

MONDAY, DECEMBER 20, 2004

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

Public comment on matters within the Commissions' jurisdiction

In attendance: Linda Johnson, Lois Lauman, Dale Lauman, Carole Brumette, Karen Moorehouse

Linda Johnson – I'm here just to address the Lakeside Marina, is this my chance to talk? I live in Kalispell, I don't live near there but I live and love the Flathead Lake and this is just another reason of why we need a good growth policy and I can't wait for one to be put in place. You've got people crying from all over the sectors of the county for different things that's not written in stone, developers don't know what to do because they see so many gray areas and this is another example and it's just a matter of too much. It's going to be way too much for Flathead Lake, for the people in that area to put that many boat slips, it's a matter of just a little too much greed going on here and it's just not working with the citizens that live there. I really really feel for them and I hope this is not voted in.

Lois Lauman – I'm in total support of the marina project. This is something that Lakeside has needed for a long time and what is there is totally dilapidated, almost beyond repair. I think it would enhance Lakeside and the community to be able to put their boats in for those that don't live on the lake. I really hope you support it.

Carole Brumette – I can't imagine why people don't want this. To me they have been offered a wonderful opportunity to have a state of the art marina put in and truthfully I'd rather be known for the largest marina on Flathead Lake than the worst, which it is now as far as water quality is concerned. The water now at that rotting dock is much much worse than it would be with a new marina and truthfully, you know you can only use the lake for 5 months at the most out of the year, so it's not like it's an all year thing that would ruin Flathead Lake, I wouldn't want that.

Karen Moorehouse – As I understand it, the length of the dock already has been grandfathered in, it's longer than regulation and everyone agrees that it should be replaced but to extend it as far as they want to would be a dangerous precedent I think for any other marina, the several that there are around the lake and the ultimate reason for not making a long dock is the pollution it might cause or just the degradation of the lake. So I think it would be a mistake to extend it that far.

Commissioner Hall – Karen, do you know how many marinas there are on the lake? Does anyone? That's one thing I've been wondering about.

Karen Moorehouse – well, there's Polson and Dayton and Bigfork has more than 2 and Yellow Bay.

Commissioner Hall – so public about 4 or 5 maybe.

Karen Moorehouse – the future is possible of more of them. The thing is it's already longer than regulation and to extend it further would be a dangerous precedent I think.

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

MONTHLY MEETING W/JIM ATKINSON, AOA

THIS MEETING WAS CANCELLED

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION : MONTANA VENTURE PARTNERS/FLATHEAD COUNTY MASTER PLAN AMENDMENT

Present at the December 20, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planning and Zoning Director Forrest Sanderson, Steven Sekelsky, Jane Sekelsky, Lorraine Reid, James Reid, Susan Miller, Planner Kirsten Holland, Assistant Webb, and Clerk Eisenzimer.

Discussion was held as to consideration of Final Resolution changing 55 acres from Agricultural/Silvicultural to a Heavy Industrial designation to allow for industrial zoning and development.

Commissioner Watne made a **motion** to adopt Resolution 789O by amending it to remove heavy industrial and insert light industrial use. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

RESOLUTION NO. 789 O

WHEREAS, Montana Venture Partnership, LLC, has requested a revision to the Flathead County Master Plan, to change the designation of approximately 55 acres of property from an Agricultural/Silvicultural designation to a Heavy Industrial designation to allow for industrial zoning and development of the tracts;

WHEREAS, the Flathead County Planning Board recommended that the Board of Commissioners adopt that amendment to the Flathead County Master Plan; and

WHEREAS, the Board of Commissioners passed a resolution of intent (Resolution No. 789N) to consider the requested plan change on November 9, 2004, and gave notice that it would consider public comment received prior to December 15, 2004; and

WHEREAS, the Board of Commissioners has considered the information presented to it since the adoption of that resolution of intent and has determined that the area is not compatible with heavy industrial use but is compatible with light industrial use.

NOW THEREFORE, BE IT RESOLVED, pursuant to Section 76-1-604, M.C.A., by the Board of Commissioners of Flathead County, Montana, that it hereby adopts an amendment to the Flathead County Master Plan to change the designation of approximately 55 acres of property located to the East of Demersville Road, near its intersection with Highway 93 and Rocky Cliff Drive, and described as portions of Assessor's Tracts 2 and 3, Section 33, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana, from an Agricultural/Silvicultural designation to a Light Industrial designation to allow for light industrial zoning and development of the tracts.

DATED this 20th day of December, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By /s/Howard W. Gipe
Howard W. Gipe, Chairman

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

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

ATTEST:
Paula Robinson, Clerk

By /s/Monica R. Eisenzimer
Deputy

PUBLIC HEARING: MONTANA VENTURE PARTNERS ZONE CHANGE/LOWER SIDE ZONING DIST.

Present at the December 20, 2004 9:30 A.M. duly advertised public hearing were Chairman Gipe, Commissioners Watne and Hall, Planning and Zoning Director Forrest Sanderson, Planner Kirsten Holland, Susan Miller, Lorraine Reid, James Reid, Ken Kalvig, Andy Miller, and Clerk Eisenzimer.

Holland reviewed Staff Report #FZC-04-26, a request by Montana Venture Partners to change zoning in the Lower Side Zoning District from AG-80 to I-1.

Chairman Gipe opened the public hearing to anyone wishing to speak in favor of the requested zone change

Ken Kalvig – representing the applicant on this matter. You guys have thrown me a little bit of a curve this morning because I thought we were going to be talking about heavy industrial but we're talking about light industrial apparently in light of the plan amendment that you guys just adopted. Obviously as part of our zone change application, we were requesting I-2 and the application addresses all of the issues we think for that request. We've been before the Planning Board on the I-2 zoning request and received their positive recommendation for that. Perhaps with a little direction from the Commissioners this morning I'm sensing that we're probably going to be talking about a light industrial zone this morning rather.

The first point I would make on that then is we have a couple of options for light industrial zoning. We've got the I-1 zone, we also have the Highway Light Industrial and they are two different zones. I believe that they pretty much allow many of the same uses but there probably are some differences there. I was not prepared to discuss those with you but would just point that out for you folks to take a look at.

The other point that I would make is if you are inclined to pass a favorable resolution this morning for the zone change, I would just ask that you go through the Staff Report as those findings of fact and make sure that the Findings of Fact that you deal with do reflect a light industrial designation rather than the I-2 that I think currently exists in the Staff Report. I certainly think that this particular request whether it be for a heavy industrial zone or a light industrial zone, it is an appropriate use in that area down there. There's significant industrial designation, both in planning and zoning already along that Highway 93 corridor. I think it's an appropriate expansion of that. As the valley is growing, we need to have areas for industrial uses. One of the things that stuck out in my mind in looking at the master plan that was adopted back in the mid '80s, the people putting that plan together recognized that industrially designated property has at least a couple of benefits for the residents of Flathead County. First of all, it increases the county's tax base by having an industrial designation on the property. The second thing it does is it allows areas for business and industry to come in here to create jobs and there was some indication, some statement in the master plan about industrial projects or industrial businesses generate jobs at a faster multiplier, larger multiplier than many other industries. So I just want to remind you gentlemen of that. There has been some concern about the heavy industrial designation for this property, we had some folks that spoke at the last public hearing before the County Planning Board. I also received a letter this past week which I think you gentlemen also received from the Sekelskys and I suspect that some of their concerns expressed in that letter are addressed by the change from the Heavy Industrial to the Light Industrial. The other point that I want to make is that they had indicated in their letter that they hoped that at the time that my client applies for Subdivision approval that we can meet with them to talk about project specifics and we're certainly open and willing to do that. We want to be a good neighbor down there and we'll make every reasonable effort to do that. With that I'll close my comments unless you gentlemen have any questions.

No questions from the Board of Commissioners.

Lorraine Reid – I originally came here to speak in opposition of the heavy industrial designation and since it looks like we're looking more at a light industrial designation, I'd like to speak in favor of that because that's what I feel is appropriate in the neighborhood. If you even look at the I-2 Heavy Industrial designation there's a lot of compatible usages or similar usages and if at some point of time a portion of this 55 acres needs to be designated as Heavy Industrial they could do so with a conditional use permit. So I don't think we're eliminating any possibility at that this point but I appreciate the idea that this is a transitional piece of property between residential and agricultural rather than just making a bigger heavy industrial area. So I'm in favor of this as I-1. Thank you.

No one else rising to speak, Chairman Gipe asked for anyone wishing to speak in opposition to the requested zone change.

No one rising to speak in opposition, Chairman Gipe closed the public hearing.

Forrest Sanderson – If I may discuss the difference between I-1 and I-1H. The I-1 is our standard light industrial zoning district. It contains a very extensive list of permitted and conditional uses which are identical with the I-1H. The main differences between the two districts are increased set backs and additional development restrictions in the I-1H district. The I-1H was created to implement the Highway 93 South Neighborhood Plan. It is an inappropriate zone assignment at this location as it is not part of that neighborhood planning area and it is my opinion you may not assign it here. In terms of your Findings of Fact, if they're there to support a Heavy Industrial zone, they're there certainly to support a Light Industrial zone. My recommendation would be to go into the Findings of Fact and delete reference to Heavy and replace with Light and with that gentlemen I would close.

Commissioner Hall made a **motion** to adopt Staff Report #FZC-04-26 as Findings of Fact as amended. Commissioner Watne **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to adopt Resolution No. 957AT as amended. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

RESOLUTION NO. 957AT

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 20th day of December, 2004, to consider a request by Montana Venture Partners, LLC to change the zoning designation in a portion of the Lower Side Zoning District from AG-80 (Agricultural) to I-2 (Heavy Industrial);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on December 2 and December 9, 2004;

WHEREAS, the Board of Commissioners received public comment on the proposed zoning change at said hearing; and

WHEREAS, the Board of Commissioners reviewed the recommendations of the Flathead County Planning Board regarding the proposed change in the Lower Side Zoning District and determined that the area is not compatible with heavy industrial uses but is compatible with light industry.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby adopts the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board, and finds that the proposed zone change is in compliance with the Flathead County Master Plan, as amended to designate the property for light industrial use, and, in accordance with Section 76-2-205(4), M.C.A., hereby adopts this resolution of intention to change the zoning for a portion of the area in the Lower Side Zoning District from AG-80 to I-1 (Light Industrial) which allows for areas for light industrial uses and service uses that typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odors, smoke, etc.) which extend beyond the lot lines, that area being described on Exhibit "A" hereto.

BE IT FURTHER RESOLVED that notice of the passage of this resolution, stating the boundaries of the portion of the Lower Side Zoning District to be changed, the general character of the proposed change in regulations for the area, that the regulations for said district are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication of thereof, the Board will receive written protests to the change to the Lower Side Zoning District, shall be published once a week for two weeks.

BE IT FURTHER RESOLVED, that written protests will be received from persons owning real property within the Lower Side Zoning District for a period of thirty (30) days after first publication of that notice, provided that, in order that only valid signatures are counted, the freeholders who file protests are either registered to vote in Flathead County or execute and acknowledge their protests before a notary public.

BE IT FURTHER RESOLVED that if forty per cent (40%) of the freeholders within the Lower Side Zoning District protest the proposed change in said district, then the change will not be adopted.

DATED this 20th day December, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: /s/Howard W. Gipe
Howard W. Gipe, Chairman

By: /s/Robert W. Watne
Robert W. Watne, Member

ATTEST:
Paula Robinson, Clerk

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

By /s/ Monica R. Eisenzimer
Deputy

EXHIBIT A

MONTANA VENTURE PARTNERS (OLD SCHOOL STATION) ZONE CHANGE FROM AG-80 TO I-2

Location and Legal Description of Property:

The property is located directly east of the intersection of Highway 93, Rocky Cliff Drive and Demersville Road. The property is described as portions of Assessor's Tracts 2 and 3, in Section 33, Township 28 North, Range 21 West P.M.M., Flathead County, Montana. The property contains 55.14 acres.

Commissioner Watne made a **motion** to authorize the publication of the Notice of Passage of Resolution of Intent and authorize the Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION LOWER SIDE ZONING DISTRICT

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No. 957AT) on December 20, 2004, to change the zoning designation in a portion of the Lower Side Zoning District from AG-80 (Agricultural) to I-1 (Light Industrial).

The boundaries of the area proposed to be amended from AG-80 to I-1 are set forth on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to the property from those designed to protect and preserve agricultural land for the performance of a wide range of agricultural functions and to control the scattered intrusion of uses not compatible with an agricultural environment, including but not limited to residential development, to regulations designed to provide areas for light industrial uses and service uses that typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odors, smoke, etc.) which extend beyond the lot lines. It is also intended that the encroachment of non- industrial uses within the district be prevented.

The regulations defining the AG-80 and I-1 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.

For thirty (30) days after the first publication of this notice, the Board of Commissioners will receive written protests to the change proposed for a portion of the Lower Side Zoning District from persons owning real property within that District whose names appear on the last completed assessment roll of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

DATED this 20th day of December, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

By: /s/Howard W. Gipe
Howard W. Gipe, Chairman

By: /s/Monica R. Eisenzimer
Deputy

Publish on December 23 and December 30, 2004.

EXHIBIT A

MONTANA VENTURE PARTNERS (OLD SCHOOL STATION) ZONE CHANGE FROM AG-80 TO I-2

Location and Legal Description of Property:

The property is located directly east of the intersection of Highway 93, Rocky Cliff Drive and Demersville Road. The property is described as portions of Assessor's Tracts 2 and 3, in Section 33, Township 28 North, Range 21 West P.M.M., Flathead County, Montana. The property contains 55.14 acres.

PUBLIC HEARING: LAKESHORE PERMIT: MONTANA EAGLE DEVELOPMENT #FLV-04-09

Present at the December 20, 2004 9:30 A.M. duly advertised public hearing were Chairman Gipe, Commissioners Watne and Hall, Planning and Zoning Director Forrest Sanderson, Planner Traci Tull, Linda Johnson, Lois Lauman, Dale Lauman, Carole Brumette, Karen Moorehouse, Tip Clark, Sandy Cherot, Don Wood, Steven Sekelsky, Jane Sekelsky, M. Botwiniek, Tabby Ivy, Frank Brisendine, Bruce Tate, Gary Wilkins, Dorothea Wilkins, Robert Fraser, Steve Rosso, John Lacey, Russ Schneider, Patty Sollie, Brent Hall, Shelly Ragland, Ron Clark, Jacob Doren, Larry Anderson, Wendy Anderson, Mike Burr, Kristin Henriksen, Mary Granger, Greg Barkus, Gregg Schoh, Robert Zion, Peter Tyler, Marshall McCartney, Frank Dinenna, Lynda Burns, Don Hines, Mary and Jayne won Schledoren, Shorty from A Able Fishing, Mel Allen, Mark Deleray from Montana Fish Wildlife and Parks, Richard De Jana, Carol Venable, Kathy Robertson, David Robertson, Mareen Liechti, Tom Wiggan, Connie Roberts, Dave, Elsa Putzier, Fran Ruby, Howard Ruby, Denise Lang, Bruce Ruby, Rick Heitert, Sheri Young, Joice Philippi, Phil Albert, Paul Williams, Betty Stevens, Bruce Young, Troy Evans, Mike Morton, Trevor Schaeffer, Mary Stroud, Christy Erickson, Bruce Barrett, Brent Mitchell, Bill Lincoln, Tim Martin, Larry Phillips, Jutta Phillips, Dave Reynolds, Jack Rasmussen, Dan Fischer, Don McBurney, Lisa Hochmann, Don Dryer, Barbara Fenchak, James Fenchak, and Clerk Eisenzimer.

