

Notice: These minutes are paraphrased and reflect the proceedings of the Board of Commissioners. MCA 7-4-2611(2) (b).

MONDAY, FEBRUARY 2, 2015

Audiofile

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairperson Holmquist, Commissioner Krueger and Mitchell, and Clerk Pierson were present.

Chairperson Holmquist led the Pledge of Allegiance.

Chairperson Holmquist opened public comment on matters within the Commissions' Jurisdiction.

Rebecca Norton, 530 Scott Avenue, Whitefish summarized the following letter she stated she submitted to the commission.

I would like to request the County Commissioners direct the Flathead County Planning Department BJ Grieve to pass on any and all information related to the Whitefish doughnut within 24 hours to the planning board.

The reason why I am asking this is because I obtained all of the records and DVDs from this process last Monday, and it was apparent that at least on 4 separate occasions the Planning Dept. received public comment of some type but the information was withheld from the Planning Board until the last minute.

On one occasion this led to the meeting being cancelled, so that the Planning Board could read through the submitted articles, until the next week.

If the Planning Dept. forwarded on the materials submitted the day of submission then the members of the Planning board could read it at their leisure and prepare for the meeting with questions and comments. It has been, and is, a very complex issue.

One of the materials presented involved at least 40-50 hours of work by the group formerly known as the "Whitefish Lakeshore Protection committee".

If the county is sincere in modeling the work already done by this committee for 30 years, then receiving this information would have been helpful.

The Planning Director held it until the night of the meeting, which did not allow the board, OR THE PUBLIC, time to review and give comment as to its usefulness and a possible direction to take. It would also be nice if these documents were copied and available to the public at the sign in area too.

Another incidence concerned many meeting minutes from the City Council meetings and the city –county doughnut discussion group.

These were not given to the Planning Board prior to the meeting in the packet, even though they were submitted a month in advance, and the meeting had to be rescheduled. When the Planning Board did meet—the following week—one of the members acknowledged how helpful it was to read through prior discussions that got us here.

During the Planning Board meetings, the board members specifically asked, "How does this affect the CAO?". A previous email from Bill Baum was in the files at the Planning Office explaining this but the Planning Director did not refer to it, nor elaborate to answer the question that the Planning Board member posed. I have no idea why not. It seems disingenuous to know the answer to a question and withhold the answer, or at least refer to the letter where this was explained.

Another Planning board member asked, "why was Whitefish Lake annexed"? and rather than answer the question—that the County initiated the process in 2005 with the transition to city planning, it was left for the planning board to wonder if this was an ethical issue. When I submitted two documents outlining the legality of this move, and why the city began to draw water from the lake, I was told that these may or may not be passed on to the Planning Board, but if I showed up in public I could read them. But again, why not just answer the question when asked?

Given the intense scrutiny of this process locally, and the effect that our joint decision making will have on thousands of property owners, I would like the Commission to make sure that the public process is upheld to our highest standards. Surely, allowing the Flathead County Planning Board adequate time –which may mean weeks in advance—to review what the public who has been involved in constructing local law—would be more reasonable than handing this out without any opportunity to look things over and collect more information, do "due diligence" before they go into the public process??

Please direct BJ Grieves to supply the Flathead County Planning Board with all records submitted concerning the Whitefish Zoning and Lakeshore Protections to the Planning board within 24 hours of receipt. This will allow them to carve out time to read and assimilate, and find the answers to questions that come up, vs. giving the appearance that key information is being withheld from their perusal. I submit this having been on a Board of Adjustment, a Planning Committee, and Ethics Review Committee, and now a Government Review Committee—the more lead time public servants have to read through complex documentation the better. And it builds public trust that they are doing due diligence to review relevant data and coming up with best options for everyone concerned.

Thank you for your consideration.

Rebecca Norton 530 Scott Avenue, Whitefish

No one else rising to speak, Chairperson Holmquist closed the public comment period.

CONTINUATION OF CONSIDERATION OF FLATHEAD COUNTY PLANNING BOARD'S REVISED RECOMMENDATION: HOW TO PROCEED WITH PLANNING & ZONING IN THE FORMER INTERLOCAL AGREEMENT AREA AROUND WHITEFISH

10:15:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Philip Mitchell, Assistant Mike Pence, Planning & Zoning Director B. J. Grieve, Planner Erik Mack, Planner Lawson Moorman, Rick Blake, Katherine Thompson, Jeff Larsen, Rebecca Norton, Clerk Kile

Absent: Commissioner Gary Krueger

Grieve reported on January 16, 2015 a cover letter attached to draft minutes of the January 14, 2015 Planning Board meeting was forwarded to the commission. At the Planning Board meeting they considered the request sent back to them to have additional discussion on this subject of how to proceed with planning and zoning in the former interlocal agreement area around Whitefish. The original recommendation from the Planning Board had included some language about considering adopting the 2007 Whitefish Growth Policy Future Land Use Map as a starting point for future land use for how to proceed. The commission was not comfortable with that so sent it back to them. The Planning Board had additional discussion, and they came up with a revised recommendation. That revised recommendation was put on their agenda for January 28, 2015; however, just prior to the meeting it was found that the minutes forwarded to the commission had an error on page 13 and 14. The error was in the language of the actual recommendation. The revised recommendation from the Planning Board had appeared correctly on the cover letter sent to the commission, but the revised minutes were found to be in error. The minutes had been requested by one member of the public, as well as having been forwarded to the commission. The corrections have been forwarded to you as well as the member of the public. Additional dialogue was held with the citizen member to specify exactly where the error was and what the error was. The reason all of this is going on is specifically in the past there has been brought up concern and criticism, because statue regarding the Planning Board doing planning states that if the Planning Board requested by the governing body shall prepare a growth policy.

