the City of Whitefish have established boundaries for the jurisdictional area of the Whitefish City-County Planning Board;

WHEREAS, the jurisdictional area of the Flathead County Planning Board is all of Flathead County outside of the City of Kalispell and outside of the jurisdictional areas of the Columbia Falls City-County Planning Board and the Whitefish City-County Planning Board;

WHEREAS the Board of Commissioners of Flathead County, Montana, has passed a resolution of intent to adopt a Growth Policy pursuant to the provisions of Section 76-1-601, M.C.A.; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the jurisdictional area of the Flathead County Planning Board should be redefined prior to the adoption of the Growth Policy.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, pursuant to Section 76-1-501, M.C.A., that the jurisdictional area boundaries for the Flathead County Planning Board shall be all of that area within the boundaries of Flathead County, Montana, with the exception of the Columbia Falls and Whitefish City-County Planning Boards' jurisdictional areas and the City of Kalispell.

BE IT FURTHER RESOLVED that the maps attached hereto as Exhibits A, B and C are the official maps showing the boundaries of the jurisdictional area of the Flathead County Planning Board.

Dated this 15th day of March, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

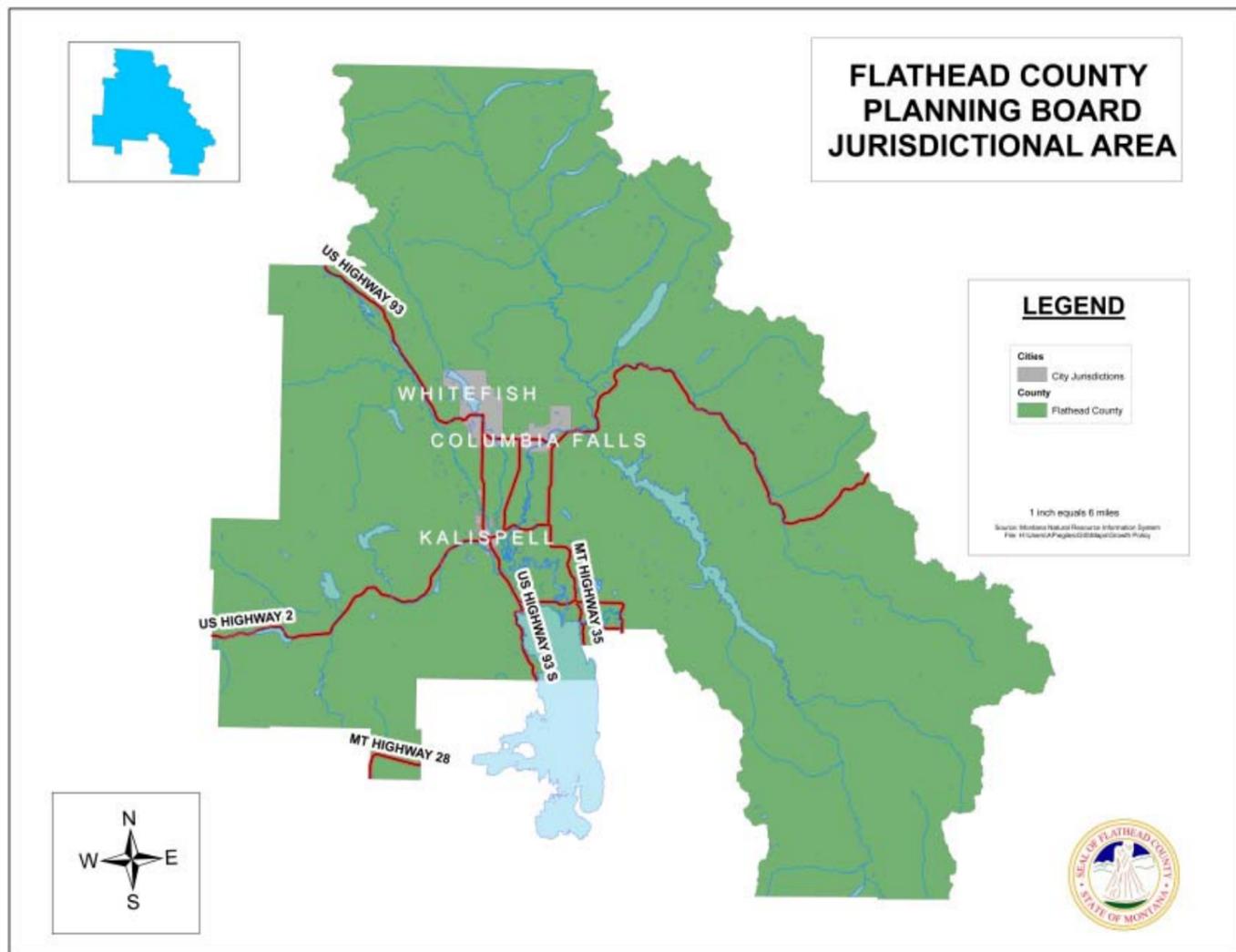
By /s/ Joseph D. Brenneman
Joseph D. Brenneman, Chairman