Tull reviewed Lake and Lakeshore Construction Permit/Major Variance filed by Montana Eagle Development, LLC and Contractor Schwarz Architecture & Engineering to construct and expand a public marina, replacement of dilapidating seawall, renovation of Rosario's restaurant building, renovation of the existing marina building, addition of fill under the existing marina building, new breakwater wing, installation of stand pipes and fire hose cabinets.

Chairman Gipe opened the public hearing to anyone wishing to speak in favor of the Lakeside Marina.

Tip Clark – I know this project has been discussed for several months and that you all are very well familiar, so I will keep my comments short as you requested. My wife's and my families have lived on Flathead Lake since the early 1900's and I assure you that we all care very deeply about the quality of the water and safety issues in preserving the pristiness of Flathead Lake. In fact we skied and we swim in the water both when we were kids and we do now although the water seems a little colder now. This whole project is not the newness of it or the renovation but it's just the mere size of the dock. There's really nothing that we have on Flathead Lake to compare it to but we do have a Coeur d'Alene resort hotel, I'd like to give you a picture. I'm sure you all are very aware of that facility over there. That thing is absolutely huge, it's 700 feet long at least, 700 feet wide, 350 boat slips, it has at least 2 gas pumps, a sewage pump. Well I went over to talk to the DEQ, the Corps of Engineers, the Fish and Wildlife over there and there is no documented evidence that the mere size of that marina has caused any degradation to the quality of the water, erosion of the shoreline or has posed any significant safety issues. I urge you to agree to them building a larger marina and a new marina and I thank you for your time.

Brent Hall – I'm all in favor of this project. I'm all in favor of cleaning up that sight, I don't see any problems, I think it's going to slow traffic down in front of my house if it's going to do anything because they're going to have to go a little farther out into the lake. The only concern I have for the area, I think we need some law enforcement down there to control the speed of the wave runners and the boats but I think it's a good project, I think the people in charge of it will do a good job and I think we're all here to monitor it and see that they do.

Frank Brisendine – I'm for the amendment.

Mike Burr – I have a business in Lakeside, I'd like to speak in favor of the project. Not from a businessman's point but from an access point. We have a beautiful lake there and I don't think anybody that's for or against it wants to hurt the quality of that water or the quality of that space. The bottom line is it's over 100 miles of lakeshore on Flathead Lake and less than 1/10th of 1 percent is public access. This group is asking for a tremendous amount of variances from the Lakeshore deal but they're giving us public access. So, we're talking about a precedent being set for this whole project and it might lead to something else. Well, if a private group is going to put something in and wants all of these variances and provide no public access, they shouldn't get favorable treatment, they should have all those Lakeshore regulations imposed on them. Here we have an opportunity on a lake that has less than 1/10th of 1 percent public access and we have the opportunity to enhance that and I think we should really pay close attention to it because I think two or three years from now, we'll look back and if this project doesn't go through and it's another private area, Keep out, don't come in here, we're going to go boy, we really missed the boat

on that opportunity to enhance the public access to Flathead Lake. There's a 16 foot concrete wall being built right in the middle of Lakeside right now and when that's done, there'll be nice townhouses on the other side, but what's that say, but Keep out.

Shorty Goggins – Something that you may not realize but Lake Blaine is all private, there's no access to it at all. This is heading this way for a lot of stuff. I just did a little map today to show what has happened. The Bigfork Marina has been sold and it's going private so that's gone. The Bayview and the Woods Bay to my understanding and this is not a fact, I don't know this for a fact, but what I've been told it is sold and it is going private. Over here at Somers there where they used to be a marina, that is sold and that's going condos and private, that one's gone. Table Bay is gone, went private. The Bob's place down from Table Bay, that is all went private so right now you have one place on the lake is Lakeside. Of my colleagues and stuff that's running the charters, a lot of them are out of town and this, but they don't even know that they're losing their slips and just like the Coeur d'Alene and I came from California and I came here in '65 and so I figure I'm pretty close to a native, I've worked hard for this and I'd like to see this as long as he lives up to the rules, you got 5 boat dealers selling 100 people.

Frazer – I live between Lakeside and Somers on the lake. When I was a young man 50 years ago, there used to be as Shorty just reiterated, about five different marinas here that a person could rent a slip and leave a boat on the lake for the entire season. Now we have none as Shorty pointed out. There was another instance about fifty years ago that should get our attention, Highway 93 about 1949 or 1950 was proposed to be rerouted slightly west of downtown Lakeside. This was to alleviate traffic on mainstreet and it was also to facilitate an easier climb for the traffic on Highway 93. A citizens group somewhat similar to the citizens group that opposes this project, vehemently opposed that bypass, now today that period of time where we had short sighted and, is back to bite us. Don't let us wait another 50 years to realize a mistake it is to make a vote for this project.

Mel Allen – It's nice to be part of the grass roots that makes America what it is. We've had opponents and proponents of this project and I think everybody here could probably write an essay on the things we're going hear. A litany of things that should not happen and things the developer says they're going to do. As I listen to this though, what I hear is that the developer has adjusted over many months of inputs from the opponents that didn't like A, B, C, D & E, many of which Traci mentioned today from parking to water quality. I think we have a much better program today for Lakeside than we had eight months ago because of the other side of this and the folks that are not for it. I think there's a polished product and there's the opportunity for people who haven't seen this marina to see what the developer's done in Lakeside since they've started their subdivision. It's done with quality, it's done with tomorrow's thought using today's feeling. Tomorrow's thought is we are growing and I think it's a good project for Lakeside and for Flathead County.

Connie Roberts – I think this is a gift for Lakeside and I would urge you to vote for it and I am all in favor of it.

Tabby Ivy – I currently live on Angel Point on the lake. I'm also a property owner at the Eagle Crest development. I've gotten to know Trevor personally as well as had respected what he's trying to do for Lakeside so I do support the marina. I will benefit whether this is a private marina or a public marina but I do believe with the growth in the valley and the lack of public access, marina space sounds like it's diminishing at this point. This is a wonderful opportunity to work with someone who really has the benefit of Lakeside in mind. He's also investing not only financially but personally by bringing his family to the area so he's not one of these developers from outside the state that just wants to financially reward himself, he's investing in his future as well.

Bill Lincoln – I look around the room, I see a lot of friends and friends on both sides of this issue because change is a very difficult thing. I also see some folks here who are blessed with parents who bit the bullet and bought lakeshore frontage when it was sometimes up to the exorbitant price of \$100 a foot. Last year, footage on Flathead Lake hit \$5000 a foot. Most of the people that I grew up with, myself included couldn't afford to get access to Flathead Lake. Our only chance at access is in these kinds of projects. I hope that we'll not only approve this project but as other projects come before you you'll start to look at how we can acquire more public access for the normal folks who can't afford \$5000 a foot property. I think we're blessed with a dream lake, I'm glad to see all of the conditions, I hope we do our due diligence and make sure that they follow through with that but without that kind of access, most of us won't be able to use the lake that we all love but I understand both sides of the issue.

Dan Fischer – I grew up seven miles south of Lakeside, I've lived here all my life and I have seen a lot of change on the lake since I was boating as a teenager and I am for the marina and you know you have to look around and see that there's some other nice facilities on the lake. Eagle Bend has a nice marina there, the North Valley Yacht Club they have a nice set up, there's a nice yacht club in Dayton and Ted Tompkins down in Big Arm has a marina down there. You know I know you're concerned about a precedence being set by okaying this but you know when we came out with the permit program which is good, because now if you do let these guys do this, there's 100 and some regulations they need to abide by. That's really good, right. Well, you know the precedence that you're going to set is something that's already been done on the lake. I mean, all of those other marinas, North Valley Yacht club, Eagle Bend, the yacht club in Dayton, the marina in Big Arm that Ted Tompkins has down there, those actually a lot of them aren't for the public. I don't know that the public can boat into any of those and tie up so now we have the town of Lakeside and these guys want to foot the bill on a nice set up. If they're going to abide by the 120some rules, I think you should vote for it.

Frank Dinenna – Just want to say I support this amendment initiative for the marina. I think it's a great idea and it would enhance the Lakeside community.

Larry Anderson – I'm for this also. If I was raised on the lake and I've enjoyed it all my life and I'm slowly being pushed away from it, I can't afford property on the lake. Just as a safety issue, if you've tried to launch your boat in Lakeside or Somers it is very dangerous. I've watched cars run into cars, I've watched kids run out across the highway to get to parking across the highway and it's an issue that needs to be faced and it needs to be faced now.

Greg Barkus – I urge you to support the issue. The project the conditions are such that they're going to protect most of the parties involved. I know there's good reasons on the other side to be concerned about it but those issues of public access are so critical to this beautiful lake and like somebody else said earlier, no body wants the degradation of the lake so I urge you to consider who's testifying also, I think that's really important when you think of what reasons they're testifying if they oppose the project, think about why they're doing that. Again, I urge you to support it.

Trevor Schaeffer – I think the presentation by the planning staff is just an indication of the amount of work that they have put into this project and I just want to thank them publicly for that. They don't get paid extra for those 12 hour days yesterday. In the nearly two years that this project has been in planning, I don't think that the merits of it have ever changed. What has changed is the input of literally hundreds of inputs from the community and constructive criticisms that have been included into this project to make it at this point what we feel is the best possible project to balance all the needs and most importantly of the biggest concern which is the water quality of Flathead Lake. I know that the commissioners are intimately familiar with the project so I

won't go back through all the advantages that we associate with this project. But I would say that it's time for common sense and taking this project in whole to kind of overcome the rhetoric that's up against it right now. I'd like to thank the commissioners for their time on this, I'd like to thank publicly Commissioner Gipe for his 18 years of service, I know he's getting close to the end here.

Rick Heitert – I've been up here about twenty years now and like everyone else that's mentioned so far, we've continued to see the decline in lake access and I think of the developer has a very good plan in place and should be given his chance to make this marina a reality, I'm heartily in favor of it.

Pete Tyler – I'm a Flathead County resident for fifteen years, boat on Flathead Lake and I'm highly in favor of this marina. Thanks for listening to the different arguments.

Larry Phillips – I live in Somers, I've been here 27 years. I'm a boat owner, I've seen the constant decline of public access to the lake and it's up to you folks to do something about it and I'm whole heartedly in favor of the new marina and I thank you very much.

Marty Botwiniek – I live in Kalispell. I have a slip at the marina now and if the marina goes privatized I lose that slip. I'm in all favor for the marina.

Marceen Liechti – I reside in Lakeside. My family and I have rented a boat slip for five years from this place. My daughter's handicapped, my mother's handicapped and it has afforded us an ability to get into our boat a lot easier. I was taking a walk along; I've listened to both sides. I tried to remain unbiased for quite a time but when I have heard the presentation of all of the things that are going to happen with the renovation of this marina, I can't remain unbiased. I mean like I said before, the processes are in place to protect the lake, the people that I've talked to that said that that marina is thumbing their noses at regulations. In those regulations provides for an opportunity to address variances and to ask if this is a great opportunity for an improvement and I for one, with all of the things that are going to change the variances are there to renovate and overhaul the entire marina to make it safer, sound, and protect the lake. When I was walking with my father along Lakeside Boulevard north and looked across the lake and saw Cottage Cove's docking, I don't think the marina's going to be big enough. It's going to fit very nicely within the cove part of our Lakeside Bay and when you match against the population of Lakeside which is an approximate 7000 and the approximate population about 60,000 in the Flathead Valley, 200 boat slips is not very much when you take the private access to a lake as opposed to the public access.

No one else rising to speak, Chairman Gipe asked for anyone wishing to speak in opposition to the Lakeside Marina.

Brent Mitchell – I live in Kalispell. Please deny the major lakeshore variances being considered. The lakeshore protection regulations were established by thoughtful intelligent individuals to protect the public resources, water and lake from just this sort of over exploitation of our lake and lakeshores. Much testimony over the last six or eight months has supported the renovation of the existing structure within the existing footprint of the marina. There hasn't been anything against it, the existing area. The planning board members wanted to give the developers a gift for renovating the marina. The public is saying the gift is the original grandfathered dock footprint. Montana Eagle Development's plans are excessive, they go over 300 feet beyond the no wake zone for boats and they will impede public navigation within the bay and increase traffic safety problems at the public launch that is there adjacent to it. How is it that the owner of an acre and a half of real land can commandeer five acres of public water?

Bruce Tate – I live on the west shore of Whitefish Lake and a third generation Montanan. We've had the land in our family for 53 years. I'm very concerned about the precedent that will be set about the sheer size of the dock area for the marina and I've been to a number of these meetings and I think overall the project is a good one, but I'm very concerned about the domination of that cove area at Lakeside and what will happen to set a precedent for other marinas that are sure to follow as we deal with our rapid growth and pressure for this precious water and land. I am very much in favor of public access being a next door neighbor to the state park there I have argued for public access all of my adult life but I think we need to really look hard at the sheer size of the dock area. I would urge that you consider that in your consideration.

Marshall McCartney – I live in Somers. I am against the marina the way it is. We all know that we do need a new marina there but the sheer size of it warrants no. We have heard the opposition tell us what they will do, what things can happen but they have no proof to back it up. No studies, where we have the bio station, Fish, Wildlife and Parks stating on both sides equivocally no because of the sheer size of it. I've known Howard Gipe for over 35 years in fact when he was in the highway patrol, he has always upheld the law and I trust he'll do the same here.

Mary Granger – I've lived in Lakeside for 50 years. The only part of the marina project that I'm really against is the extension into the lake and I'm against that because of the precedence that I fear it will set for other projects. My only other comment is I know that they're asking you to do a lot of forgiving with variances in the name of the public. I am one of the public and with 76 slips available to 7000 people that's about 1%, I really fear first it's going to go the 76 first bidders and then later to the highest bidder and I don't know that that really represents the public.