MONDAY, FEBRUARY 2, 2015
(Continued)

Grieve further stated in order to deal with that what they have attempted to do is set-up a situation whereby prior to the planning office doing work and spending the public's money on projects they seek to receive guidance from the governing body. They attempt to create an interaction/dialogue between the Planning Board and the Commissioners to make sure they are stepping off on the same foot, so when they are giving marching order to start doing work that both the governing body and Planning Board are nodding in approval of the path that has been chosen. After the path has been chosen any text amendments or map amendments will require a lengthy public process. During this period when there has been this dialogue going back and forth between the Planning Board and the Commissioners there has been great public interest in what is going on; therefore, we have been accepting comments and doing our best to forward them as appropriate to the various groups. However, none of the things that are taking place are per se things outlined in statute as requiring public hearings. This is just a dialogue taking place. Furthermore, the public record of what occurs such as minutes and things like that is the audio recordings or DVD of the meetings. For example having a meeting and then forwarding it to the Commissioners for their consideration prior to the written minutes being finalized; legally speaking does not appear to be a problem, because the official record is being forwarded. Written minutes are required as we know, but they are written minutes and the official record is the audio recording.

Grieve noted their office has adopted polices within their office for receiving and forwarding comments. When comments come in they cannot forward them continuously to the Planning Board; they would constantly be assembling and sending out packets so any comments received up until board packets go out are included in the packet which goes out two weeks prior to the public meeting. Any comments which are received after the packets go out, but prior to the meeting they hold and then copy and distribute them at the meeting to the Planning Board. When they distribute them they say you have a public hearing tonight, afterwards consider whether you have enough time here tonight to read these comments. Sometimes depending upon the amount of comments they will take a recess after the public hearing so they can read all the comments delivered to them. Sometimes they will hold the public hearing and close it and then give themselves a week to review the comments. It happened in this process as well; I can point to this exact process where comments were inadvertently not forwarded to the Planning Board that had been received at the October 30, 2015 workshop held at the Fairgrounds. A couple written comments from the comment box, and some submitted by Ms. Norton they noticed had not been submitted to the Planning Board. They then asked the Planning Board to wait a week to consider the comments, which they did in order to have adequate time to consider comments received. When we make errors we attempt to be transparent with those errors and bring them to the Planning Board and your attention. The Planning Board has scheduled another workshop on February 11, 2015 to discuss that which you discuss today, and I will do my best to take what you discuss to present back to them.

Chairperson Holmquist said this has been a lot of work not only for planning staff but for the Planning Board as well, and I want to thank them today for all their hard work and commitment to this project. We are just getting started and have a lot of work ahead of us.

Commissioner Mitchell thanked Grieve for meeting with him to discuss concerns and thoughts that he had. We are trying to deal with what the Supreme Court ruling decided and we are moving along with that. The dialogue of going back and forth has been wonderful to come up with a plan of where we are going. It has been extremely public. At some point we need to move on; that is what we were left with the Supreme Court ruling.

Commissioner Mitchell made a **motion** for the Planning Board to move ahead with Option 1-A from the Option Analysis Matrix with the additional language regarding Part 1 Zoning, and also after expiration of Interim Zoning repeal the current county adopted 1996 Whitefish County Master Plan and rely on the Flathead County Growth Policy for land use decisions and consider a replacement of the current Interim Zoning with County Part 2 Zoning.

Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

Grieve said there has been criticism leveled towards me in steering everyone in this direction, and the fact of the matter is there is no way to prove that is not the case. I would just like to point out we are attempting to lay out options and then put those options in front of the Planning Board and the Commissioners. When we are asked for our professional opinion, I certainly give it.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: PROPOSED CDBG GRANT FOR ADA AND BUILDING IMPROVEMENTS FOR SENIOR CENTERS

10:30:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Philip Mitchell, Assistant Mike Pence, Grant Support Whitney Aschenwald, Clerk Kile

Absent: Commissioner Gary Krueger

Aschenwald reported part of the CDBG application process requires a public hearing to be held for the proposed CDBG grant application, which is for building improvements and ADA upgrades for the senior centers in Whitefish, Columbia Falls, Bigfork and the Adams Building in Kalispell.

