

## MONDAY, JUNE 23, 2003

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

**9:00 A.M. Commissioner Gipe is to attend a deposition with Norm Grosfield**

### **MONTHLY MEETING W/JOE RUSSELL, HEALTH DEPARTMENT**

Present at the June 23, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Health Director Joe Russell, Assistant Avery, and Clerk Eggum.

**This meeting did not take place.**

### **CONSIDERATION OF RELEASE OF COLLATERAL: ROCKWOOD ESTATES**

Present at the June 23, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Hall, and Clerk Eggum.

Chairman Watne reviewed a letter from WMW Engineering advising that all improvements have been completed.

Commissioner Hall made a **motion** to approve the release of collateral for Rockwood Estates. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

### **CONSIDERATION OF RELEASE OF COLLATERAL: BLUEGATE ESTATES**

Present at the June 23, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Hall, and Clerk Eggum.

Chairman Watne received a letter from WMW Engineering advising that all improvements have been completed.

Commissioner Hall made a **motion** to approve the release of collateral for Bluegate Estates. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

### **FINAL PLAT: STRATTON ACRE ESTATES**

Present at the June 23, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Tim Beck, Dawn Marquardt of Marquardt and Marquardt Surveying, and Clerk Eggum.

Beck reviewed the Staff Report regarding the application filed by Kim Stratton for Stratton Acre Estates Subdivision which creates a five lot residential subdivision. The property is located west of Montana Highway 206 on Kimberly Lane and contains 2.65 acres. Preliminary Plat was approved on December 23, 2002 subject to 14 conditions. Beck indicated that all conditions had been met or otherwise addressed. The plat is in substantial compliance with the Flathead County Subdivision Regulations. Staff recommends approval for the final plat.

Commissioner Hall made a **motion** to approve Final Plat of Stratton Acres Estates Subdivision. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

### **FINAL PLAT: MEADOW LAKE COUNTRY CLUB ESTATES, PHASE IX**

Present at the June 23, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Lindsay Morgan, Erica Wirtala, of Sands Surveying, and Clerk Eggum.

Morgan reviewed the Staff Report regarding the application filed by Meadow Lake Development Corporation for Meadow Lake Country Club Estates, Phase IX Subdivision which creates two lots. The property is located one mile north of Columbia Falls near the intersection of Saint Andrews Drive and Tamarack Lane. The proposed subdivision contains 8.526 acres. Preliminary Plat was approved on February 25, 2003 subject to 10 conditions. Morgan indicated that all conditions had been met or otherwise addressed. The plat is in substantial compliance with the Flathead County Subdivision Regulations. Staff recommends approval for the final plat.

Commissioner Hall made a **motion** to approve Final Plat of Meadow Lake Country Club Estates, Phase IX Subdivision. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

### **MEETING W/FORREST SANDERSON RE; SPRUCE PARK**

Present at the June 23, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioner Hall, Planning and Zoning Director Forrest Sanderson, and Clerk Eggum.

Sanderson presented the Commissioners with a list of fee increase proposals and request for flex time for all planners. Sanderson advised he is awaiting a response from Carl and then will prepare a written response regarding Spruce Park. Sanderson advised he would be meeting with Johnson for preparation of an application relative to subdivision regulation changes. Sanderson then discussed changes to a subdivision road by Bitterroot Lake.

### **PUBLIC HEARING: GOOD FAMILY TRUST ZONE CHANGE/WILLOW GLEN ZONING DISTRICT**

Present at the June 23, 2003 10:30 A.M. duly advertised public hearing were Chairman Watne, Commissioner Hall, Planner Mark Crowley, and Clerk Eggum.

Crowley advised that this was a request by the Goode Family Trust for a zone change from R-1 Suburban Residential with a one acre minimum lot size to I-1 Light Industrial with a 7,500 square foot minimum lot size, within the Willow Glen Zoning District. The property proposed for rezoning is located at 51 Twin Acres Drive and is bounded by Meadow Park Unit #2 to the north, and Twin Acres Drive to the South and contains approximately 10 acres.