Denise Lang – from Bigfork. When I was here last at the meeting that was moved to this meeting, I submitted a letter in opposition to all of you and there was my letter in opposition printed in the Daily Interlake on the 16th of December. I guess what I'd like to say is that I left California 29 years ago when Lake Tahoe was still a pristine lake. Unfortunately it does not remain so today. That's what I fear with this project might be occurring here in our wonderful pristine valley. It is with that that I come to protect it. The developers when they purchased this tract received a gift of 345 feet, nothing that you don't already know. The other commercial marinas are 100 feet. I do not oppose the renovation of the marina, I only oppose the extension. My letter to the editor recently spoke about the very word that's prevalent in the valley today which is precedent. I would urge you to consider the precedent that will be set there and all along the shores of Flathead Lake. Please, please oppose this measure.

John Lacey – together with Roger Sullivan I represent the Flathead Lake Protection Association. We've submitted numerous written comments so I'll refer you to those. Two points I'd like to focus on first is the suggestion that there are a great deal of rules and regulations that this applicant will have to comply with and therefore you as Commissioners should approve this project. Let me state first and foremost that this is a variance. There are rules out there; there are rules out there for this board. They are requesting in this case to have those rules not apply to them and to have them varied. Essentially the same thing could be done at other levels that's an important point to consider here that everyone passing the buck to someone else to enforce the rules can not go on forever. The second point I would like to make has to do with the suggestion that this will be a public project. I'm going to refer you to appendix F of the applicant's EIS (Environmental Impact Statement) which defines the public is all persons who do not own property in the Eagles Crest Subdivision. That's to be contrasted with the general

definition that Webster's and others say, relating to or affecting all people in the county. Here those people who do not own as Eagle Crest owners will be allowed to rent. Take those two groups out and there is less than 7% of the slips that are available to the quote "real public". You as commissioners need not accept and should not accept the applicant's definition of public here. That is not what the Flathead Lake and Regulation Lakeshore Protection Acts are required to do so I would urge you to deny this.

Linda Burns – I live in Lakeside. It's my old home that everybody's yelling about the 16' wall on at this time. And as a result of not paying attention to that, I think people are paying a little more attention to what's going on at the marina. It was also my dad and my uncle who prevented the road going around Lakeside instead of through Lakeside because for their financial gain, it was their livelihood and I just feel that the marina, the size of it is going to add to the problems that are already in Lakeside and I hope that you take that into consideration.

Bill Burist – I live in Lakeside. I look at this project out my window virtually every day. It's being highly publicized and promoted on the basis of being a public facility. I think we need to pay careful attention to what Shorty told us. It won't be very long before this so called public marina will be private and the citizens of Flathead County will no longer have access from it.

Christie Erickson – I live in Evergreen and also have property in Marco Bay and I fully concur with what was just said. The main issue really here though is safety. I don't understand how anybody in good conscience could agree with a marina that would have so many people put at risk. There's just not enough room for people to park, there's not enough room for people to get across that highway safely. I don't understand how you could let that happen with children, with animals, with adults, it's just asking for a lot of people to be killed. I also believe that precedence is an important word here and there is access to the lake, I understand that not a lot of people can dock a boat and get in and out of that boat at their will but this development isn't going to allow that either. It's exactly at this point they're saying they're going to have 96 public spaces. Who enforces that? There's not far from where I live in Evergreen and there was supposed to be 2-3 homes per acre and they're more than that. No body's come in and made this developer tear down any of those homes. Also the monetary gain of a few is what we were asked by Mr. Barkus to examine our own reasons for being opposed to this. The monetary gain of the developer is what I'd like you to look at and funneling. I'm sure you're familiar with what that term means; this is not going to be a public place. I just thank you for listening to my comments.

Elsa Putzier – I live in Bigfork. I'm opposed to a huge marina like that. I feel that our public officials have an obligation to protect Montana's natural assets and I think all of you will agree that Flathead Lake is a natural asset that deserves our protection. I urge you to not give the variance.

Carol Venable – I live in Bigfork and I previously lived in Lakeside. I wanted to start off with I just came back on the plane with a 22 year old man going to Stanford from our valley and he wanted to know what's going on so I mentioned this. He said, you know the boards and the commissions should live in California for a year. Not visit but go live down by Lake Tahoe and see what has transpired. I believe this marina 600 feet conditions is way out of line for Flathead Lake and it is setting precedent. We have some friends that are proponents of another developer who is waiting in the wings to see what this precedence is setting. I believe that you are entrusted as the Commissioners with the integrity of our valley, of our lake and is this going to stay our best place that is special or become anywhere America? Please do not go with all of these variances and please do not let this project come into our valley.

Paul Williams – I'm president of the Flathead Lakers. Members of our organization have spoken on both sides of this this morning. I'm here not really to speak against it but to offer the observation of thorough consideration by the Laker's board about the concept that this really isn't ready for your decision as it stands. The Laker's have been around for 46 years and have more than 1000 members, businesses and residents in the valley. WE have met with the applicant and with agencies in the valley regarding the proposal. We have sought at every hearing and written comments to foster thorough obedience to the provisions and county regulations governing major variances from lakeshore rules. We thoroughly understand the attraction which a proposal to improve the marina has for the Lakeside Community and take no issue with the idea that there needs to be some positive things done but much of what I've heard this morning is really emotional and conceptual. Our concerns are primarily scientific and analytical in their derivation and I call your attention to our comments to those of yellow Bay authority and of Fish, Wildlife and Parks which deal with issues such as wave energy and plumes from the sediment flow each spring out of the river. These are all factors of grave import, both in terms of design and scale and the reality is that the Environmental Impact Statement which is the obligation and the privilege of the applicant to make their case, do not address these matters in any reasonable detail or specificity. They don't offer indications of how they would deal with the consequences of so much obstruction to natural flow.

Don Wood – I live in Lakeside. I'd like to express opposition to the variance of the Lakeshore Protection Act. I feel that that's a very necessary and important document and that it should be followed. I believe that the grandfather act would be the reward to the developer in this condition and that we should really seriously look at not granting the variance.

Steve Rosso – I want to address the riparian boundaries. *Pointing out the boundaries on the map.* I've got copies of this for the rest of you but taking the south side here, the regulations require the riparian boundaries be established at right angles to the natural shoreline and no artificial structures that adjust that shoreline can be used to establish the riparian boundaries and if we look at this existing natural shoreline, we get a riparian boundary that goes at a right angle like this and cuts the corner off the proposed dock right now. The only way to get a riparian boundary on this south side that allows this dock would be to use this proposed retaining wall and that's against the regulations to use any structures to establish a shoreline or a riparian boundary. On the other side here there's adjusted shorelines on both sides, the county boat ramp and the existing retaining wall and if you use the as natural shoreline, we get a riparian boundary that also cuts this off. The existing dock shows that historically these are probably the correct riparian boundaries that have been used over the years and the structures in this area and I don't think that the County Commission has any right to approve something that goes outside the riparian boundaries.

Bob Zion – I live in lakeside. I've had a boat in that marina for the last 16 years. My dock rental when I first went there was \$250 for the season, over the years it's gone up to \$550 and at the prices they're talking about for dock rental for folks like myself, it will increase by about 300% over what I paid last year. I've talked to several other folks who rent down there and they have said that at the higher rate that they expect to charge down there they either are unable or unwilling to pay that amount so we in effect will be priced out of the market. Having said that, I'll accept that because that old marina sure needs some repair and I think that all the repairs they talk about in the existing footprint are probably superb and I'm in favor of that. On the other side of the coin, I'm very opposed to going 5-600 feet way out into the lake, I'm also very concerned about the precedent this might set for other folks and pretty soon we'll have marinas sticking out into the lake all over at prices most of us can't afford to pay.

Mark Delaray – Fish, Wildlife & Parks – thank you for the opportunity to address this issue with you. The department's main concerns are in regards to the length of the pier, the post pier and the number of boat slips. Our comments focus primarily on the adequacy of the environmental impact statement and the details described in it. We believe that a more thorough EIS should be completed prior to approval of that dock length and boat slips. We don't believe the EIS adequately addressed diminished water quality, diminished habitat for fish and wildlife, interference with navigation and other users of that area. What the department would encourage and urge the Commissioners to do is to look at the Lakeshore Protection regulations. Look at the purpose there and try to find a balance between the variances of what's being proposed and the significant potential for diminished habitat qualities and not necessarily approve all the variances being proposed. At this point, the department would recommend reviewing the EIS and the condition it is. We would urge the Commission to not grant the variance for the dock length and the number of boat slips until a more thorough EIS is able to look at those concerns in more detail.

Troy Evans – Lakeside. My family's been out there on Caroline Point for just about half a century, my dad got in at \$25 a foot and anybody who will remember Leo will know he flipped a lot of hamburgers to come up with that. We've got about 700 feet of frontage and we would never come before you and ask for permission to put up a 500' dock in front of our 2 ½ acres we're so fortunate to have and the reason is because I think the well funded and the well connected should live by the same rules that have been well thought out and enforced around that lake for everyone else and I believe if we make exceptions for the well funded and the well connected, we don't just damage the lake, we damage the democracy.

Lisa Hochman – I am just going to say ditto on all that has gone before me that is opposing this project, they were very well said so you don't need to hear it again. Please put my name down though against this project, especially the length of the marina.

Bruce Barrett – Lakeside resident, small property owner and business owner in that area. I'm opposed to the project, not in total but only to the expansion and I find the EIS that was drafted by the applicant's contractor totally inadequate and it did not pass a pure review and a scientist wouldn't submit it for such and I'm a biologist so I have some background in that, I think that the EIS contains mostly filler material unfortunately, it doesn't provide an adequate risk assessment of many of the problems. It doesn't incorporate Yellow Bay labs concerns, US Fish and Wildlife's concerns, Fish and Game here in Montana and it is just a proactive document that supports a project and ignores scientific literature that clearly indicates problems with large marinas in large freshwater lakes. I'd like to address the parking issue briefly. The applicant proposes to have two offsite parking areas. One of which is a half a mile away. Neither you nor I are going to walk that distance. The swimming beach that is in close proximity of this is going to sustain more boat traffic. If you look at the applicant's proposal it's extending the dock into the launch area on the north side which puts it in closer proximity of that beach area. They're also going to have a fueling station. Any fueling station on that outside north edge, any loss of petroleum products is going to end up on that beach area. Does it occur, take a look at any harbor, it always, you always have incidents of spills, to suggest that there won't be more boat traffic is ridiculous. The other issue is we're not just talking about a marina, we're talking about two restaurants, a real estate office and a fill area that's going to accommodate a rental building. The rental building is not going to be for marine activity or water dependent activity, it's going to be just a standard rental. Anybody that owns property should have the same right if you approve this.

Dave Reynolds – I'm from Kalispell. During the planning board meetings I was on vacation during the last meeting that this was held. If I would have been there, the vote would have come negative to the Commissioners. I'm opposed to the marina expanding. I have no problem with the existing footprint of it, I have no problem on a compromise on the issue. But going out into Flathead Lake with the size of marina that they have proposed right now, I grew up on Flathead Lake, I believe Flathead Lake is a treasure that we're all required to protect the best way we possibly can and expanding the marina out that far does not accomplish that idea. During my years on the planning board I also looked at marinas down in Bigfork, when the Bigfork Bay was going to be a major marina there was a lot of discussion down there with the small amount of footprint and the amount of land underwater in the middle of the bay. We talked about trying to get those problems resolved, I think this is about 7 or 8 years ago, it was never resolved and now we're faced with the same dilemma again. I think it does need to be resolved, I think the land size on the shore has a direct effect on the size of the marina.

Patty Sully – I live in Lakeside, across from the marina and I have no problem with redoing the marina within the footprint that they are allowed but I think the larger one is too big.

Barbara Fenchak – I'm a Lakeside resident and my reason for opposing the proposed marina as is is I grew up in Ohio, I watched Lake Erie go from a pristine beautiful lake I could swim in, 16 years later it was a lake that I received chemical burns from. We are blessed with a natural resource of Flathead Lake. I also oppose the fact that it said that there will be public access from my looking at the map; it looks as though the current public launch is going to be abused upon by the footprint that is proposed. I'm also very concerned because I believe in Murphy's Law. When I went to the meeting on this in Lakeside, there's nothing said about the condition of the Rosario's building just the desire to extend the eaves. There's always something that comes up that you don't expect and we as a county are not rich and we will be probably asked to deal with any environmental problems that came up and I would respectfully ask that a considerable bond be imposed as a condition, it's just something needed to make someone think, the unfortunate thing is if something happens to effect the quality of our lake it will take years and it probably never will come back. I urge you to think about not just now, but twenty years from now and your grandchildren and a hundred years from now and your great-great grandchildren.

Kathy Robertson – I live in Somers, my parents had a place on Marco Bay so I've been attached to the lake since I was a teenager. I'm going to read a letter that I have submitted, just so it's on the record. No one argues that the marina desperately needs updating or renovation but why is it proposed to bring in 204 dump trucks of fill, 1630 cubic yards when the maintenance facility is going to be built away from the marina. With maintenance being carried on elsewhere, any threat of contamination from that activity is eliminated. A safe sturdy structure could be constructed without fill and without severely diminishing the water quality. What is proposed reflects major deviations from Flathead County Lake and Lakeshore Protection regulations. The fact that there are 117 conditions as well as 23 variances requested exposes the inappropriateness of the entire project. Only a few of those deviations are reflected in the numbers that I will read. At the present time there are 186 feet long on the north side, 350 feet long in the middle under Rosario's, 179 feet long on the south side. What's proposed is 464 feet on the north, 664 feet on the middle and 457 feet on the south side. That 664 feet reflects the size of two football fields plus 64 feet. The commissioners have seen this, I would urge the reflection of the reports from Yellow Bay and from the State, also I questioned the public as opposed to private, the definition of public has been mentioned. Flathead Lake is a property the residents and taxpayers of Flathead County and have always been a destination vacation for people from all over. It seems ludicrous that any individual or group would have the audacity to expect Flathead County to authorize building 664 foot dock on public property for the purpose of reaping profits.

Mary Stroud – I live in Lakeside. I would just like to say that I agree with so many people here that we do need a marina but we do not need one that extends 500 or 600 feet into the lake. I find that obtrusive and I also question the developers' motives. I think that for the most part, this is for Eagles Crest Community. The first gated community in Lakeside. I don't think it's so

much for the public but I think that they have their own reasons for wanting this which I won't dwell on that, but it's a beautiful area, it's a scenic area and I believe laws were put into place a long time ago to keep it like that and I would love to see this area maintained in its pristine beauty.

Bruce Ruby – I'm from Somers. I would oppose the extension primarily for boat noise, traffic noise and possible light pollution. With the addition of the stores in the north end of town, there will be a lot more trucks going through and those poor guys got to climb the hill plus the tourists in the summertime will be a challenge and a safety issue. I see they did a pretty good job on lighting on the dock for Coast Guard and directed lighting and I would hope they'd do the same for their facility and their parking. That is shield the light so it's down because they do need to protect the night sky also.