Commissioner Mitchell made a **motion** to authorize publication of the Notice of Public Hearing/ proposed CDBG grant for ADA and building improvements for senior centers. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

PUBLIC HEARING
TO CONSIDER GRANT APPLICATION SUBMITTAL

The Board of Commissioners of Flathead County, Montana, hereby gives notice that a public hearing will be held on **Tuesday, February 17, 2015 at 10:00 a.m.** in the Flathead County Commissioner Chambers, 800 South Main Street, Room 302, Kalispell, Montana, for the purpose of obtaining public comments regarding a proposed \$365,000 grant application to the Montana Department of Commerce's Community Development Block Grant (CDBG) Program. The hearing will provide an opportunity for all interested citizens to ask questions and to express their opinions regarding the proposed project:

**Provide funding for ADA Upgrades and Building Improvements at the
Adams Building in Kalispell, MT and at the Senior Centers in Whitefish,
Columbia Falls and Bigfork, MT**

MONDAY, FEBRUARY 2, 2015
(Continued)

At the public hearing, the proposed project will be explained, including the purpose and proposed area of the project, activities, and budget. Comments may be given orally at the hearing or submitted in writing to the Flathead County Commissioners Office by 4:00 pm on Monday, February 16, 2015.

Anyone who would like additional information should contact Whitney Aschenwald, Flathead County Grant Administrator at (406) 758-2467.

DATED this 2nd day of February, 2015.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Pamela J. Holmquist
Pamela Holmquist, Chairman

ATTEST:
Debbie Pierson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Publish on February 5 and February 12, 2015.

DOCUMENTS FOR SIGNATURE: SERVICE PROVIDER AGREEMENTS/ LAKESIDE COMMUNITY CHAPEL, BIGFORK SENIOR CTR., KALISPELL SENIOR CTR., WHITEFISH COMMUNITY CTR., AND NORTH VALLEY SENIOR CTR.

10:33:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Philip Mitchell, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Clerk Kile

Absent: Commissioner Gary Krueger

Chairperson Holmquist made a **motion** to approve the documents for signature/ service provider agreements. Commissioner Mitchell **seconded** the motion. Motion carried by quorum.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: HOME OCCUPATION VEHICLE TRAFFIC TEXT AMENDMENT/ FLATHEAD COUNTY ZONING REGULATIONS

10:34:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Philip Mitchell, Assistant Mike Pence, Planning & Zoning Director B. J. Grieve, Planner Erik Mack, Clerk Kile

Absent: Commissioner Gary Krueger

Commissioner Mitchell made a **motion** to authorize publication of the Notice of Public Hearing/ Home Occupation Vehicle Traffic Text Amendments. Chairperson Holmquist **seconded** the motion. 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 changes proposed by Flathead County Planning & Zoning Office to amend the text of the Flathead County Zoning Regulations to revise the performance standards regarding home occupations.

The proposed amendment would amend Section 5.06.020(1)(e) and Section 5.06.020(2)(c) under SECTION 5.06 HOME OCCUPATION and would amend Section 7.09.020 and would add Section 7.19.045 under CHAPTER 7 DEFINITIONS. The proposed text would read:

| SECTION 5.06 | HOME OCCUPATION |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5.06.020(1)(e) | The home occupation shall not generate pedestrian or vehicle traffic in excess of that which is characteristic of the neighborhood in which it is located. Vehicle traffic would not be increased by more than sixteen (16) vehicle trips all day. |
| 5.06.020(2)(c) | Vehicle traffic that exceeds sixteen (16) vehicle trips but less than thirty-two (32) vehicle trips all day. |
| 7.09.020 | Home Occupation - Any use conducted entirely within the dwelling and carried on by the members of the family which use is clearly incidental and secondary to the dwelling for dwelling purposes and does not change the character thereof and in connection therewith are no commodities sold from the premises except that which is produced thereof, except as provided for in Section 5.06. Such uses may include, but are not limited to, art and/or photography studios, computer programming, insurance sales, and handicrafts provided that the use does not involve more than one-third of the total square footage of the dwelling. The conducting of a hospital, barbershop, beauty shop, tearoom, tourist home, animal hospital, or other traffic generating use shall not be deemed to be a home occupation. |
| 7.19.045 | Trip - A single or one-direction vehicle movement originating or terminating (exiting or entering) at a given location. For example a vehicle arriving at a home photography studio, staying for an hour and then leaving the studio would consist of two trips. |

The Flathead County Zoning Regulations apply in all County zoning districts created under Section 76-2-205, M.C.A., and are on file for public inspection at the Office of the Clerk and Recorder, located at 800 South Main, Kalispell, Montana, the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, and on the Flathead County Planning and Zoning Office's website, at: http://flathead.mt.gov/planning_zoning/downloads.php. Documents related to the proposed amendments to those regulations are on file for public inspection at the Office of the County Clerk and Recorder and at the Flathead County Planning and Zoning Office.

MONDAY, FEBRUARY 2, 2015
(Continued)

The public hearing will be held on the **2nd day of April, 2015, at 9:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Third Floor, Old Courthouse, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change to the text of the Flathead County Zoning Regulations.

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.