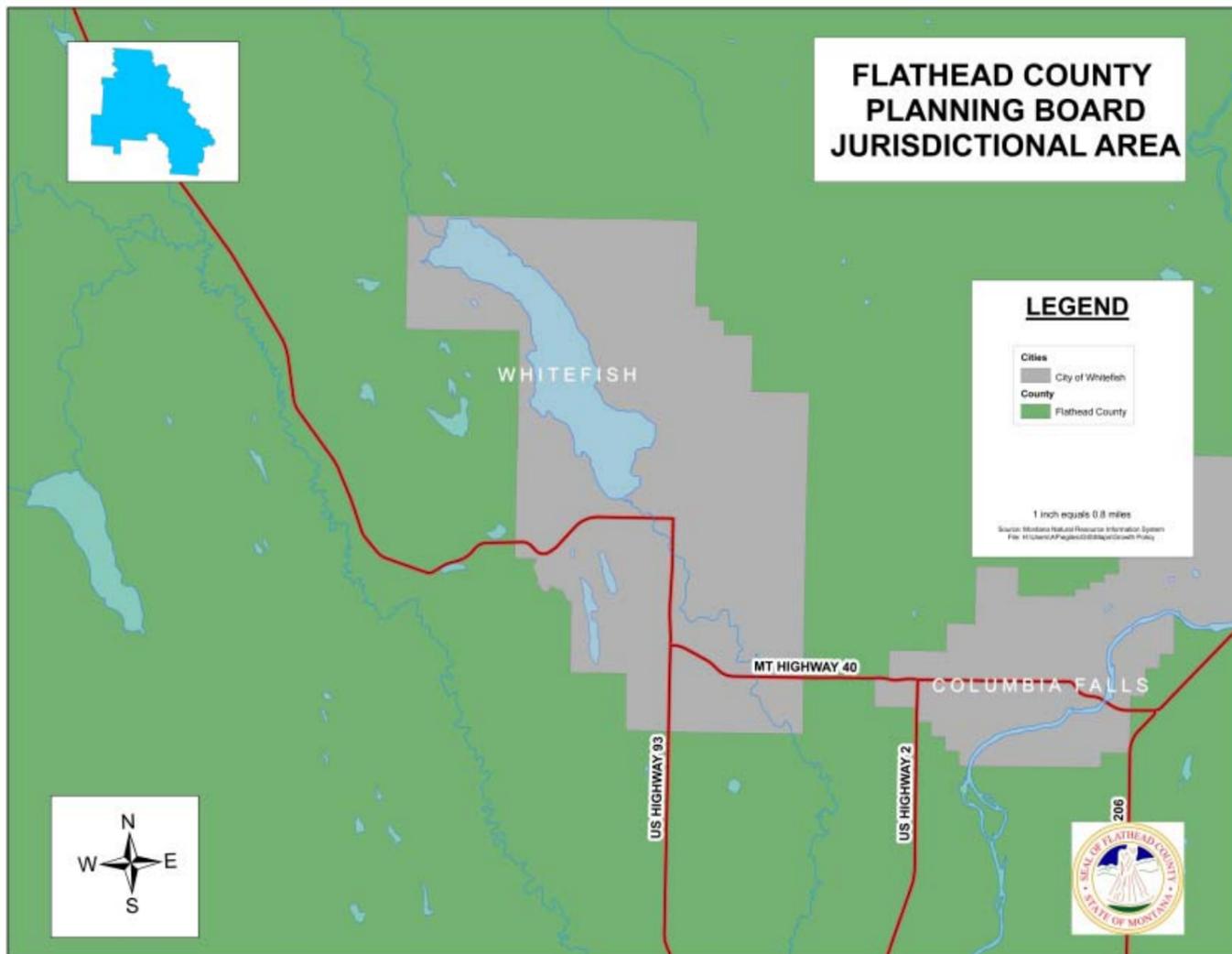
By /s/ Gary D. Hall
Gary D. Hall, Member