Chairman Watne opened the public hearing to anyone wishing to speak in favor or in opposition to the zone change request. Seeing no one in the audience to speak, Chairman Watne closed the public hearing.

Commissioner Hall made a **motion** to adopt Staff Report FZC-03-11. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to adopt Resolution No. 654BA. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**RESOLUTION NO. 654BA**

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 23rd day of June, 2003, concerning a proposal by the Goode Family Trust to change the zoning designation in a portion of the Willow Glen Zoning District from R-1 (Residential) to I-1 (Light Industrial);

**WHEREAS**, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on June 10 and June 17, 2003;

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

**WHEREAS**, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Willow Glen Zoning District.

**NOW THEREFORE, BE IT RESOLVED** that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(4), M.C.A., hereby adopts this resolution of intention to change the zoning designation in a portion of the Willow Glen Zoning District from R-1 (Residential) to I-1 (Light Industrial), 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 Willow Glen Zoning District to be changed, the general character of the proposed designation for the area to be changed, 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 Willow Glen 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 Willow Glen 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 in the Willow Glen Zoning District protest the proposed change, then the change will not be adopted.

DATED this 23 day of June, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

By: /s/ Vickie M. Eggum  
Gary D. Hall, Member

By: \_\_\_\_\_  
Howard W. Gipe, Member

ATTEST:  
Paula Robinson, Clerk

By: /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

**Exhibit A**  
**Goode Family Trust**  
**Zone Change/Willow Glen Zoning District**  
**Legal Description**

The property is described as the Westerly 100 feet of Lot Four (4) of Block Two (2) of Twin Road Acres, according to the recorded plat thereof, records of Flathead County, Montana.

AND

Part of the Northeast Quarter Southeast Quarter (NE1/4SE1/4) of Section 20, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana, particularly described as follows:

Commencing at the Northeast corner of said NE1/4SE1/4; thence South, for a distance of 20 rods; thence West, for a distance of 40 rods to the True Point of Beginning; thence South, for a distance of 40 rods; thence West, for a distance of 40 rods; thence North, for a distance of 40 rods; thence East, for a distance of 40 rods to the Place of Beginning.

THE END

Commissioner Hall made a **motion** to authorize the publication of the Notice of Passage of Resolution of Intention and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**NOTICE OF PASSAGE OF RESOLUTION OF INTENTION**

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. 654BA) on June 23, 2003, to change the zoning designation in a portion of the Willow Glen Zoning District from R-1 (Residential) to I-1 (Light Industrial).

The boundaries of the area proposed to be changed from the R-1 to the I-1 classification are described on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to the property from a residential district intended to provide estate type development, in rural areas away from concentrated urban development or in areas where it is desirable to permit only low density development to an industrial district to provide for light industrial uses that typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, smoke, etc.) which extend beyond the lot lines, including light manufacturing, processing, fabrication and assembling of products or material, warehousing and storage and transportation facilities.

The regulations defining R-1 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 Willow Glen 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 23 day of June, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

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

By: /s/Vickie M. Eggum  
Vickie M. Eggum, Deputy

Publish on June 26 and July 3, 2003.

**Exhibit A**  
**Goode Family Trust**  
**Zone Change/Willow Glen Zoning District**  
**Legal Description**

The property is described as the Westerly 100 feet of Lot Four (4) of Block Two (2) of Twin Road Acres, according to the recorded plat thereof, records of Flathead County, Montana.

AND

Part of the Northeast Quarter Southeast Quarter (NE1/4SE1/4) of Section 20, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana, particularly described as follows:

Commencing at the Northeast corner of said NE1/4SE1/4; thence South, for a distance of 20 rods; thence West, for a distance of 40 rods to the True Point of Beginning; thence South, for a distance of 40 rods; thence West, for a distance of 40 rods; thence North, for a distance of 40 rods; thence East, for a distance of 40 rods to the Place of Beginning.