DATED this 2nd day of February, 2015.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Debbie Pierson, Clerk

By/s/Pamela J. Holmquist
Pamela J. Holmquist, Chairman

By/s/Diana Kile
Diana Kile, Deputy

Publish on March 19 and March 26, 2015.

CONSIDERATION OF VACATION OF CHAUTAUQUA TERRACE, AMENDED PLAT OF LOTS 2 AND 3

10:35:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Philip Mitchell, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Planning & Zoning Director B. J. Grieve, Dan Brien, Katherine Thompson, Clerk Kile

Absent: Commissioner Gary Krueger

General discussion was held relative to setting precedence in vacation of a plat when there are other options in getting the issue resolved through the courts.

Brien noted the court order process is a more lengthy, time consuming and costly process, and getting approval from the commission would be one way to help his client get the division done quicker. He said he spoke to Planning & Zoning Director B. J. Grieve who advised him the commissioners do have the ability to vacate a plat in its entirety.

Commissioner Mitchell stated he has concerns as to if the lender would be affected by the division.

General discussion continued regarding how this would affect the lender.

Chairperson Holmquist said she believes his client has other options, and cannot support moving forward when other options are available through the courts.

Commissioner Mitchell said he would need to see a letter from the lender stating they have no concerns.

Commissioner Mitchell made a **motion** to table to a future date. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

CONSIDERATION OF LAKESHORE PERMIT: TIETGE TRUST, FLP 14-90

10:51:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Philip Mitchell, Assistant Mike Pence, Planning & Zoning Director B. J. Grieve, Planner Lawson Moorman, Planner Erik Mack, Clerk Kile

Absent: Commissioner Gary Krueger

Moorman reported the Lake and Lakeshore Construction Permit for Tietge is to replace a dock, walkway, retaining wall and stairway as well as to build a permanent boat shelter and relocate a shore station within the LPZ at 367 Marco Bay Road on Flathead Lake.

Commissioner Mitchell made a **motion** to approve Lakeshore Permit FLP 14-90. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

CONSIDERATION OF LAKESHORE PERMIT: GILLILAND, FLP 14-92

10:54:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Philip Mitchell, Assistant Mike Pence, Planning & Zoning Director B. J. Grieve, Planner Lawson Moorman, Planner Erik Mack, Clerk Kile

Absent: Commissioner Gary Krueger

Moorman reported the Lake and Lakeshore Construction Permit for Gilliland is to heighten an existing retaining wall and to dredge and fill within the LPZ at 5505 Highway 93 on Flathead Lake.

Commissioner Mitchell made a **motion** to approve Lakeshore Permit FLP 14-92/ Gilliland. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

MONDAY, FEBRUARY 2, 2015
(Continued)

CONSIDERATION OF CIP AMENDMENT: BIGFORK CONTAINER SITE DESIGN

10:56:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Philip Mitchell, Assistant Mike Pence, Public Works Director Dave Prunty, Clerk Kile

Absent: Commissioner Gary Krueger

Prunty reported there are three items in the Solid Waste CIP that can be delayed; line boring for their excavators, portable litter fencing and protective liners totaling \$77,000. The proposal is to take the \$77,000 and move it over to allow them to utilize the funds for engineering and maybe start of construction of the Bigfork container site.

General discussion was held relative to design and construction of the container site.

Chairperson Holmquist made a **motion** to approve CIP amendment/ Bigfork container site. Commissioner Mitchell **seconded** the motion. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: TEMPORARY ROAD CLOSURE PERMIT/ CENTRAL AVENUE, MARTIN CITY

11:02:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Philip Mitchell, Assistant Mike Pence, Public Works Director Dave Prunty, Clerk Kile

Absent: Commissioner Gary Krueger

Commissioner Mitchell made a **motion** to approve the document for signature/ temporary road closure permit. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

MONTHLY MEETING W/ DAVE PRUNTY, ROAD DEPARTMENT

11:03:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Philip Mitchell, Assistant Mike Pence, Public Works Director Dave Prunty, Jackola Engineering Representative Toby McIntosh, Clerk Kile

Absent: Commissioner Gary Krueger

Prunty reviewed the following monthly report with the commission.

Operations

- ✓ Winter plowing and sanding operations have consumed a major amount of work this month.
- ✓ Miscellaneous work tasks such as ROW clearing, culvert work and hand patching also occurred throughout the month.
- ✓ Significant storms occurred during the first week of January. Snow volumes set records in certain areas throughout the valley.
- ✓ By the end of the week all roads had been cleared and berms pushed backed to make room for more snow.
- ✓ As the month ended warmer weather has greatly reduced berms along the barrow ditches. Graders have been winging snow back also to prepare for the return of winter weather.
- ✓ Patching of pot holes has been occurring throughout the month, but mainly the second half as the warmer weather started to create heaving of the roads.

Columbia Falls Stage Road Land Slide

- ✓ Staff met with Jackola Engineering and Terracon the (geotech firm) regarding the project.
- ✓ The purpose was to make sure all parties are comfortable with the relocation of their road and the existing slide area. Jackola will be at this meeting to provide information to the commissioners.
- ✓ Staff also spoke to Steve Evans whose family owns the land. They are willing to grant an easement for the moving of the road for the appraised value of the land at \$11,000.