By /s/ Dale W. Lauman
Dale W. Lauman, Member

ATTEST:
Paula Robinson, Clerk

By /s/ Diana Kile
Diana Kile, Deputy





CONTINUATION OF AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: MINIMUM STANDARDS FOR DESIGN AND CONSTRUCTION/ ROAD & BRIDGE DEPT.

[10:49:28 AM](#)

Members present:

Chairman Joseph D. Brenneman
 Commissioner Gary D. Hall
 Commissioner Dale W. Lauman

Others present:

Assistant Michael Pence, County Attorney Peter Steele and Jonathan Smith, Planning & Zoning Director Jeff Harris, Ardis Larsen, Charles Lapp, Rick Breckenridge, Clerk Diana Kile

Discussion was held relative to road standards and how they relate to the subdivision regulations, timelines and workshops.

Commissioner Hall made a **motion** to authorize the publication of the Notice of Public Hearing and authorize the Chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

**NOTICE OF PUBLIC HEARING
 MINIMUM STANDARDS FOR DESIGN AND CONSTRUCTION
 OF THE FLATHEAD COUNTY ROAD AND BRIDGE DEPARTMENT**

The Board of Commissioners of Flathead County, Montana, hereby gives notice, that the Board of Commissioners will hold a public hearing to consider the proposed Minimum Standards for Design and Construction of the Flathead County Road and Bridge Department.

The proposed Minimum Standards for Design and Construction are available for public inspection at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, and at the Flathead County Road and Bridge Department, 1249 Willow Glen Road, Kalispell, Montana. It is also available on-line at the Flathead County Road and Bridge Department's page on the Flathead County website.

Written comments are encouraged and will be reviewed by the Commissioners prior to the hearing if received by the Flathead County Commissioners' Office at least three business days prior to the hearing.

The public hearing will be held on the 12th day of April, 2007, at 10:00 o'clock, a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, 800 South Main, Kalispell, Montana. At the hearing the Board of Commissioners will give members of the public an opportunity to be heard regarding the proposed Minimum Standards for Design and Construction.

DATED this 15th day of March, 2007.

BOARD OF COUNTY COMMISSIONERS
 Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Publish on March 20 and March 27, 2007.

2:00 p.m. Commissioner Brenneman to Health Board meeting @ Earl Bennett Bldg.
4:00 p.m. Commissioner Brenneman to Comprehensive Economic Development Strategy Meeting @ Outlaw Inn

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 16, 2007.

FRIDAY, MARCH 16, 2007

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

11:00 a.m. Commissioner Lauman to CDC & Mental Health Council meeting in Missoula

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 19, 2007.