THE END

**CONSIDERATION OF ADOPTION OF RESOLUTION: REVIEW COS ASSESSMENT FEE**

Present at the June 23, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to adopt Resolution Number 1625. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**RESOLUTION NO. 1625**

**WHEREAS**, the 2003 Legislature of the State of Montana amended Sections 76-3-201 and 76-3-207 MCA by adding the following language to each statute:

The governing body may examine a division of land to determine whether or not the requirements of this chapter apply to the division and may establish reasonable fees, not to exceed \$200, for the examination.

**WHEREAS**, the Flathead County Clerk and Recorder has advised the Board that a fee of \$35.00 per Certificate of Survey for such review represents the reasonable cost of the review of a certificate of survey for compliance with Title 76, Chapter 3 MCA.

**WHEREAS**, the Board agrees that a fee of \$35.00 per Certificate of Survey for such review represents the reasonable cost of the review of a certificate of survey for compliance with Title 76, Chapter 3 MCA.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of Flathead County, pursuant to Sections 76-3-201(3) and 76-3-207(4) MCA, that a fee of \$35.00 shall be collected by the Flathead County Clerk and Recorder for review of a certificate of survey for compliance with Title 76, Chapter 3 MCA. The fees shall be deposited into the General Fund.

DATED this 23<sup>rd</sup> day of June, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

By: \_\_\_\_\_  
Howard W. Gipe, Member

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

ATTEST:  
Paula Robinson, Clerk

By: /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

#### **CONSIDERATION OF PRINTING BIDS: SHERIFF'S OFFICE**

Present at the June 23, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to award the bid to Wright Impressions for two sets of business cards and 1,500 evidence forms in the amount of \$25.95, \$25.95 and \$212.71 respectively. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

#### **MEETING W/CHARLIE JOHNSON, ROAD DEPARTMENT**

Present at the June 23, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Road Superintendent Charlie Johnson, and Clerk Eggum.

Johnson sought confirmation relative to paving **Auction Road**. He advised that the road is less than a quarter of a mile long to where it intersects with Fir. He noted that the road was in fairly good shape and would only take a little gravel to prepare for paving. Chairman Watne stated he wanted to see the road paved and believed Commissioner Gipe felt the same way. Commissioner Hall expressed concern for other roads having priority but agreed the road was used extensively and did need paving to reduce dust creating visibility problems on the highway. He noted he requested assistance from MDOT for the paving of the road but they refused. Johnson advised he was having the road surveyed.

Johnson advised that three or four years ago he applied for some money from the state to get **Whitefish Stage** overlaid. They are scheduled to begin that project in the near future. They will clean up the road by aligning it with curbs and gutters that were installed when buildings were built but otherwise it will be a simple overlay.

Johnson advised that he has received a request to have a caution light put on **West Evergreen** hill. He noted that is accomplished by submitting a letter of request to the state. It does not cost the county anything. Johnson noted the city indicated annexing the road as soon as it was paved and he anticipated that to happen by this fall. Commissioner Hall agreed to send a letter of request.

Johnson advised that he would start chip sealing on July 14<sup>th</sup> and he is scheduling to do some work at the Fairgrounds

Chairman Watne requested an update on plans for **Garland**. Johnson responded that the project was committed to in December. The road was surveyed and it was discovered there were right-of-way problems. Those problems have been resolved and fortunately the road is only a half mile long. Johnson warned the Commissioners to take a little caution in committing to projects seeking partnerships and requiring surveying before commitments are made.

Commissioner Hall requested that Johnson be a little more aggressive when discussing road commitments with the Commissioners to prevent a commitment being made to a project that is not in the best interests of the county.

Johnson advised that he and Dennis Hester viewed **Steeles Road** in Columbia Falls. There is a planter, a trailer and a fence on the right-of-way. He has requested that the planter be moved. It is a traffic hazard. Johnson noted he tries to negotiate with the people when these issues arise but if that doesn't work, he surveys the road. He also advised that in Hungry Horse a man has threatened to build a fence half way in the middle of the alley. He has advised the gentleman not to take such action. Johnson requested the Commissioners discuss any calls they receive relative to such issues with him before taking any action.