General discussion was held relative to a geotechnical report prepared by Jackola Engineering regarding the Columbia Falls road reconstruction project. Option 1 of relocating the roadway 20-30 feet increasing the separation between the slope and the roadway seemed to be the most favorable option of the three options presented.

Black Tail Road Improvements

- ✓ Work continues on the paving project scheduled for this summer from the current end of the pavement to our end of maintenance point, approximately 1.9 miles. Funding for the project comes from the FLAP and totals \$1.1 million. Our match for this project is to provide the asphalt from our plant for the paving.
- ✓ RPA provided plans and specs at the 95% review level to us and Federal Highways on January 29.
- ✓ The engineer's estimate for construction totals \$751,670.
- ✓ Bidding for the project is scheduled to occur in April with construction slated to start on July 6.

Spring Break Up

- ✓ With the recent warm weather we have started to think about weight limits. Usual implementation of limits occurs in late February to early March.
- ✓ Staff had our annual meeting with Plum Creek Timber to discuss both organizations plans and thoughts for the spring.
- ✓ Plum Creek's two current work areas are in the Lost Prairie and Pleasant Valley area.
- ✓ One of their jobs utilizes Pleasant Valley Road in the Island/ Lynch Lake area.
- ✓ They have asked if it would be possible to utilize a short stretch of Pleasant Valley Road (<1/4 mile) to get to their ACM Road after weight limits are in place.
- ✓ They have stated they would repair any areas if damage was to occur.
- ✓ This road currently has very little fines for the surface and many cobbles in the base. Significant damage is unlikely in our opinion.
- ✓ They may not need to use it if timing works in their favor; they are just making the request as a backup plan.

MONDAY, FEBRUARY 2, 2015
(Continued)

AWARD BIDS: TIRES, LIQUID ASPHALT, CRS-2 AND WARM MIX/ ROAD DEPARTMENT

11:45:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Philip Mitchell, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Public Works Director Dave Prunty, Clerk Kile

Absent: Commissioner Gary Krueger

Chairperson Holmquist made a **motion** to award the all season pickup and passenger car tires to Tire Rama; mud and snow passenger car and pickup tires to Eisinger Motors; recap tires to Les Schwab Tire Center. Commissioner Mitchell **seconded** the motion. Motion carried by quorum.

Chairperson Holmquist made a **motion** to award the asphalt bids to Calumet Montana Refining, LLC. Commissioner Mitchell **seconded** the motion. Motion carried by quorum.

Chairperson Holmquist made a **motion** to award the CRS-2 chipping oil bid to Calumet Montana Refining, LLC. Commissioner Mitchell **seconded** the motion. Motion carried by quorum.

Chairperson Holmquist made a **motion** to award the warm mix additive to MeadWestVaco Specialty Chemicals. Commissioner Mitchell **seconded** the motion. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: GENERAL RELEASE FOR FLATHEAD COUNTY GRANDSTAND IMPROVEMENT PROJECT 2014/ OUTBACK CONSTRUCTION, INC.

This meeting was postponed

DOCUMENTS FOR SIGNATURE: CTEP SWAN RIVER ROAD TRAIL EASEMENTS/PERMITS

11:49:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Philip Mitchell, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Robert Peccia & Associates Representative Ryan Mitchell, Clerk Kile

Absent: Commissioner Gary Krueger

Chairperson Holmquist made a **motion** to approve the CTEP Swan River Road Trail Easements/Permits. Commissioner Mitchell **seconded** the motion. Motion carried by quorum.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on February 3, 2015.

TUESDAY, FEBRUARY 3, 2015

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairperson Holmquist, Commissioner Krueger and Mitchell, and Clerk Pierson were present.

NO MEETINGS SCHEDULED

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on February 4, 2015.

WEDNESDAY, FEBRUARY 4, 2015

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairperson Holmquist, Commissioner Krueger and Mitchell, and Clerk Pierson were present.

11:00 a.m. County Attorney meeting @ Co. Atty's Office
3:00 p.m. Commissioner Mitchell: FCEDA meeting

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on February 5, 2015.

THURSDAY, FEBRUARY 5, 2015

[Audiofile](#)

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairperson Holmquist, Commissioner Krueger and Mitchell, and Clerk Pierson were present.

Chairperson Holmquist led the Pledge of Allegiance.

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

THURSDAY, FEBRUARY 5, 2015
(Continued)

OPEN BIDS: PROPANE, GAS & DIESEL/ ROAD DEPARTMENT

9:00:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Public Works Director Dave Prunty, Clerk Kile

A single bid was received from City-Service Valcon with bid bonds enclosed for propane, gas and diesel.

Commissioner Krueger made a **motion** to take the bids under consideration. Commissioner Mitchell **seconded** the motion. Motion carried unanimously.