Betty Stevens – First I have very brief letter from a neighbor of mine who is out of the area today. *My name is Tina Larum, I'm sorry I'm not able to be here in person, I have asked my neighbor Betty Stevens to read my concerns. I am not writing as a representative of any individual whether non profit or business membership or community based. I am not against development, change or property rights. As a concerned individual, I urge you to keep in mind the lakeshore protection regulations were established with great care and forethought by the office of Regional Planning through a process that included community input, scientific research and consensus agreement. They were and are intended to protect the health and integrity of the lakeshore for present and future generations. In deciding the merits of this marina project, please do not disregard the intent of these regulations. Signed Tina Jo Larum and that last sentence was underlined.*

And now for my major concern, I'm concerned with the report from the Biological station where they talked about the possible erosion of the beach north of the loading ramp, they referred to it as a public beach, but it is privately owned, it belongs to my family. I'm concerned that that could be eroded away and there are several feet of that beach that the high waterline is one foot from the highway right of way line and if that erosion occurs it's going to be a lot more serious than just privately owned beach, so I would urge you to not approve all the variances they're looking for.

Bruce Young – I live in Lakeside. We've heard a lot about all of these issues. I would respectfully ask you to stick with our regulations, don't grant variances that interfere with navigation. Don't grant variances that alter the shoreline and change the erosion patterns. Those are bad things for you to get into in my respect and I feel the county could be liable for those things if they were approved and great damage was caused by erosion. I came today with a much longer speech for you but two minutes is pretty short so I offer you a solution. I ask you to listen carefully to this because as you know there is a conundrum of issues and they're on a collision course. I believe my proposal is good for Lakeside, good for the marina, good for the developers and good for the public. We move the blue building, clean it up, it's an area that's over the water. There's no stated use for the building, it entails a massive and costly reclamation and it would alter the shoreline. It violates the lakeshore regulations and it creates an erosion pattern. Replace that over the water blue building area with more boat slips and this is a win for everyone. By accepting this compromise with a redesign of the docks the marina could accommodate 100 -112 more dock spaces in total, this would make a 100% increase from the 56 that currently exist and it goes way beyond the 86 that are allowed. Everyone wins. In addition there's no county agency to control who rents docks, it'll be twenty or thirty years before Eagle Crest is built out. They could rent those docks to the public until such time. This would help economically for the marina and would end confusion. I ask you is this not a fair and manageable solution for all parties. I ask you to think carefully about this and the benefits for everyone. Your decision to entertain this concept would show great leadership on your part.

Michael Morton – I live in Somers and have lived on the lake or near the lake for about thirty years. I'm largely in favor of this, I think it's well needed for the community. However, I think it's over built and I don't think particularly the plans have been well taken for parking. Growth is inevitable. I just think that the developer may have a way to manage this. I'm very much in favor of public access, I think that's necessary. I'm not sure how much of this actually generates public access for those of us. I just think in the large run, this impacts our rights a bit for use of the lake and I feel for the most part that it does benefit those who are living here generally not on a full time basis and would benefit mainly the. I just ask that you look at that fact and a fact that in my mind it benefits maybe a chose few at the expense of the many who live here.

Fran Ruby – I live on the northwest shore of Flathead Lake. My concern is basically because the proposal is to extend the dock 5-600 feet out into the lake. We're very happy that someone's come along and wants to fix up that marina that definitely needs it. The big concern is water quality, the fish degradation and the shoreline erosion, you have all of these scientific letters that prove the things could really go astray if you approve this extension to the dock. I wanted to point out to you when my friend Tip Clark mentioned that we should compare Lake Coeur d'Alene with this development on Flathead Lake, Lake Coeur d'Alene started with 150 acres when they developed that area for their marina. We have 1.2 acres. Think about the difference, how much they had to start with with their marina. 1.2 acres is what's there at Lakeside. To try to develop to that extent is really going to harm the lake. My friend Mr. Barkus wanted to know the intention of some of us who are opposing this issue. My only intention is water quality and the erosion of the shoreline and the damage to our lake which is the wonderful gift that we've been given to live on. I urge you as commissioners to please do not give full authority to this development. To consider the fact that this extension of the dock is an issue that's really important to all of us. Please consider this issue very carefully.

Ron Clark – I live in Lakeside. I guess one of the main concerns that I have about this project is not what is on paper right now and what we think is going to be put there. My main concern is is enforcement of what you approve. I've seen several projects around the lake that have been approved. What goes down on paper sometimes isn't what the end result is and I think right now and I don't know if this is appropriate or not but as we're now driving through Lakeside and there's a huge wall being built and I don't know if that was ever on the plans of that organization or not but you not only are blocking out with the wall, are not only blocking out the lake, you can not even see the mountains and if that was on the plans then that's something that I think a lot of the public missed. The other comment that I have is I would hope that you take into consideration that this project is about absolutely nothing but money.

Sheri Young – I've lived and worked in Lakeside for 27 years. I don't think there's a person here today who doesn't want to see our old marina restored and improved down there. They're addressing the developers request for major variance dock extension, we must not ignore the rules, regulations and lake and shoreline laws that are currently in effect to protect the future of our community and the quality of Flathead Lake. Those rules regulations and laws are vital today for the very reason that they were adopted, to ensure that the public and future generations can enjoy a quality of life that is threatened by those who would choose to ignore them. I choose to listen carefully to the findings of the recommendations of the Montana Fish Wildlife & Parks, University of Montana Biological Station, the Flathead Lakers, the Flathead Protection Association and independent engineers who clearly warn us of the potential degradations and negative precedent setting impacts of this proposed major dock extension variance. As a resident of Lakeside I'm not interested in compromising the future of either my town or Flathead Lake by favoring a major variance proposed by anyone who ignores the rules and regulations. They are clearly trying to increase the value of upland properties by funneling a large project into a postage stamp piece of Flathead Lake shoreline in the middle of town. As we continue to grow, there will be other marinas. There are properties available in our area to support this growth.

Properties that don't have the inherent problems of this scope and magnitude associated with this one; properties that by their nature won't require you to address the burden of deciding on a total of 27 variances. The decision you make today will set a precedent for how all future marinas will affect the quality of Flathead Lake and the interests of the greater public. I strongly urge you to deny the request for the major dock variance. We would love to see the marina improved in its existing footprint.

Howard Ruby – I've lived on the lake for several years. I'm not opposed to rebuilding the dock and the marina in its existing footprint. I think the 27 variances is going to take a lot of thought on your part to make a decision on this issue. The parking and the traffic is another issue that I don't think has really been addressed really well.

Kristin Henricksen – My grandparents had a place on Point Caroline, my family had a place on Flathead Lake as I was growing up and I wish I could afford Flathead Lake frontage but I can't so my motives I think will be clear as I speak for opposing this proposal. The two reasons I heard the developer giving for granting this proposal and accepting the application are one, that it would improve the existing facility and two, that it would provide public access. I've heard everyone speak about how the current structure could be improved and provide many more boat slips than actually already exist. Public access is another carrot that the developers are holding out. I fail to see how granting this would, this application would, they're proposing a huge megastructure to provide public access. There are other ways to provide public access around Flathead Lake and yet you wouldn't have the precedence that this would make. I really care about the integrity of the lake and what's going to happen to this lake and that's really the bottom line for me, is this good stewardship and I don't think it's good stewardship.

Don Hines – I live here in Kalispell. My family's had residence on northside of Caroline Point for going on forty years. I'm neither against nor for this project in a lot of different ways. Something needs to be done with the marina that's there, it's quite obvious. Trevor has gone through tremendous heartache trying to move this thing forward. He does have time constraints coming forward with the water levels and trying to use large pilings and such if he's going to do anything with the existing dock structure there this year. I just feel that there was a proposal that was put forth at the Lakeside meeting to possibly stage this project a couple different stages, I don't know if that's a possibility. There's issues about public safety and concerns and possibly we could as Trevor to come forth and see what his thoughts are here in the near future on possibly a pedestrian overpass over the highway. Take and putting some efforts into that public site that's there for launching the boats and try to make sure that the public is well taken care of in the future. The one issue that has really kind of come to my eyes here recently is some of the lots in Eagles Crest Subdivision have started to resubdivide, now are those lots going to have access to these public slips as part of Eagles Crest ownership or are they going to have access to the public slips as rentals. We need to make sure that the public slips remain public, available for the public. There's tremendous thought on staff's beliefs on that area that needs to be filled underneath there. I grew up in a business environment in this valley and over east of the mountains and I know very well what business practices were back in the '60's and early '70's and I don't think we want to open up what's in the lake bottom there, I think that needs to be entombed. It's an ugly consideration but business practices back in the early days, they had no regard for the environment whatsoever and having known a lot of the people that were involved in that particular business down there in the years that it was in its heyday, I think we've got some form that's part of this cost. I'd like to see a little bit more thought go into the public needs for that area down there and try to hopefully solve the future use of this public around there on this site, the boat launch and such. And Howard, I'd like to thank you for your years on the board, you've done a lot of work and gone through a lot and I hope your retirement is good and healthy.

Greg Schoh – I reside in Lakeside. I'm not going to be repetitious; I will just say that I pretty much agree with everybody who are opponents to this variance request that said before me. One thing that I do want to mention that troubles me. The EIS that this developer has submitted is based almost entirely on science that was done in Maryland and the Maryland Clean Water Act. To my knowledge, the State of Maryland doesn't have one high altitude pristine, fresh water mountain lake. I question why the developer would use Maryland science when there's good science from the Yellow Bay Bio Station and other mountain lakes around the country and around the world that are based on fresh water lakes and it's not brackish, it's salt water science, like Maryland.

Bruce Young – A couple other things that haven't been said today. I don't know if any of you have ever seen a boat blow up but they've blown up at about every marina on Flathead Lake. I'm not so sure it's a great idea to park boats underneath restaurants where children and adults are eating dinner and I really think that should be revisited by the developers as well. I've witnessed four boats blow up in my lifetime, I wasn't party to them thank heavens but you instantly get 2700 degrees Fahrenheit when a boat blows up and so in the design, I honestly think that is another issue that you all should consider as far as where they locate public restaurants and also the navigation issues are serious and big and when you have 200' no wake zone and a 660' dock, at what point outside that zone does it become 200' again. It's going to be very confusing for boaters and very dangerous all.

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

Commissioner Hall – Needless to say, this has been of much interest to us as a commission but we understand the importance of this issue to the community and we've read through all of the documentation, the letters, the staff report and there's a few points I'd like to make and maybe even a proposal. And I'd like to ask you if you need to ask the developer, one of the things that was just brought up was the concern with fire underneath Rosario's. Has that been addressed at all or has that been discussed as far as using fireproof materials underneath Rosarios.

Traci Tull – No, it has not been addressed but I believe that it's probably going to be addressed by the State Building Department as it is a commercial property and they will be regulating those facts and we can pass on that information.

Commissioner Hall – I understand also that there will be, there's a real move to work with MDOT concerning a lighted crosswalk to improve the safety for people walking across the road. That's been a concern of ours from the beginning and I understand there's work being done on that. Also, there was a lighting concern brought up this morning, I'd like to see that addressed. There is lighting that can be done not only in parking lots if you drive north of town, you can see what Lowe's did compared to what Home Depot did so we would like to see that addressed if this was to go forward. I think that it's real important the changes, if we were to make an adjustment in the size of this marina that the boardwalk doesn't change; the concept of the boardwalk. I think that's a real important aspect to this project if it was approved in its entirety or even if it was to be changed somewhat. One of the concerns I had and as I read the reports and I don't have access to it right now but the word is the public slips would be used in perpetuity which basically means the concern that was expressed today by some was that the public slips would maybe someday go away and then also with the lots being split on the subdivision, perpetuity means to me that they're not going to be given away, is that correct?

Traci Tull – That's my understanding and we can also hold them accountable. I know Whitefish Lakeshore Protection Committee is holding Whitefish Lake Lodge accountable as they are turning in different lakeshore permits that they want to make upgrades on their facility and they're trying to hold them accountable.

Commissioner Hall – good. Well we want to make sure that that happened because that is one of the reasons that I'm leaning in favor of this is the lack of public docks that are on Flathead Lake and in fact, I think there is four or less and they're fast going away. I feel an urgency to do something with this project, we may have even missed our window of opportunity for this year, it would be unfortunate to do something with the docks itself. I think the public needs to be aware that this is just the first step, if the Commissioners approve or revise this variance today, this is the first step. There are many permits to be acquired that would assure a quality project. I think as was mentioned also that through this whole process and we've experienced it here as a commission many times when we've asked for changes or people have had time to work on this as we've had some continuances that a better product ends up coming out and I think that's what we're seeing here. The Coeur d'Alene thing, I looked into that myself, the public outcry was even worse than it is here and now we have people that live on Flathead Lake that actually take their boat to Coeur d'Alene to recreate at that facility. Not saying we want a facility that large, but it's interesting that that's what's happening. I was curious about the existing marina building, the blue building that's there now. Now that's going to be rebuilt is that correct or is this going to be upgraded.

Traci Tull – it's going to be rebuilt.

Commissioner Hall – and is there a specific use for that yet?

Traci Tull – They're going to continue the use, right now they have a rental shop in there and they also show boats in there and they hold miscellaneous water related activities and they're going to continue that use.

Commissioner Hall – and I would agree with the president of the Planning Board's comments that that area does need to be encapsulated. I've thought long and hard about Mr. Young and other letters that I've received about turning that into boat slips but I think that the prudent thing would be to encapsulate that. I'm going to after Mr. Watne's comments and we're finished with board discussion, I am going to propose Bob that we, and this comes from a letter from Kathy Robertson and from the Flathead Lakers. They're talking about the length of the dock, the Flathead Lakers suggest that at least a consideration be given to a dock system which eliminates the outer most tier of docks and slips, which would reduce the length of the dock a number of slips by approximately 22 and by my measurements I think that's almost 100 feet off of the outside end of that dock system. And so I'm preparing after board comment to perhaps make a motion to that effect.

Commissioner Watne – on the riparian property lines, how would your proposal fit in that?

Discussion continued regarding the riparian boundaries established in the Lakeside Marina project. Liechti submitted that his understanding is that the riparian boundary is the jurisdiction of the county's but a permit will have to be applied for from DNRC to build more slips out into the lake. They have already approached the DNRC, the DNRC is basically waiting right now for the approval from the County Commissioners, after that they will proceed with what needs to be negotiated but their understanding is that the riparian areas that the County approve are at the low water mark.

Chairman Gipe reiterated the concern of the riparian boundaries and his desire that the developer consults with the Montana Department of Transportation for resolution to this issue.

Amendments to the Conditions: Condition 15 a.- The applicant must stay within the existing marina footprint until the issue of the riparian boundary line is resolved.

Condition 18 shall include, The project shall not deviate from the submitted project drawings except as recommend by the Commissioners to reduce the marina size by 106 feet and or exclude the outer tier of twenty-two (22) boat slips.

The Retaining wall project and renovation of Rosario's restaurant shall read that MDOT may require a permit for this project.

Condition 76 shall include, The project shall not deviate from the submitted project drawings except as recommend by the Commissioners to reduce the marina size by 106 feet and or exclude the outer tier of twenty-two (22) boat slips.