Commissioner Hall advised that he has received a call regarding **Woodland Road** and **Potter Lane** in Columbia Falls. A resident has built a fence right along side the road and narrowed the road and reduced visibility. Johnson noted that he will probably end up spending \$600.00 or \$700.00 to have the road surveyed.

Johnson advised that he had just received a call about a person cutting the pavement, laying a piece of PVC pipe down and putting a hose and an electrical cord through it. He didn't even patch the road. He did it without any permitting from the county.

Johnson presented the Commissioners with a letter he prepared advising a resident to remove trees planted on the right-of-way on **River Road** in Evergreen behind Nickel Charlie's. He noted the trees are also underneath the power lines. Chairman Watne noted that the same situation exists in Phase I also.

Johnson and Commissioner Hall agreed a press released needed to be prepared advising that such actions are against county policy. Commissioner Hall suggested they do a resolution and when these incidences occur, the responsible party pays for the survey. Johnson advised that the county has in place an encroachment policy but the fine is only \$50.00 which deters few people from such action. Most of these issues start out with neighbors fighting. Johnson tries to work the situation through but usually he ends up doing a survey and everyone on the road suffers. Commissioner Hall noted that there are mailbox issues and right-of-way issues, dust issues, everyone wants their road paved and the public needs to hear what the county is dealing with on a daily basis. Johnson noted that MACo wants a clear zone and that is what the Road Department is trying to accomplish. Johnson reiterated that the county has to enforce the no encroachments on the easement policy to make it fair for everyone in the county.

Johnson advised that the Montana Traffic Code which is the same nationwide does not allow for children at play signs. MACo does not even want the county to put up children at play signs as it expands liabilities. The same thing with dangerous intersection signs, it creates a liability for the county. There is a sign specifically for play grounds only in places that are designated as an official playground.

Johnson discussed a request from a woman on **Hems Road** off of Columbia Mountain but was unsure where that road was. The county does not maintain a Hems Road and he speculated that it was a driveway with a few houses on it that someone named. He noted there was probably not much he could do to help her. She may be in to talk to the Commissioners about her situation and the county taking over the road.

Johnson presented a request he had received from Max Baucus' office to respond to a resident who lives in West Glacier who wants **River Bend Road** striped. Basically, the road doesn't fit the criteria. Technically if a road has fewer than 3,000 cars a day on it, it doesn't have to be striped. River Bend basically goes down into some condos. It is a low speed road. The guy complained last year and a portion of it was striped last year at his request. However, two things that dictate striping: Traffic counts and if the roads are under 22' feet wide, they try not to stripe them because by the time you go in and stripe, you lose a foot especially if you are doing double yellow lines three inch line three inch space three inch line you have lost a foot of 22' wide road. So when they are under 22' we don't stripe them because it narrows the driving lane down. Johnson advised he will respond and will copy Baucus.

Johnson advised that he talked to Alan Rowley at the Forest Service. The RAC Committee cut the **North Fork** relocation money from \$89,000.00 to \$49,000.00. \$6,000.00 in surveying costs has already been incurred and there is probably another \$6,000.00 of surveying and design to be done. In addition \$3,000 in preparing bid documents will be required. The project will not be done this year. Johnson advised he will try to bank some money to work on the project again next year. Commissioner Hall advised that he was a non-voting member this year.

Johnson advised that guardrails are on a warrant system and they must meet certain criteria to require installation of guardrail. The state and federal government only consider guardrail if the lack of guardrail will result in death. It has been discovered that more people were injured on guardrail than if no guardrail were present. If there is a clear zone for the traffic to run through, no guardrail will be installed. Guardrail can be a killer.

Commissioner Hall questioned the status of **Bierney Creek Road**. Johnson responded that he advised that the group needed to do an RSID and the RV Park proposal was abandoned. The **Troutbeck** Homeowners' Association is trying to muster enough support to do an RSID to take care of the paving.