BOARD APPOINTMENT: WESTERN MONTANA REGIONAL JUVENILE DETENTION BOARD

9:03:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Clerk Kile

Commissioner Mitchell made a **motion** to appoint Commissioner Krueger to the Western Montana Regional Juvenile Detention Board. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

CONSIDERATION OF PRINT BIDS: ELECTION DEPARTMENT & HEALTH DEPARTMENT

9:05:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Clerk Kile

Chairperson Holmquist read into the record that Great Northern Printing was the low bidder for 2-sets of 5,000 each envelopes for \$568.65.

Commissioner Krueger made a **motion** to approve the print bid. Commissioner Mitchell **seconded** the motion. Motion carried unanimously.

Chairperson Holmquist read into the record that Insty Prints was the low bidder for 500 placard score cards for \$490.00.

Commissioner Krueger made a **motion** to approve the print bid. Commissioner Mitchell **seconded** the motion. Motion carried unanimously.

MONTHLY MEETING W/ B. J. GRIEVE, PLANNING & ZONING OFFICE

9:15:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Planning & Zoning Director B. J. Grieve, Clerk Kile

Grieve reviewed staff's workload and reported his office staff is down one senior employee, therefore work is being reallocated in the office. In other business, he reported CTEP trail bids needs to be authorized by MDOT by June 1, 2015 or the projects will be shut down and the county will have to repay all engineering costs incurred; spoke about posting of the vacated position; reviewed code compliance statistics; reported their projected fee revenue is down; reviewed concerns regarding an airport overlay zone adopted in 2001 that was never applied to the GPI area. MCA 67-7-201 regarding designation of airport zoning was discussed.

67-7-201. Designation of airport affected area -- regulations required -- maps and descriptions required -- public hearing required -- effect of designation.

(1) Subject to the provisions of subsection (5), a governing body of a political subdivision that owns or controls an NPIAS airport or that has an airport affected area for an NPIAS airport within its territorial limits or a joint board established pursuant to [67-7-202](#) shall, by ordinance or resolution, exercising its police power:

- (a) designate an airport affected area within 1 year of April 19, 2005;
- (b) concurrently adopt regulations for the airport affected area that comply with [67-7-203](#); and
- (c) administer and enforce the regulations that are adopted.

(2) A governing body of a political subdivision that owns or controls a non-NPIAS airport or that has an airport affected area for a non-NPIAS airport within its territorial limits or a joint board established pursuant to [67-7-202](#) may, by ordinance or resolution, exercising its police power, designate an airport affected area. If the governing body or joint board makes the designation, it shall concurrently adopt regulations for the airport affected area that may comply with [67-7-203](#) and shall administer and enforce the regulations.

(3) The airport affected area may not be less than 10,000 feet from the thresholds of each runway or less than 1 mile wide on each side of each runway unless evaluations for a specific runway show that the accident data justifies a lesser area. A greater area may be regulated as an airport affected area if:

- (a) studies have been conducted in accordance with 14 CFR, part 150, maps of the area have been prepared, and a program has been approved by the federal aviation administration; or
- (b) the governing body intends to protect imaginary surfaces as provided in 14 CFR, part 77.

(4) The designation must be accompanied by maps and legal descriptions of the airport affected area. The maps must be filed with the clerk and recorder of each affected county and with the clerk of each affected city or town.

(5) (a) Before a governing body designates an airport affected area and adopts or amends regulations governing the airport affected area, the governing body shall hold at least one public hearing.

(b) The notice of the public hearing must be published as provided in [7-1-2121](#) if the governing body is a county commission or the commissioners of a regional airport authority and as provided in [7-1-4127](#) if the governing body is a city commission, a town council, or the commissioners of a municipal airport authority.

(6) After the designation of an airport affected area, a person may not recover from a local government, an airport authority, an airport operator, or an airport owner damages caused by noise, fumes, vibrations, light, or any other effects from normal and anticipated normal airport operations.

Grieve further reported on a potential pending river restoration project; summarized upcoming planning board meetings scheduled; spoke about the possibility of applicants needing two lakeshore permits (city and county) for certain improvements on Whitefish Lake.

CONSIDERATION OF ADOPTION OF RESOLUTION: REVISED ADMINISTRATIVE FEE SCHEDULE/ FLATHEAD COUNTY PLANNING & ZONING OFFICE

10:10:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Planning & Zoning Director B. J. Grieve, Clerk Kile

Commissioner Krueger made a **motion** to adopt Resolution 1663H. Commissioner Mitchell **seconded** the motion. Motion carried unanimously.