Commissioner Hall made a motion to adopt Lakeshore Permit #FLV-04-09 as Findings of Fact as modified. Commissioner Watne seconded the motion. Aye - Watne, Gipe and Hall. Motion carried unanimously.

Commissioner Hall made a **motion** to approve Lakeshore Permit #FLV-04-09 subject to 117 conditions as amended. Commissioner Hall **seconded** the motion. **Aye-** Watne, Gipe and Hall. Motion carried unanimously.

**CONDITIONS OF APPROVAL:
GENERAL LAKESHORE RULES:**

1. The Lakeshore Protection Zone is defined as the lake, lakeshore, and all land within 20 horizontal feet of the average high water line.
2. Mechanized vehicles shall be allowed on the lakeshore only in connection with this project. Should any vehicle slice, gouge, or rut the beach, become stuck or expose clay, silts, and fine sands, said vehicle shall be immediately removed from the Lakeshore Protection Zone and an alternative procedure shall follow.
3. No vehicle shall come in contact with the lake water.
4. All construction debris shall be disposed of outside the Lake and Lakeshore Protection Zone in such a manner and in such a location so as to prohibit its reentry into the lake.
5. Temporary stockpiling of materials is prohibited in the Lakeshore Protection Zone.
6. No treated wood or materials are allowed within the Lakeshore Protection Zone.
7. The total of all constructed impervious surface areas over the body of water, at high elevation, shall not exceed twelve (12) square feet per one (1) foot of lakefront property. except as proposed in the project drawings. The project shall not deviate from the submitted project drawings.
8. The total of all constructed impervious surface areas within the Lake and Lakeshore Protection Zone shall not exceed fifteen (15) square feet for each lineal foot of lakeshore frontage. except as proposed in the project drawings. The project shall not deviate from the submitted project drawings.
9. All work shall be done when the construction site is dry.
10. In all cases, concrete shall be aesthetically shielded by the creative use of rock or wood.
11. Wet concrete shall not be poured into or allowed to come in contact with the lake water. On a case by case basis, concrete poured within tight forms may be approved.
12. This permit shall not be construed as insurance that the project is located on the applicant's property. If the applicant is not the property owner, then consent must be granted by the property owner prior to any lakeshore construction.
13. This permit is issued under the authority of 75-7-201 et.seq. MCA and the Flathead County Lake and Lakeshore Protection

Regulations.

14. The permittee is responsible for obtaining all necessary permits as may be required under other Local, State, and Federal regulations.

Extension of Public Marina

15. A minimum of 100 feet shall remain open between any dock structure and the side riparian boundary, except as provided in submitted application to maintain the zero foot grandfathered setback.
 - 15a. The applicant must stay within the existing marina footprint until the issue of the riparian boundary line is resolved.
16. Minimum 25 foot travel lanes shall be provided between dock structures for boats to travel.
17. Each marina shall have a minimum of 300 feet of lake frontage.
18. In addition to Section 4.3 A design standards for docks, the maximum length of that portion of any dock extending over water shall be 100 feet, except as proposed in the project drawings. The project shall not deviate from the submitted project drawings except as recommend by the Commissioners to reduce the marina size by 106 feet and or exclude the outer tier of twenty-two (22) boat slips.
19. The length of the wing docks forming the individual boat slips shall be sized according to need. The project shall not deviate from the submitted project drawings.
20. The overall density of boats or boat slips provided shall not exceed one boat or boat slip per ten (10) lineal feet of lakeshore frontage, except as proposed in the project drawings. The project shall not deviate from the submitted project drawings.
21. One boat ramp per commercial marina may be constructed.
22. The width of the deck of a dock shall be limited to eight (8) feet (Resolution 878C, adopted 1/19/93), except as proposed in the project drawings. The project shall not deviate from the submitted project drawings.
23. If foam logs (note - Styrofoam is prohibited) or similar easily damaged flotation systems are incorporated into the dock design, said material shall be completely wrapped and secured by galvanized mesh wiring with a maximum one (1) inch opening and then completely encased in solid wood or a suitable impervious, non-corrosive material such as aluminum or galvanized sheet metal so as to avoid the breakup or scattering of materials. Plywood, particle board, etc. shall not be used. Boards may be spaced up to one-half inch (1/2") apart on the bottom or drain holes may be incorporated into other materials to aid in drainage. All foam encased floating docks shall be maintained according to these standards or else be immediately and completely removed from the lakeshore protection zone.
24. Floating docks should be removed from the water by December 1 and anchored securely to avoid ice damage and improve the appearance of the shoreline. Wood skids shall be incorporated into the bottom of the dock to protect the wood bottom during annual installation and removal. The project drawings indicate that float stops will be utilized to keep the floating dock portion of the marina at a specific elevation during low pool.
25. All floating docks shall be suitably anchored to the lake bottom to avoid drift. Anchoring methods are limited to cable; galvanized chain or nylon or polypropylene rope attached to a suitable clean weight such as solid clean concrete, rock or steel blocks or a temporary pipe and post system which allows the dock sections to slide up and down. Per application the floating dock sections will be mounted to the wood pilings and set in place by float stops.
26. The Montana Department of State Lands may also require a permit for this project.
27. The U.S. Army Corps of Engineers may also require a permit for this project.
28. Fish, Wildlife and Parks may also require a permit for this project.
29. The EPA may also require a permit for this project.

Seawall/Retaining Wall

30. Retaining walls are permitted only where active erosion is present.
31. The use of retaining walls solely for landscaping is not allowed.
32. Retaining walls designed to extend the land area into the lake shall not be permitted, except as proposed in the project drawings. The project shall not deviate from the submitted project drawings.
33. Retaining walls shall be built at or landward of the mean annual high water elevation and shall conform to the contours of the existing shoreline.
34. Where active erosion is present and documented, an applicant may propose to regain erosional loss experienced in the past 12 months. No attempt shall be made to extend the land area into the lake any further without proper permitting by Flathead County Planning & Zoning Office, MT Department of State Lands, U.S. Army Corps of Engineers and possibly other agencies that regulate this and similar activities with in the project jurisdiction.
35. When more than 12 inches of retaining wall is exposed in the lakeward side of the wall, rip rap complying with conditions f (1-5) above shall be placed on the waterward side of the wall such that the rock shall extend to within at least six (6) inches of the top of the wall when placed at a maximum slope of 2:1.
36. The landward side of the retaining wall shall extend at least two (2) inches but not more than eight (8) inches above the level of backfill to inhibit surface water run-off which may carry fertilizer, herbicides, pesticides, etc.
37. Within five (5) feet landward of any retaining wall, backfill shall consist of easily drained gravel, rock, stone, sand or a combination of the above. Drain or weep holes should be provided for in any wall. No attempt should be made to establish grass or a yard immediately behind a wall.
38. All material excavated for placement of the footings may be used as backfill behind the wall or else be deposited outside of the Lakeshore Protection Zone.
39. Backfill shall be limited to that amount necessary to re-establish the pre-existing slope and contours of the landward side.
40. If an existing wall has to be replaced, it shall be completely removed from the Lakeshore Protection Zone and the replacement wall shall be constructed in essentially the same location as the existing wall. If removal of the wall proves unfeasible or will cause environmental hazards (sedimentation, bank failure, etc.), a new wall may be constructed up to three (3) feet lakeward of the existing wall. Typically one such extension into the lake is allowed.
41. Increased sedimentation in the lake should be minimized to the greatest extent possible, as a protection for fish habitat and water quality.
42. Any materials used for fill shall be free of fine materials (i.e., clays, silts and sands), unless the material is placed behind a retaining wall which will prevent introduction of the materials into the lake. Large cobbles and boulders lying on the lake bottom and not part of the lakebed armament may be hand picked, provided that such hand picking can be done without excavating any fine lakebed materials and that an armament of rock or gravel remains on the lakebed in the affected areas.
43. The application of asphalt is prohibited in the Lakeshore Protection Zone.
44. The Montana Department of State Lands may also require a permit for this project.
45. The U.S. Army Corps of Engineers may also require a permit for this project.
46. The EPA and MDOT may also require a permits for this project.
47. This permit must follow the attached dimensions and project description for the seawall, except as amended by the Flathead County Lake and Lakeshore Protection Regulations.

Renovation of Rosario's Restaurant Building

48. All decks shall be ground mounted. Where topography is uneven, no portion of the floor of a deck shall extend higher than two (2) feet from the immediately adjacent or underlying lakeshore. Railings may be constructed; however, said railings shall not extend higher than four (4) feet in height and shall maintain at least fifty percent (50%) in open space design. Railings may be amended based on submitted building code regulations for commercial buildings and structures. Any amendments to the applicants project drawings must go through the application amendment process.
49. Elevated decks including those extending from dwelling units, storage buildings, boathouses, etc., which extend higher than two (2) feet above the adjacent ground level, which cantilever over open space or which protrude from the second or upper story of a building are prohibited. Except in this case where the structure is grandfathered and shall not be expanded.
50. Any non-conforming building or structure may be continued and maintained, provided there is no physical change other than necessary maintenance and repair (see Section 2.6A and 2.6B).
51. There may be a change in ownership or management of an existing non-conforming building or structure, provided there is no change in the nature or character of such non-conforming use.
52. A building or structure which is non-conforming shall not be added to or enlarged in any manner unless such building or structure, including such addition and enlargements, is made to conform to the requirements of these regulations. (Requires permit.)
53. The Montana Department of State Lands may also require a permit for this project.
54. The U.S. Army Corps of Engineers may also require a permit for this project.
55. The EPA and MDOT may also require a permit for this project.
56. The Montana State Building Department may also require a permit for this project.

Renovation of Existing Marina Building

57. Any non-conforming building or structure may be continued and maintained, provided there is no physical change other than necessary maintenance and repair (see Section 2.6A and 2.6B). The applicant is proposing a complete rebuilding and renovation provide that the existing building footprints will not be increased.
58. There may be a change in ownership or management of an existing non-conforming building or structure, provided there is no change in the nature or character of such non-conforming use.
59. A building or structure which is non-conforming shall not be added to or enlarged in any manner unless such building or structure, including such addition and enlargements, is made to conform to the requirements of these regulations. (Requires permit.)
60. Any structure which accommodates living quarters or other non-water related use activity in conjunction with housing boats shall be located outside the lakeshore protection zone.
61. The Montana Department of State Lands may also require a permit for this project.
62. The U.S. Army Corps of Engineers may also require a permit for this project.
63. The EPA may also require a permit for this project.
64. The Montana State Building Department may also require a permit for this project.

Fill beneath the Existing Marina Building

65. Fill projects for the purpose of expanding existing land areas shall not be permitted except as proposed in the project drawings. The project shall not deviate from the submitted project drawings.
66. Discharge of fill material directly into the lake shall not be permitted.
67. The Montana Department of State Lands may also require permits for any dredging and filling. Said permit(s) shall be obtained prior to the application for a County Lakeshore Construction Permit.
68. The U.S. Army Corps of Engineers may also require permits for any dredging and filling.
69. The EPA may also require a permit for this project.
70. The Montana State Building Department may also require a permit for this project.
71. Montana Department of Fish, Wildlife and Parks may also require a permit for this project.

New Breakwater Wing

72. Open and floating docks are encouraged as they allow complete water transfer beneath them. Such docks with large free water transfer areas do not impede current flows and, therefore, stagnant water conditions are not created.
73. Partially open docks which provide for restricted water transfer may be allowed. Partially open docks are those constructed of closely spaced piling or planking, concrete or crib docks having reduced free water areas, or similar structures which impede free water transfer.
74. Solid docks or structures which essentially block the transfer of water beneath the dock should not be permitted.
75. Docks, Wharfs, and piers have a high potential to interfere with public navigation and public recreation. The property owner has a riparian right to lake access; the public has a right to navigation and recreation on public waters. A balance of these two rights should be arrived at by consideration of the water depth at a given location and the distance a structure extends into the public waters.
76. The breakwater portion of a dock shall be reasonably parallel to the shoreline and shall not exceed a length equal to twenty-five (25) percent of the property's shoreline frontage, or thirty (30) feet, whichever is less, except as proposed in the project drawings. The project shall not deviate from the submitted project drawings except as amended under condition 18a whereas the marina length extension request was reduced by 106 feet.
77. Breakwater baffle boards may be placed along the sides of docks to break wave action along open stretches of dock; however, the boards shall be placed no closer than three (3) feet from the existing lake bottom or shoreline to allow for free movement of lake currents.
78. The Montana Department of State Lands may also require a permit for this project.
79. The U.S. Army Corps of Engineers may also require permits for any dredging and filling.
80. The EPA may also require a permit for this project.
81. The Montana State Building Department may also require a permit for this project.
82. Montana Department of Fish, Wildlife and Parks may also require a permit for this project.

Installation of a New Fueling Station and removal of Old Fueling Station

83. Fueling stations on or by a dock shall be located away from berthing areas in order to prevent any spread of a possible fire.
84. No bulk fuel tanks shall be placed over the water. All tanks shall be landward of the lakeshore protection zone.
85. One shoreside sewage facility and one shoreside fuel station per marina may be constructed.
86. A pressure shut-off valve shall be located next to the bulk tank on the line, landward of the lakeshore protection zone.
87. All fuel handling shall be outside the main berthing area unless weather or lake exposure conditions are unfavorable for such a location. Any fueling stations, other than bulk tanks, shall be located near an exit by water from the berthing area or at some location from which, in case of fire aboard an adjoining boat, the stricken craft may be quickly removed without endangering other boats.

88. Fuel stations shall only be allowed in a public or private marina or a public recreation site.
89. The old fuel station must be completely removed from the Lakeshore Protection Zone after all proper permits have been obtained from the required agencies.
90. Contact proper authorities to obtain the proper permits for the installation of the new fueling station and the removal of the old fueling station.
91. The Montana Department of State Lands may also require a permit for this project.
92. The U.S. Army Corps of Engineers may also require a permit for this project.
93. The EPA may also require a permit for this project.
94. Montana Department of Environmental Quality may also require a permit for this project.

New Pump Out Station

95. Such facilities must receive approval of the Montana Department of Health and Environmental Sciences and the Flathead City-County Health Department.
96. Such facilities shall include equipment to pump or otherwise receive and transfer contents of vessel holding tanks into a sewage retention and/or disposal system located outside the lakeshore protection zone.
97. Contact proper authorities to obtain the proper permits for the installation of the new fueling station and the removal of the old fueling station.
98. The Montana Department of State Lands may also require a permit for this project.
99. The U.S. Army Corps of Engineers may also require a permit for this project.
100. The EPA may also require a permit for this project.
101. Montana Department of Environmental Quality may also require a permit for this project.