**THURSDAY, FEBRUARY 5, 2015
(Continued)**

RESOLUTION NO. 1663H

WHEREAS, the Flathead County Planning and Zoning Office administers the Flathead County Zoning Regulations, the Canyon Area Land Use Regulatory System, the Flathead County Subdivision Regulations, the Flathead County Lake and Lakeshore Protection Regulations, Flathead County Floodplain and Floodway Management Regulations and the Flathead County Buildings for Lease or Rent (BLR) Regulations;

WHEREAS, these regulations contain provisions whereby citizens may apply for permits, amendments, variances, appeals, revisions, reviews and extensions and these applications are processed by the Flathead County Planning and Zoning Office;

WHEREAS, the costs of processing permits, amendments, variances, appeals, revisions, reviews and extensions are offset by the charging of fees so as to not burden the general Flathead County taxpayer with paying for these processing services;

WHEREAS, the administrative fees charged for processing applications should generally attempt to match the costs associated with processing the particular type of application for which the fee is charged;

WHEREAS, from time to time, it is appropriate to review fees when changes occur in costs associated with processing privately initiated applications or when opportunities to improve the clarity, consistency and efficiency of the fees are recognized by the Flathead County Planning and Zoning Office;

WHEREAS, on February 05, 2015, the Flathead County Planning and Zoning Office presented to the Commissioners an analysis of costs and cost increases and proposed changes to the Administrative Fees & Fee Policies that included modest increases to all fees based on the Consumer Price Index (CPI) value since each fee was last revised, an increase in the lake and lakeshore permit and variance base fee to account for additional costs associated with improvements in standard processing procedures and new fees for amendments to active lake and lakeshore permits, site visits for Community Acknowledgement Forms, review of conservation easements, and review of declarations of unit ownership.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, Montana, that the fees collected by the Flathead County Planning and Zoning Office shall be as stated on the attached fee schedule.

BE IT FURTHER RESOLVED that the attached fee schedule shall be effective February 09, 2015.

Dated this 5th day of February, 2015.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Pamela J. Holmquist
Pamela J. Holmquist, Chairman

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

By/s/Philip B. Mitchell
Philip B. Mitchell, Member

ATTEST:
Debbie Pierson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Effective 02/09/15
Flathead County Resolution#1663H

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE
ADMINISTRATIVE FEES & FEE POLICIES¹**

| SUBDIVISION ² | |
|-----------------------------------------------------------------------------------------------------------------|-----------------------------|
| Preliminary Plat: | |
| Major Subdivision ³ | \$1,085+ \$80/lot* |
| First Minor Subdivision ⁴ | \$540+ \$80/lot |
| First Minor Subdivision, Administrative Review | \$325+ \$55/lot |
| Major Subdivision "Material" Amendments (Prior to Planning Board public hearing) | 50% of original fee* |
| First Minor Subdivision "Material" Amendments (Prior to Commission decision) | 50% of original fee |
| Major Subdivision "Mid-Process Resubmit" (After Planning Board public hearing, prior to Commission decision) | 50% of original fee* |
| Re-Review of an Expired Preliminary Plat ⁵ | 50% of new application fee* |
| <i>*Add fee for certified mailing of adjacent property notification.</i> | + \$5/address |
| Amendment(s) to an Approved Preliminary Plat: | |
| Review of Material Changes to an Approved Major Preliminary Plat | \$325+ \$55/lot* |
| Review of Material Changes to an Approved Minor Preliminary Plat | \$325+ \$55/lot |
| <i>*Add fee for certified mailing of adjacent property notification.</i> | + \$5/address |

¹ All administrative fees are due at the time an application is submitted to FCPZ. FCPZ will accept cash, personal check or cashier's check for payment of administrative fees. Interpretation of administrative fees is the responsibility of the Planning Director but interpretations may be appealed to the Flathead County Commissioners. Applications are not considered received by FCPZ until all administrative fees are paid in full. Administrative fees are non-refundable, unless otherwise authorized in a specific regulatory process. Administrative fees may be waived for other Flathead County departments upon approval by the Flathead County Commissioners.

² Applications terminated prior to being deemed sufficient shall receive a refund of 50% of the original application fee, plus 100% of per address notification fee if applicable (4.0.15(b) FCSR).

³ Includes commercial and residential subdivisions of 6 or more lots, commercial and residential condominium developments of 6 or more units, subdivision by rent or lease of 6 or more spaces or units, and subsequent minor subdivisions reviewed as major subdivisions per Section 4.3 FCSR.

⁴ Includes commercial and residential first minor subdivisions of 1-5 lots, commercial and residential condominium developments of 1-5 units and subdivision by rent or lease of 1-5 spaces or units.

⁵ Preliminary plat application being re-reviewed must comply with currently applicable subdivision regulations, contain no material changes from original approval, and must have expired no more than two years prior to date of application for re-review.

THURSDAY, FEBRUARY 5, 2015
(Continued)

| | |
|-----------------------------------------------------------|-----------------------------------------------|
| Final Plat | |
| Major Subdivision ⁶ | \$865+ \$55/lot |
| Minor Subdivision ⁷ | \$435+ \$55/lot |
| Minor Subdivision, Administrative Preliminary Plat Review | \$650+ \$80/lot |
| General Subdivision | |
| Subdivision Variance ⁸ | +\$270/variance requested |
| Subdivision Improvement Agreement | +\$165 |
| Preliminary Plat Extension Agreement | \$105 |
| BUILDINGS FOR LEASE OR RENT (BLR) | |
| BLR Review | \$515+ \$50/building ⁹ |
| PLANS¹⁰ | |
| Neighborhood Plan Amendment | \$1085+ \$35/acre (\$16,260 maximum fee) |
| New Neighborhood Plan | \$1085+ \$35/parcel (\$16,260 maximum fee) |
| ZONING¹¹ | |
| Flathead County Zoning Regulations | |
| New Zoning Districts ¹² | \$1300+ \$35/acre (\$16,260 maximum fee) |

⁶ Includes "final plat" and "revised preliminary plat" review of major preliminary plats.