Dry Hydrants /Stand pipes/Fire hose cabinets

102. The waterlines shall be located no closer than ten (10) feet from either side and/or riparian property line.
103. The waterlines burial must comply with the nature of the proposed work described in the permit application.
104. Only the minimum amount of material necessary to lay the line shall be removed from the trench.
105. Any rock lying over the proposed trench shall be removed prior to excavation and saved. After refilling the trench, said rock shall be restacked over the top to serve as a protective measure to inhibit washing and erosion.
106. All material excavated from the trench shall be placed back into the trench as backfill. Any material not placed back into the trench shall be completely removed from the Lakeshore Protection Zone.
107. A trenching machine may extend its bucket or digger into the lake to extend the trench below low water line of the lake.
108. That portion of the waterline not buried and lying exposed on the bottom of the lakeshore shall be weighted to prohibit floatation or snagging.
109. Waterlines using submersible pumps may incorporate an electrical line, but all such work and installation shall be done in accordance with the State Uniform Plumbing and Electrical Codes.
110. No waterline shall lie on top of or be attached to a floating dock or raft.
111. All waterlines shall be covered or buried for safety and aesthetic purposes unless placement is temporary in nature (less than thirty (30) days).
112. Following the installation of the waterline, the lakebed and lakeshore shall be returned to its condition prior to construction.
113. The applicant shall demonstrate that the necessary water rights as required by the Department of Natural Resources and Conservation are in place.
114. The applicant must contact the Flathead County Planning & Zoning Office at 751-8200 upon the start and completion of each portion of the proposed project.
115. Before any work is started, all required permits need to be presented to the Flathead County Planning & Zoning Office.
116. If the Flathead County Planning & Zoning Office find there is any violations of this permit or of the Flathead County Lakeshore Protection Regulations, the work may be halted.
117. If the Flathead County Planning & Zoning Office find there is detrimental siltation from the fill project or piling project during construction, the work may be halted.

CONSIDERATION OF LAKESHORE PERMIT: MONTANA EAGLE DEVELOPMENT #FLV-04-29

Present at the November 29, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planner Traci Tull, Marc Liechti of Schwarz Engineering Roger Sullivan, Brett Thuma, Denise Lang, Dale Lauman, Fran Ruby, Howard Ruby, Bruce Young, Gregg Schoh, Bruce Ruby, Tip Clark, Kathy Robertson, Dave Robertson, Mark Von Schledorn, and Clerk Eisenzimer.

Tull reviewed Lake and Lakeshore Construction Permit filed by Montana Eagle Development, LLC and Contractor Schwarz Architecture & Engineering to repair portion of sea wall, starting at north end of property (adjacent to the public boat launch) heading south to where the wall turns east, continuing west under Rosario's, south along Rosario's, and finally east to the west side of the existing marina boat launch. New sea wall would be a concrete wall constructed a maximum of three feet lake ward of existing sea walls, therefore reducing the possibility of failure of the bank and potential environmental hazards. Paving, decking, or landscaping will extend to the sea wall matching the existing site features. This proposed work is also being addressed in Major Lakeshore variance FLV-04-09. Due to extreme erosion problem, the applicant is stressing the necessity to fix this portion of the seawall right away. This is not an attempt to circumvent the variance process. In this permit, the applicant is requesting to replace just a portion of their retaining wall. The variance FLV-04-09 requests to replace the entire retaining wall. Staff recommends approval. General discussion was held.

The Lakeshore permit was amended to remove the condition of denial.

Commissioner Watne made a **motion** to approve Lakeshore Permit #FLP-04-29 as amended and authorize Chairman to sign. Commissioner Hall **seconded** the motion. **Aye-** Watne, Gipe and Hall. Motion carried unanimously.

MEETING W/DALE TRIGG

THIS MEETING WAS CLOSED/ PERSONNEL ISSUE

MEETING W/P.J. SORENSON

THIS MEETING WAS CLOSED/ PERSONNEL ISSUE

CONSIDERATION OF APPOINTMENT: PART-TIME JUSTICE OF THE PEACE

Present at the December 20, 2004 11:45 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to approve the appointment of Dale Trigg as Part-Time Justice of the Peace Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

CONSIDERATION OF PRINTING BIDS: SUPT OF SCHOOLS AND COMMISSIONERS OFFICE

Present at the December 20, 2004 11:45 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to approve on behalf of the Superintendent of Schools, the bid submitted by Northstar Printing for 90 – 2004 Statistical Bulletins in the amount of \$75. Commissioner **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to approve on behalf of the Commissioners Office, the bid submitted by Northstar Printing for 1000 Personnel Action notification forms in the amount of \$89.00. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the request to monitor IP addresses of one individual for suspicious internet activity. Commissioner Watne **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 21, 2004.

TUESDAY, DECEMBER 21, 2004

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

Chairman Gipe opened the Public comment period for matters within the Commission's jurisdiction

Public comment period: Tom Thomas, Karen Thomas, Craig Cook, Pat Wood, Duane Bauch, Greg Carter, Cindy Lanier, Bill Baum, Addy Gibson, Fred Jones, Brian Formen, Jill Carter- Jones, Stephanie Skinner, Jill Ackers, Jean Carter, Susie Moore, Judy Martinson

Greg Carter – I'm here this morning officially representing the 800+ members of the Northwest Montana Association of Realtors. We are very concerned about your consideration of shifting money currently allocated to the Big Mountain Road. Our county has thousands of visitors every year primarily because of Big Mountain. These visitors spend tens of thousands of dollars in our local businesses every year and make thousands of trips up and down the mountain. Adequate access to one of the county's significant economic engines, The Big Mountain is vital to the success of so many of our business owners not to mention the long term economic health of our county as well. The Big Mountain employs 550 people this time of year and 150 in the summer, making it one of the county's largest employers. It's our understanding you're considering shifting some of the money currently allocated to the plan to reconstruct the Big Mountain Road to the North Fork Road and or back to the federal government. We would urge you to work with the Montana Department of Transportation to move the Big Mountain project forward as soon as possible. We realize the costs are going up and there may not be enough money now to complete both right of way acquisition and construction but please don't cancel what is there. We ask you to use the money that you do have to complete acquisition of the necessary right of way and perhaps fix the most dangerous portions of the existing road. More money is going to have to be appropriated because of the importance of Big Mountain to our county. I am confident that that can be done. Any more delay will only mean additional costs in the future because of price escalation in both real estate and in construction costs. There are over 330 individual property owners and taxpayers within the existing Big Mountain resort whose only access is on this road. Additionally there are numerous other property owners along Big Mountain road as you access the mountain. The properties served by this road represent a sizable portion of the county's tax base. I greatly appreciate your consideration of this matter and sincerely request that you impress upon the Montana Department of Transportation the importance of this road on the economic health of our county and the safety of those driving this road everyday. I want to thank you for your time and the president of our association, Cindy Lanier is here.

Cindy Lanier, President of the Northwest Montana Association of Realtors – We do feel that the Big Mountain road is extremely important to the economy of the Flathead Valley and would urge you to keep the money that you currently have. Conrad Burns went to a great deal of trouble to allocate those funds back to the Big Mountain road rather than the North Fork. It was not an easy task, there is everytime somebody goes up there it seems like there's accidents on that road and it is a hazard. Just yesterday in fact, there was a big huge rock in the middle of that road that caused some traffic delays coming down the mountain for people trying to get to work in either Whitefish or Kalispell. So we would urge you to keep the money that you have and then we won't deal with allocating more funds to get the road completed. If you think the property values are high now, to get the easements that you need, five or ten years from now they will be double that the way the prices are going in the valley. So therefore we do urge you to do what you need to do to keep that road in safe conditions.

Fred Jones – CEO of Big Mountain – I just like to talk about the Big Mountain Road briefly and bring to your attention some of what that road services today. Obviously the road is substandard in terms of the amount of traffic that it handles today and just in terms of its engineering standards and one of the biggest problems is the narrowness of the road in certain parts as well as the steep switchback corners. Just to recap quickly some of the existing business and existing uses that road serves. First and foremost it serves a lot of workers each day going in both directions and those workers work at Big Mountain but there are also a lot of workers that work in many other businesses up there and not the least of which is the construction trades and I don't have a count as to what that would be everyday but you know it's probably five or six hundred people in the wintertime that use that road to commute to work in various forms. It also serves a free snowbus, the snowbus is a bus that runs between Whitefish and Big Mountain, it's free to anybody that wants to use it. It makes many trips a day during the winter season. Last year it transported around 40,000 people. Many of those people are kids from the valley that use that bus to go to Big Mountain to recreate. It's certainly a concern that that bus have a good road to go up and down and also the workers use it to commute to work as well. That bus is a free bus, that bus is supported 100% by Big Mountain and the businesses that belong to The Big Mountain Commercial Association for about \$180,000 a year so it's not insignificant. It's one of the proactive things we've done on Big Mountain to address some of the road concerns, but it certainly doesn't cure the road. In addition, the Big

Mountain Commercial Association pays another \$60,000 a year to maintain the road in winter, that's plowing and sanding, that's in cooperation with the State recognizing that it's not the top priority of the State and yet it's significant from a safety issue for people using that road on a regular basis to keep it plowed and sanded and that again is out of the pockets of the people who are in business up on that road. The other thing that I would like to point out according to your tax records, there are 675 plus or minus properties, property owners or tax parcels up on Big Mountain and another 173 along the road. That's 850 properties on a five mile stretch of road that that road is servicing. That's a pretty high concentration of tax parcels and tax payers served by a fairly short section of road. Another important use of that road is for deliveries up to Big Mountain as food and beverage purveyors and you know most of that's happening in the winter season which is really counter cyclical to the busy time in the Flathead, keeping these businesses in the Flathead Valley viable on a year round basis and not just the summer season. Of course there's a lot of construction traffic that goes up there, gravel, concrete, paving, lumber, building supplies and so forth. That again all comes out of this valley again supporting businesses in this valley. And of course that road is used for emergency services in both directions as well as recreation, so as you continue to look and I know later on your agenda you're going to have a report from the highway department in terms of their progress in obtaining rights of way. I just urge you to proceed with this road, not only that but to support it and to work with the State the best you can to move it forward. I recognize funding is an issue throughout the county, I think this road's been a high priority for along time, I'd hate to see it come off the list and that money be reallocated to a project probably from what I understand through the State it might not even be within the County so I'd like to see this. I think this is very important to the County to upgrade what is obviously a substandard road and I thank you for your time.

Craig Cook – I'm here to push forward the funding of the Big Mountain Road and while I agree with everything that has been said to date as a realtor in the valley, I couldn't agree more with Greg's comments about the viability and the need for the road; but more important than that, I probably of anybody in this room, know that road better than most. For 41/2 years I was in charge of maintaining that road for WSI, it is a substandard road. In addition, approximately 2 years ago Big Mountain West Development was brought before you. That development had a master plan amendment approved by you. During that time period, we heard a lot of activity about the need for a second road, the need for the second road was not deemed necessary because the first road, our main Big Mountain Road, would be taken care of, I'd appreciate it.

Brian Fimin – I'm a private citizen. I own land above the Big Mountain Road and took the time over the last few weeks to compile some of the list of what we'd need to be acquired sort of in duplication to what the Highway Department's doing. I was just so curious and did some research on the parcels that needed to be acquired and who owned them etcetera and had some conversations with the Highway Department but have been sort of forced to do a lot of this research on my own. I have determined as best I can tell that there's about 47 or 48 acres that is necessary for acquisition to put in the Big Mountain Road and about 42 or 43 acres as of right now has been acquired by the Highway Department but 90% of what needs to be acquired for this road has been acquired as of yesterday. I think that's obviously a lot of progress, but I would encourage for the safety of the citizens of this county that road be built.

Chairman Gipe – Brian, was that 43 or 47 was that the top end or is that the entire length.

Brian Fimin – That's just the top end. It's probably worth mentioning that also it appears there was 19 parcels, 2 of which don't really count in terms of parcels because they're not applicable, parcels 39 through parcel 57 is what needs to be acquired and I have a list here of the status of all of those parcels that I have compiled and as of right now, there are only three parcels that still remain in negotiation. I think it's the Highway Department's position that they're very hopeful that over the next few weeks they'll be able to acquire that land so I think the acquisition of most of what is here has already taken place so that's very encouraging as far as building the road.

Judy Martinson – I'm a real estate agent, I work up on Big Mountain, I represent different customers who own over \$19 million dollars worth of real estate up there. They're very concerned for the road, the safety and the other category of which I see summer and winter are the tourists that come up there in droves because of Glacier Park, Big Mountain and the safety for them coming and going they continue to come, they continue to increase and also as a mom, the safety of our kids coming up there. I was driving up there the other day with a group of three kids and I was forced on one of the hairpin turns to back up because there was a long truck trying to make the turn and we couldn't both traverse the turn at the same time so I had to backup and let him come around before we could go up. So, I hope and encourage you to spend the money on the Big Mountain Road.

Susie Moore – I run Rocky Mountain Real Estate. I too work on the Big Mountain and have for the past many years and I represented a lot of people who have purchased property up there and they have always been under the understanding that at some point in time that there would be funds to improve that road and make a safer traveling space for them to access the Big Mountain and the Big Mountain is so vital to our valley, to the whole overall corner of our Northwest Montana and I don't have much more to add than that except to just encourage you to please not to take those funds that are allocated for the road and let's move on and get it done.

Duane Bauch – I'm the branch manager for American Bank in Whitefish. I'd just like to encourage the County Commissioners to keep the money up on Big Mountain versus going to the North Fork. I think if you take a look at the taxable values of the properties up on Big Mountain versus the North Fork Road, I think it's a prudent sound investment on behalf of the county to keep those monies allocated to that road and keep the economy going up on Big Mountain and that's a difficult road to maintain, I realize that it's not only expensive to maintain but it's probably if you look at long term, it's lesser cost to maintain a well improved road than one that is falling apart and you're up there doing repairs on an emergency basis rather than doing just normal maintenance and if you impact your budget by having a major crisis up there because the road is sloughing off or something like that on an annual basis, that's important to the County too. So I would just like to encourage the Commissioners to review the tax rolls and see if they can't keep that money up on Big Mountain.

If I could make one more comment, on your agenda you show that you're addressing the issue at 10:00 a.m. A number of people thought that they could make public comments, numerous business owners both in Whitefish and up on the Mountain are coming at that time so if you would allow.

Chairman Gipe – I won't.

Commissioner Hall – Mr. Chairman if I could address the group. Quickly, this, we all of a sudden just this week apparently your organization Cindy, you know we've gotten quite a few letters from your group and I think one of the things that wasn't, I know Fred knows about this but we had a meeting with MDOT not long ago. We've been obviously very much in support of working on that mountain and having originally transferred funds from the North Fork to that and have worked hard with MDOT to try and get the project done up there. MDOT came to us having reached a loggerhead in not being able to acquire any more right of way because of situations that will be talked to at 10:00. It was encouraging to hear that there's been some progress made. We've also received letters from other folks in your organization in support of the other side, so we just want you to know that

this is something that's very important to the Commissioners to continue this project forward. MDOT came to us and said we just can't go any further so hopefully we'll have some good news at 10:00 but you needed to know that.

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

FINAL PLAT; LYNNEWOOD

Present at the December 21, 2004 9:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planner Kirsten Holland, Deputy County Attorney Peter Steele, Rick Breckenridge, Wally Massie, Bill Reddig, Walt Reddig, Kathleen Sudan, Assistant Webb, and Clerk Eisenzimer.

Holland reviewed the application submitted by Rick Breckenridge for final plat approval of Lynnewood Subdivision, which will create five residential lots in Assessor's Tracts 1C in Section 28, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana. The site is located west of Montanan Highway 206, north of Badrock Drive and is situated approximately two miles south of Columbia Heights. The site is unzoned. Preliminary plat approval was granted on June 2, 2004, subject to 18 conditions. Holland indicated that all conditions have been met or otherwise addressed. Condition 7, regarding the stop sign at the intersection of the private access road and Montana Highway 206 in accordance with Section 3.9 of the Flathead County Subdivision Regulations, applicant stated that the stop sign will be in place.

Commissioner Hall made a **motion** to approve the Subdivision Improvement Agreement in the amount of \$40,643.75 to complete road sign and stop sign improvements. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried.

Commissioner Watne made a **motion** to approve the Final Plat of Lynnewood Subdivision. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: ADG CONTRACT/EAGLE TRANSIT

Present at the December 22, 2004 9:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to approve the ADG Contract for Eagle Transit. Chairman Gipe **seconded** the motion. **Aye** - Watne, and Gipe. Motion carried by quorum.

CONSIDERATION OF REQUEST FOR POSITION OPENING: OA 3/CLERK OF COURT

Present at the December 21, 2004 9:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Chairman Gipe reviewed the position opening request from Peg Allison. Assistant Webb pointed out that through using part time and full time employees, District Court still has one position opening and he recommends approval.

Commissioner Hall made a **motion** to approve the request for opening the position for the Clerk of District Court. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

COS REVIEW: BAIN

Present at the December 21, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planning and Zoning Director Forrest Sanderson, Dan Brien from Sands Surveying, Bonnie Riedel, Lou Bain, Assistant Webb, and Clerk Eisenzimer.

Sanderson presented the Immediate Family Transfer requested by Gary Ronald Bain to Lou his father and Kelly his daughter. Staff recommends approval.

Commissioner Watne made a **motion** to approve the COS for Bain. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

AWARD BIDS: GREAT NORTHERN TRAIL

Present at the December 21, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planning and Zoning Director Forrest Sanderson, Mark Crowley, Assistant Webb, and Clerk Eisenzimer.

Sanderson reviewed the five bids submitted at the bid opening. Engineers estimate the project costing \$388,584.00. Schellinger bid being low est had an irregularity and did not meet CTEP rules and was rejected as non-responsive therefore it was proposed that Sandon Construction be awarded the bid at \$413,661.00.

Commissioner Watne made a **motion** to award the bid for Great Northern Trail to Sandon Construction as recommended by the CTEP Committee. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

MEETING W/RAY HARBIN/MDOT RE: BIG MOUNTAIN ROAD

Present at the December 22, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Tom Thomas, Karen Thomas, Craig Cook, Pat Wood, Duane Bauch, Greg Carter, Cindy Lanier, Bill Baum, Addy Gibson, Fred Jones, Brian Fimin, Jill Carter-Jones, Stephanie Skinner, Jill Ackers, Jean Carter, Susie Moore, Judy Martinson, Catherine Fousek, Robert Fousek, Walter Nickerson, Norm Kurtz, Charles Lyman, Debbie Dillon, Jeremy Ferkin, Rebecca Shaw, Wink Jordan, Dale Duff, Roger Noble, John Collins, Ruth Lane, Ray Harbin, Bruce Boody, Joe Unterreiner, Tom Sands, Assistant Webb, and Clerk Eisenzimer.

Thank you Mr. Chairman, members of the Commission, my name is Ray Harbin, I'm with the Right of Way supervisor for the Department of Transportation in Missoula. A couple of months ago we met with you folks to talk about the condition status of the project to rebuild the Big Mountain Road. I explained to you at that time that, well actually, let me digress. A year or so ago we met and told you that we were having a lot of difficulty and subsequent to that time, we scaled the project down so that we would only do the upper section which includes the worst curves and problem areas. We scaled the project down to about

20 parcels. We met a couple of months ago and we were still having some difficulty with some of those 20 parcels and the cost had escalated very substantially. So we came to you to talk about what our options were and of course as you know the options vary from anywhere from going on to dropping the whole project. I'm happy to report today that we've had pretty good success in the last two months. We've closed a number of parcels and out of the 20 parcels on this particular segment, we're down to about 3 and two of them are out of state land owners. I feel fairly confident that we'll resolve this issue so it looks like we should be able to move forward. My recommendation to you is that we proceed, it's of course your decision and I'm certainly going to interfere with that right. From the financial standpoint, we estimate that our right of way costs are going to be about 1.4 million for those parcels that are involved. We estimate our utility cost to be about a million dollars and our construction cost to be about 6.3 million, the total combined cost then would be something in the range of \$8.7 – 8.8 million. We as you know we have 4 ½ million dollars of federal earmarked money available for the project which we're currently spending. The secondary roads fund, our understanding is that there was about 6.3 million allocated in that and I may be stand to be corrected on that but that's the best information that we have. The combination of those two will give us somewhere around 10 million dollars which will be enough we think to do the job, barring any unforeseen circumstances. So, it looks like we're going to get the right of way, it looks like we'll have the money available and it looks like we can pull it off.

That brings the next subject and that's the time frame. If we complete our negotiations for right of way and do all of the acquisition that's necessary, then we have to get the final design work completed and since there's a substantial amount of virgin alignment on Forest service property, then all of that has to be cleared. So we'll have to do a clearing contract next summer then comes the more complicated portion in relocation of all of the utilities. There are water lines, sewer lines, telephone, television, power, a whole litany, everything that any other city would have. Most of that stuff will be relocated to the new alignment so that's going to take some time depending on how utility companies go, once those functions of course are completed, then we can move forward with the actual project. So this is coming into 2005 and we're hoping that maybe by 2007 we can actually go to contract.

Chairman Gipe and the Board of Commissioners stated that they fully support this project.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: SPOTTED HORSE TRAIL, OLD STONE ROAD, KIENAS ROAD NORTH & MCCAFFERY LOOKOUT ROAD NAMING

Present at the December 22, 2004 9:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

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

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **SPOTTED HORSE TRAIL**.

Road generally running southeasterly off a branch road running easterly off Julian Lane and located in the Southeast ¼ of the Northwest ¼ of Section 36, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **3rd day of January, 2005, at 10:00 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 naming of **SPOTTED HORSE TRAIL**.

This notice shall be mailed to each landowner who has access off of the proposed **Spotted Horse Trail**, who has an address assignment on the proposed **Spotted Horse Trail** or who owns property along the proposed **Spotted Horse Trail**.

Dated this 21st day of December, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: /s/Howard W. Gipe
Howard W. Gipe, Chairman

ATTEST:
Paula Robinson, Clerk

By: /s/Monica R. Eisenzimer
Deputy

Publish on December 24 & 31, 2004.

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

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **OLD STONE ROAD**.

Road generally running southeasterly off Evers Creek Connection and located in the Southeast 1/4 of the Southeast 1/4, Section 11, Township 31 North, Range 24 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **3rd day of January, 2005, at 10:00 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 naming of **OLD STONE ROAD**.

This notice shall be mailed to each landowner who has access off of the proposed **Old Stone Road**, who has an address assignment on the proposed **Old Stone Road** or who owns property along the proposed **Old Stone Road**.

Dated this 21st day of December, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: /s/Howard W. Gipe
Howard W. Gipe, Chairman

ATTEST:
Paula Robinson, Clerk

By: /s/Monica R. Eisenzimer
Deputy

Publish on December 24th & 31st, 2004.

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

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **KIENAS ROAD NORTH**.

Road generally running northerly off Kienas Road and located in the NE 1/4 of the NE 1/4 Section 18, the East 1/2 of the East 1/2 Section 7, and in the West 1/2 of the West 1/2 Section 8, all in Township 28 North, Range 22 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **3rd day of January, 2005, at 10:00 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 naming of **KIENAS ROAD NORTH**.

This notice shall be mailed to each landowner who has access off of the proposed **Kienas Road North**, who has an address assignment on the proposed **Kienas Road North** or who owns property along the proposed **Kienas Road North**.

Dated this 21st day of December, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: /s/Howard W. Gipe
Howard W. Gipe, Chairman

ATTEST:
Paula Robinson, Clerk

By: /s/Monica R. Eisenzimer
Deputy

Publish on December 24th & 31st, 2004.

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

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **MC CAFFERY LOOKOUT ROAD**.

Road generally running southerly off Mc Caffery Road and located in the SW ¼ of Section 7, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **3rd day of January, 2005, at 10:00 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 naming of **MC CAFFERY LOOKOUT ROAD**.

This notice shall be mailed to each landowner who has access off of the proposed **Mc Caffery Lookout Road**, who has an address assignment on the proposed **Mc Caffery Lookout Road** or who owns property along the proposed **Mc Caffery Lookout Road**.

Dated this 21st day of December, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: /s/Howard W. Gipe

Howard W. Gipe, Chairman

ATTEST:
Paula Robinson, Clerk

By: /s/Monica R. Eisenzimer
Deputy

Publish on December 24th & 31st, 2004.

BUDGET AMENDMENT

Present at the December 22, 2004 9:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to adopt Resolution 1769. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**COUNTY OF FLATHEAD
GENERAL
JOURNAL
VOUCHER
BUDGET
AMENDMENT
RESOLUTION # 1769**

DATE ISSUED:
DATE OF RECORD:
MCA 7-6-4006

VOUCHER NO.: 0412-028

Account Number	ACCOUNTING COPY Description	"B" Entry Line	Debit General Ledger	Credit General Ledger
2251-0231-411010-398	Contracted Services	1		\$60,000.00
2251-242000	Expense Control	2	\$60,000.00	
	To increase approved budget	3		
	Line Item-As per attached detail	4		
		5		
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		35		
	Total		\$60,000.00	\$60,000.00

Explanation:

by: Gary L Como, Finance
Approved by:
Commissioners by
Resolution

Commissioner Watne made a **motion** to approve Resolution 1770. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**COUNTY OF FLATHEAD
GENERAL**

JOURNAL
VOUCHER
BUDGET
AMENDMENT
RESOLUTION # 1770

DATE ISSUED:
DATE OF RECORD:

VOUCHER NO.: 0412-29

MCA 7-6-4006 Account Number	ACCOUNTING COPY Description	"B" Entry Line	Debit General Ledger	Credit General Ledger
2927-0221-331117		1	\$97,870.00	
2927-172000	Revenue Control	2		\$97,870.00
		3		
2927-242000	Expense Control	4	\$97,870.00	
2927-0221-420600-212	Small Item Equipment	5		\$9,540.00
2927-0221-420600-900	Capital Equipment	6		\$88,330.00
		7		
	To ammend budget & establish new budget spending authority	8		
	Per attached Grant notification	9		
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		35		
	Total		\$195,740.00	\$195,740.00

Explanation:

by: Gary L Como, Finance
Approved by:
Commissioners by
Resolution

CONSIDERATION OF EDUCATIONAL ASSISTANCE REQUEST: W. FIELD

Present at the December 21, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Chairman Gipe reviewed the request by Wendy Field for tuition reimbursement. Staff recommends denial.

Commissioner Hall made a **motion** to deny the request for tuition reimbursement. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

CONSIDERATION OF TRAVEL REQUEST: J. MORRIS/4-H OFFICE

Present at the December 21, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Chairman Gipe reviewed a request for travel by Justin Morris from the Extension office for an Ag Conference in Dillon.

Commissioner Hall made a **motion** to approve the travel request. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

CONSIDERATION OF COMP TIME EXTENSION: C.BAARS

Present at the December 21, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Chairman Gipe reviewed a request for extension of comp time until April 30, 2005.

Commissioner Watne made a **motion** to approve the extension of comp time. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

MEETING W/RAEANN CAMPBELL: HUMAN RESOURCE OFFICE

Present at the December 21, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Raeann Campbell, Assistant Webb, and Clerk Eisenzimer.

Discussion was held regarding the opening of the Planning and Zoning Director position and starting wage is proposed to be \$50,000; consideration of contract verbage for applicant for Administrative Assistant

Commissioner Watne made a **motion** to approve the starting salary for the Planning and Zoning Director of as proposed. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

MEETING W/CHARLIE JOHNSON, ROAD DEPT.

Present at the December 21, 2004 11:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Road Superintendent Charlie Johnson, Tip Clark, Assistant Webb, and Clerk Eisenzimer.

Discussion was held relative to RFQ for cost of services study will come out after the first of the year, guardrail on Shady Lane and Willow Glen Drive, Troutbeck Homeowners Association; funding for the Somers-Lakeside Bike Trail; stop sign placement on Vonder Heide Lane;

MEETING W/CHUCK MERCORD

Present at the December 21, 2004 11:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planning and Zoning Director Forrest Sanderson, Deputy County Attorney Jonathan Smith, Brenda Hall, Chuck Mercord, Gordie Jewett, Ray Sanders, Tip Clark, Dale Lauman, Joe Guilbault, Robert Fraser, Assistant Webb, and Clerk Eisenzimer.

Discussion was held relative to Somers – Lakeside Bike Trail. The funding is secure, the engineer, Schwarz Engineering is completing the proposal and construction is due to begin before July 1, 2005. Chairman Gipe presented Chuck Mercord with a Certificate of Appreciation for his diligent work in completing the Somers-Lakeside Trail.

BOARD APPOINTMENTS: MISCELLANEOUS

Present at the December 21, 2004 11:45 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planning and Zoning Director Forrest Sanderson, Deputy County Attorney Jonathan Smith, Dennis Bee, Assistant Webb, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to approve the appointment of Dennis Bee and Ole Nettiberg to the Whitefish City – County Planning Board. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: INTERLOCAL AGREEMENT/COLUMBIA FALLS JURISDICTIONAL AREA

Present at the December 21, 2004 11:45 Meeting were Chairman Gipe, Commissioners Hall and Watne, Planning and Zoning Director Forrest Sanderson, Deputy County Attorney Jonathan Smith, Assistant Webb, and Clerk Eisenzimer.

Sanderson advised the Board that there is no longer any objection to the interlocal agreement.

Smith presented argument that the automatic extension of boundary is not acceptable and would like paragraph 14 deleted and in section 15 meet not less than annually to discuss the annexation and moving of boundaries.

Smith wants the paragraph concerning attorney's fees to be struck from the document as these are two public agencies and litigation should not be encouraged. Paragraphs 18 and 19 are redundant and unnecessary but will be left as presented.

Commissioner Watne made a **motion** to approve the interlocal agreement as amended and authorize Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 22, 2004.