⁷ Includes "final plat" and "revised preliminary plat" review of minor preliminary plats.

⁸ Variances requested with major and minor subdivision applications. For "amended plat," "mid-process resubmitted plat" and "review of material change" applications, variance requests reviewed with original application and not impacted by amendments and/or material changes will not be charged a fee. Variances reviewed with original application and impacted by amendments and/or material changes will be charged 50% of variance fee. New variance requests as a result of the amendments and/or material changes requested will be charged full variance fee.

⁹ "Building," as defined in the Flathead County Buildings for Lease or Rent (BLR) Regulations, includes both structures and units within a structure. For example, 2 buildings with 2 units in each = four units. Ten rental cabins = ten units. Subdivisions by rent or lease are not included.

¹⁰ Fees listed are for "privately initiated" applications. There is no administrative fee for "publicly initiated" applications. "Publicly initiated" applications are only those initiated by a majority vote of the Flathead County Commissioners at the request of a majority vote of the Flathead County Planning Board and includes requests for updates to existing plans. New neighborhood plans, privately or publicly initiated, may only be initiated in conformance with the Flathead County Growth Policy and the Commissioner's guidelines of January 13, 2010.

¹¹ Fees listed are for "privately initiated" applications. There is no administrative fee for "publicly initiated" applications. "Publicly initiated" applications are those initiated only by a majority vote of the Flathead County Commissioners at the request of a majority vote of the Flathead County Planning Board.

¹² Per Sections 1.01.010 and 2.08.060 of the Flathead County Zoning Regulations.

| | |
|-------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| Zoning Map Amendment | \$865+ \$35/acre of land on which map amendment is requested (\$8,670 maximum fee) |
| Zoning Text Amendment | \$865 |
| Planned Unit Development Preliminary Plan ¹³ | \$865+ \$35/acre of land on which zoning overlay is requested. (\$8,670 maximum fee) |
| Planned Unit Development Final Plan | \$435 |
| Variance | \$380 Residential (Single family) \$540 Residential (2 or more units) \$760 Other than residential |
| Conditional Use Permit | \$380 Residential (Single family) \$540 Residential (2 or more units) \$760 Other than residential |
| Administrative Conditional Use Permit | \$215 Single family residential \$325 Other than single family residential |
| Zoning Appeals | \$380 |
| Billboard Permits | \$55 Maintenance/Remodeling \$270 Relocation |
| Canyon Area Land Use Regulatory System | |
| CALURS Text Amendment | \$865 |
| Variance | \$380 Residential (Single family) \$540 Residential (2 or more units) \$760 Other than residential |
| Appeal | \$380 |
| Minor Land Use Review | \$215 Residential \$325 Other than residential |
| Major Land Use Review ¹⁴ | \$490 Small Scale* \$650 Large Scale, Single Structure * \$760 Large Scale, Multiple Structures, Units or Uses* |
| *Add fee for certified mailing of adjacent property notification. | +\$5/address |

¹³ Includes new PUD overlays and amendments to existing PUD overlays.

¹⁴ Small scale is defined as 50 or fewer average daily trips (ADT), large scale is defined as 51 or more. ADT calculations to determine scale and resulting fee are to include currently existing ADT plus new ADT resulting from the proposed new or expanding land use. ADT is calculated using the ITE Trip Generation Manual. ADT and application fee is to be calculated by FCPZ staff at the pre-application conference that is required for all CALURS land use reviews.

**THURSDAY, FEBRUARY 5, 2015
(Continued)**

| LAKE & LAKESHORE | |
|--------------------------------------------------------------|-------------------------------------------------------------------|
| Administrative Permit | \$270 base fee for one activity \$110 each additional activity |
| Standard Permit | \$375 base fee for one activity \$110 each additional activity |
| Lakeshore Variance | \$485 Minor \$1190 Major |
| Lakeshore Permit/Variance Extension | \$110 |
| Amendment to approved, active permit/variance | 50% of original fee |
| FLOODPLAIN | |
| Floodplain Permit | \$380 |
| Floodplain Permit- Agricultural | \$270 |
| Floodplain Permit- Dock or Ramp | \$270 |
| Floodplain Permit Extension | \$110 |
| Floodplain Appeals/Variations | \$540 |
| Site Visit for Community Acknowledgement Form (if necessary) | \$50 |
| MISCELLANEOUS | |
| Conservation Easement Review | \$105.00 |
| Certification for Declaration of Unit Ownership | \$55.00 |

8:30 a.m. Commissioner Krueger: Transportation Advisory Board meeting @ Heritage Place

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on February 6, 2015.

FRIDAY, FEBRUARY 6, 2015

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairperson Holmquist, Commissioner Krueger and Mitchell, and Clerk Pierson were present.

NO MEETINGS SCHEDULED

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on February 9, 2015.