WEDNESDAY, DECEMBER 22, 2004

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

Public comment attendance: Bill Obermayer, Don Collins, Shawna Floyd

Chairman Gipe opened the public comment period for matters within the Commissions' jurisdiction

Shawna Floyd – we're here this morning because we saw Nez Perce come up on your agenda for final plat. We thought this was already addressed back on December 9^h so we're not sure exactly why it's back on there but we wanted to come let you know that we have concerns about it. We don't know what the outcome will be. What is a major and what is a minor subdivision and why is there a difference. That's my biggest question. We were here for the November 9^h when the County Attorney's explained the difference. We understand that there was a faux pas somewhere in the preliminary plat approvals but you know it's been noted and the three other subdivisions in this group were approved by you last December 9^h. So, for this one, we wanted to ask for you to really consider the major or the minor impact of the subdivision. Impact comes in many ways, the main one for us is public safety. We asked for public input to be available on this subdivision, this is the second group in this tract of land as it stood in 1993 as the County Attorney's explained it. You've already allowed a minor in that tract on December 9^h. We ask for the opportunity to have public input on this subdivision, we're not saying they can't have it, we just ask that you require it come back as a major subdivision. The reason that that is important is because there is public input. There's public notification. We wouldn't be here this morning but we had to watch the agenda and make sure that we

are diligent about what happens in our neighborhood. If it had been a major we would have been notified. Also, environmental assessments are done on major subdivisions. Is a string of minors the same impact as a major, not in this case. This case there are twenty lots total, five are what you're going to talk about today. There are thirteen approaches that were okayed for this entire group and I believe there's about 3 or 4 that are associated with Nez Perce that you'll talk about today. The road impact, there was no road impact assessment done. If they had come as a major all of these things would already have been looked at. So, does this Nez Perce, is it a minor, no. It's part of the entire picture and it's a far greater danger in Commissioner Gipe's words on April 24th 2003 the multiple approaches that were approved for this created a tremendous hazard. Charlie Johnson agreed and he drove you folks out there and showed you this. He did not want to approve thirteen approaches on these minors. We did not know the minor laws at the time, we did not know the interpretation until November 9th. When I went to Forrest Sanderson a year ago today, this is my anniversary from my first time standing in here a year ago today I brought these concerns up and I was told that nobody knew anything about it. Well, a year later we know a great deal more about it and we ask that you look at this, see it for what it is and require it to go through the major subdivision review that is afforded. Subdivision reviews were not created because somebody thought it was a great idea. Usually laws are drawn in blood, usually a child has gotten hurt and that is why the multiple approaches are limited on a major subdivision. Laws are not created because somebody thinks it's a good idea. They were created for a purpose and we ask that you apply the law.

Don Collins – Also representing the Batavia-Kienas Homeowners Association – I just want to make a little statement. I didn't have a lot of time to get prepared on this but I just don't understand what's going on here. I mean, we're not part of any group trying to stop development, but what we do want to see is good development. Good that's going to be good for our neighborhood and when I read notes from a meeting that you guys had with Charlie Johnson because he was so concerned about these accesses and the safety of it and then you guys Hall and Gipe both comment realizing the danger of this, you know, and slope driveways coming into county roads as well as the numbers of accesses. Now, we realize there's going to be a subdivision and everybody knows it, there's no secret to anybody that they are applying for a major subdivision. Whether or not it materializes, you know, that's up to them but we know the intention is there so there's all these driveway accesses and there's three known interior road accesses that will be coming in the future also. Now the reason we were given, you know from the county attorney, you know because as Shauna said, the county attorney made a big explanation of why these subdivisions as minors should not be allowed and then reversed his decision, had to do what he said right here is because of preapproval for this development and that the property owner had invested \$200,000 in this. So since they spent this \$200,000 that we should reverse our decision and we should allow them to go ahead with the development. Well, most of that money is in 15 wells that are out there and we're not saying, you know a major subdivision, if it passes review should go, we don't have a problem with that. So those wells and all that investment is not really thrown away if you tell them to go through major subdivision review. The wells are still there, they can still be utilized but it's going to change the road accesses and make it safer on a narrow road that runs between two schools. And it's something that we have to drive everyday and you guys have come right out on the record and voiced your concerns about it and I don't understand. That's all I have to say.

Bill Obermayer – as just a concerned property owner and a tax payer in Batavia I think Don and Shauna's said everything that's pretty much on my mind but my main concern is the safety of the road due to the development between the two schools, the little Voerman School and the Smith Valley School. The traffic is totally unreal out there compared to what it used to be with all of the subdivisions in the Ashley Lake area, that whole complete area our traffic is getting to be unreal out there. I was a commercial driver for thirty years with commercial vehicles and I saw so many accidents and stuff that happened, and I think that's my biggest concern is all of the road accesses coming onto Batavia Lane. There's kids there all the time and you can't even get out there anymore to get yourself in or out say noting of all that new subdivision so I just ask you guys to make sound and good judgment on your decision pertaining to the road accesses for safety factor and I feel Howard Gipe is a ex-highway patrolman, he's probably very familiar with the problems that exist on the traffic we got today and Batavia is one of the worst.

Don Collins – May I ask you something because I haven't read all of these things but the major subdivision laws and the minor subdivision laws and I look at, if I understand correctly, the minors are designed for somebody that wants to split off a little section of land for somebody maybe a kid, maybe they want to help pay part of their mortgage and they section this off and it's usually one or two properties that will be developed.

Chairman Gipe – you're talking about a family transfer now. That's what you're talking about if you want to do that, that's like you say, part of your family and a minor is like I say, it's just what it is, it's three or four lots that are split off.

Commissioner Hall – a maximum of five.

Shawna Floyd – I have a question is it five and a remainder or is it a total of five. So you have a tract of land as it stood in 1993, is that our point of reference, and then is it five lots out of that tract with a remainder there or is it 5 lots total and the tract.

Chairman Gipe – it could be either way.

Shawna Floyd – It can be either way, is that kind of ambiguous because that's six lots.

Chairman Gipe – yes, it could be either way, I mean if you had five lots there and it was set up to how large those lots would be it could be either way.

Don Collins – in this particular instance, there's the original farm house that's sitting there and that was split off on it's lot, why shouldn't that count as one of the minors or one of the minor lots.

Chairman Gipe – I don't know, like I say the thing that we run into this and I think all three of you know that we ran into a legal problem with the County Attorney's office and we can't put Flathead County at risk and sometimes we get into those situations and it's not to our liking but sometimes these laws are not written to our liking and this isn't the first time we've gotten into a problem not only with this but other things that would seem like common sense to you folks or to us too, sometimes it isn't common sense.

Commissioner Hall – Did you say they are applying for a major?

Shawna Floyd – In your minutes back in that same about the roads, their surveyor says that they are planning a major, that's I mean, we have the drawing of 92 lots that we've submitted to you several times. I sent a package to each one of the Commissioners that included all of that information in it. I don't know if you keep it or not.

Chairman Gipe – We got it and we talked about that before and we've never. Anything from them, we've never seen anything on that.

Shawna Floyd – You haven't seen probably an official application for a major because they want to get the minors done first for seed money and go forward but we're just asking that a mistake be corrected.

MONTHLY MEETING W/BOBBIE KELLY, RSVP

THIS MEETING WAS NOT HELD

CONSIDERATION OF POSITION OPENING: COMPUTER SERVICES

Present at the December 22, 2004 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Chairman Gipe reviewed a request to open Dave Wojciechowski's position for Computer Services after his resignation.

Commissioner made a **motion** to approve opening of position in Computer Services. Commissioner Watne **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

FINAL PLAT: MCGREGOR LAKE HIGHLANDS COMMON AREA #1

Present at the December 22, 2004 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planner Peggy Goodrich, Jane Eby of Eby and Associates, Assistant Webb, and Clerk Eisenzimer.

Goodrich reviewed the application submitted for final approval of McGregor Lake Highlands Common Area #1. This subdivision adds land from Assessor's Tract 1AD in Section 17 to Common Area #1 and land from Common Area #1 to Assessor's Tracts 1A and 1AD. The subdivision is located approximately 30 road miles west of Kalispell along US Highway 2 West. The subject property is 23.458 acres in size and is located in an unzoned area of Flathead County. Preliminary plat approval was granted on November 23, 2004, subject to five conditions. Goodrich indicated all conditions have been met or otherwise addressed. Staff recommends approval.

Commissioner Hall made a **motion** to adopt Staff Report #FFP-04-65 as Findings of Fact. Commissioner Watne **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the Final Plat of McGregor Lake Highlands Common Area #1. Commissioner Watne **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

PRELIMINARY PLAT: OSPREY RIDGE

Present at the December 22, 2004 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planner Peggy Goodrich, Jeff Larsen of Larsen Engineering and Surveying, Jim Etzler, Bev Etzler, Assistant Webb, and Clerk Eisenzimer

Goodrich reviewed the application submitted by Jim Etzler for preliminary plat approval of Osprey Ridge Suvdivision, a minor subdivision that will create five single-family residential lots. The subdivision is located in Somers off Spring Creek Road. The lots will range in size from 1.10 acres to 1.18 acres. All lots will be served by individual water and septic systems. Access to all lots will be provided via a private drive off Spring Creek Road.

Commissioner Watne made a **motion** to adopt Staff Report #FSR-04-48 as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the preliminary plat of Osprey Ridge subject to eight conditions. Commissioner Watne **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: HARBOR SPRINGS ZONE CHANGE/HOLT ZONING DIST.

Present at the December 22, 2004 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

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

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 Harbor Springs, LLC to change the zoning designation in a portion of the Holt Zoning District from SAG-10 (Suburban Agricultural) to R-2 (Residential).

The boundaries of the area proposed to be amended from SAG-10, to RC-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 district intended to protect and preserve smaller agricultural functions, to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential conflict of uses will be minimized, to a residential district intended to provide for large tract development in suburban areas, beyond sanitary sewer and/or water lines. The SAG-10 classification has a minimum lot size of 10 acres; a change to R-2 would result in a minimum lot size of 20,000 square feet.

The regulations defining the SAG-10 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 **6th day of January, 2005, at 9:30 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 Holt Zoning District.

DATED this 22nd day of December, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST: By /s/Howard W. Gipe
Howard W. Gipe, Chairman
Paula Robinson, Clerk
By /s/Monica R. Eisenzimer
Deputy

Publish on December 26, 2004 and January 2, 2005.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: MILL CREEK ZONE CHANGE/HOLT ZONING DIST.

Present at the December 22, 2004 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

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

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 Mill Creek Land, LLC to change the zoning designation in a portion of the Holt Zoning District from SAG-5 (Suburban Agricultural) to R-2 (Residential).

The boundaries of the area proposed to be amended from SAG-5, to RC-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 district intended to protect and preserve smaller agricultural functions, to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development, to a residential district intended to provide for large tract development in suburban areas, beyond sanitary sewer and/or water lines. The SAG-5 classification has a minimum lot size of 5 acres; a change to R-2 would result in a minimum lot size of 20,000 square feet.

The regulations defining the SAG-5 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 **6th day of January, 2005, 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 Holt Zoning District.

DATED this 22nd day of December, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST: By /s/Howard W. Gipe
Howard W. Gipe, Chairman
Paula Robinson, Clerk
By /s/Monica R. Eisenzimer
Deputy

Publish on December 26, 2004 and January 2, 2005.

MONTHLY MEETING W/KIM CROWLEY, LIBRARY

Present at the December 22, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Library Director Kim Crowley, and Clerk Eisenzimer.

General discussion was held relative to Kim traveling out of town during January, several programs that are beginning in 2005 for the library, one being a foreign independent film series, an after school program for children in middle school ages, computer skills program, concerns of building library in Bigfork,

CONTINUATION OF FINAL PLAT: NEZ PERCE SUBDIVISION

Present at the December 22, 2004 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Deputy County Attorney Peter Steele, Carol Vergin, Bill Vergin, Addy Gibson, Marc Leichti, Terry McCall, Scott Johnson, Dawn Marquardt and Debbie Shoemaker from Marquardt and Marquardt Surveying, Planning and Zoning Director Forrest Sanderson, Kathleen Sudan, Assistant Webb, and Clerk Eisenzimer.

Steele advised that the Findings of Fact were approved at the December 9, 2004 meeting and recommends that there is no basis to deny subdivision. Steele then advised the Board that while this subdivision violates the Subdivision platting act, it is recommended that this subdivision is approved

Sanderson reviewed the final plat application submitted by Thomas Gibson and Marquardt and Marquardt Surveying for Nez Perce Subdivision, a five lot minor subdivision on Batavia Lane, in the Smith Valley. The subject property is 10.05 acres in size and is located in an unzoned portion of Flathead County. Preliminary plat approval was waived on March 18, 2003, subject to seven conditions. Sanderson advised that all conditions have been met or otherwise addressed and staff recommends approval of the final plat.

Commissioner Watne made a **motion** to approve the Final Plat of Nez Perce as it was approved on December 9, 2004. Chairman Gipe **seconded** the motion. **Aye** – Watne and Gipe. **Nay** - Hall Motion carried.

Commissioner Watne was excused.

MEETING W/CLARK KRANTZ RE: VO-AG LAND TRANSFER

Present at the December 22, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioner Hall, Commissioner-Elect Joe Brenneman, Planning and Zoning Director Forrest Sanderson, Clark Krantz, Pete Woll, Larry Van Rinsum, Assistant Webb, and Clerk Eisenzimer.

Discussion was held relative to Flathead County transferring property to the Vo-Ag center in order to replace buildings and allow for restoration of the riverbank to stop erosion. A boundary line adjustment is the approved method of transfer and it is expected that School District #5 will have the property surveyed.

Commissioner Hall made **motion** to approve the conveyance of approximately 5 acres to School District 5 contingent on the completion of a survey Chairman Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum

MEETING W/JOHN PHELPS/CITY OF WHITEFISH RE: SID

Present at the December 22, 2004 10:45 A.M. Meeting were Chairman Gipe, Commissioner Hall, Commissioner-Elect Joe Brenneman, Planning and Zoning Director Forrest Sanderson, Deputy County Attorney Jonathan Smith, Whitefish City Manager John Phelps, Public Works Director John Wilson, Assistant Webb, and Clerk Eisenzimer.

Discussion was held relative to several city properties and several county properties coordinating to develop a Special Improvement District on JP Road from Highway 93 to the Whitefish River.

Commissioner Hall made a **motion** to approve the agreement County portion of the Special Improvement District and authorize Chairman to sign. Chairman Gipe **seconded** the motion. **Aye** –Hall and Gipe. Motion carried.

11:00 County Attorney meeting at County Attorney's office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 23, 2004.

THURSDAY, DECEMBER 23, 2004

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

NO MEETINGS SCHEDULED

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 24, 2004.

FRIDAY, DECEMBER 24, 2004

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

COUNTY OFFICES CLOSED - CHRISTMAS

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 27, 2004.