#### **PUBLIC HEARING: BEGG ZONE CHANGE/WILLOW GLEN ZONING DISTRICT**

Present at the June 23, 2003 11:30 A.M. duly advertised public hearing were Chairman Watne, Commissioner Hall, Planner Mike Crowley, Jerry Begg, and Clerk Eggum.

Crowley advised that this was a request by the George and Edna Begg Trust for a zone change from R-1 Suburban Residential, to R-2 One Family Limited Residential, within the Willow Glen Zoning District. The property proposed for rezoning is bounded by Willow Glen to the west, Howard Drive to the east, and is just north of Leisure Drive. The property contains approximately five acres.

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

Begg stated that he was in favor of the zone change.

No one else rising to speak, Chairman Watne asked for anyone speaking in opposition to the zone change. No one rising to speak, Chairman Watne closed the public hearing.

Commissioner Hall made a **motion** to adopt Staff Report FZC-03-12. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to adopt Resolution No. 654BC. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

#### **RESOLUTION NO. 654BC**

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 23rd day of June, 2003, concerning a proposal by George and Edna Begg to change the zoning designation in a portion of the Willow Glen Zoning District from R-1 (Suburban Residential) to R-2 (One Family Limited Residential);

**WHEREAS**, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on June 10 and June 17, 2003;

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

**WHEREAS**, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Willow Glen Zoning District.

**NOW THEREFORE, BE IT RESOLVED** that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(4), M.C.A., hereby adopts this resolution of intention to change the zoning designation in a portion of the Willow Glen Zoning District from R-1 (Suburban Residential) to R-2 (One Family Limited Residential), 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 Willow Glen Zoning District to be changed, the general character of the proposed designation for the area to be changed, 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 thereof, the Board will receive written protests to the change to the Willow Glen 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 Willow Glen 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 in the Willow Glen Zoning District protest the proposed change, then the change will not be adopted.

DATED this 23 day of June, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

By: \_\_\_\_\_  
Howard W. Gipe, Member

ATTEST:  
Paula Robinson, Clerk

By: /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

**EXHIBIT A**  
**George and Edna Begg Trust**  
**Zone Change/Willow Glen Zoning District**  
**Legal Description**

**Location and Legal Description of Property:** The property is a portion of the Willow Glen Zoning District and is bounded by Willow Glen Drive to the west, Howard Drive to the east, and is just north of Leisure Drive. The property contains approximately five acres. The property is described as Lot 1 Block 1, Kalispell School Addition in Section 16, Township 28 North, Range 21 West, P.M.,M., Flathead County, Montana

Commissioner Hall made a **motion** to authorize the publication of the Notice of Passage of Resolution of Intention and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**NOTICE OF PASSAGE OF RESOLUTION OF INTENTION**

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. 654BC) on June 23, 2003, to change the zoning designation in a portion of the Willow Glen Zoning District from R-1 (Suburban Residential) to R-2 (One Family Limited Residential).

The boundaries of the area proposed to be changed from the R-1 to the R-2 classification are described on Exhibit "A".

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

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

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 Willow Glen 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 23 day of June, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:

Paula Robinson, Clerk

By: /s/Robert W. Watne

Robert W. Watne, Chairman

By: /s/ Vickie M. Eggum

Vickie M. Eggum, Deputy

Publish on June 26 and July 3, 2003.

**EXHIBIT A**  
**George and Edna Begg Trust**  
**Zone Change/Willow Glen Zoning District**  
**Legal Description**

**Location and Legal Description of Property:** The property is a portion of the Willow Glen Zoning District and is bounded by Willow Glen Drive to the west, Howard Drive to the east, and is just north of Leisure Drive. The property contains approximately five acres. The property is described as Lot 1 Block 1, Kalispell School Addition in Section 16, Township 28 North, Range 21 West, P.M.,M., Flathead County, Montana

**CONSIDERATION OF ADOPTION OF RESOLUTION: ROAD NAMES AND ADDRESSES**

Present at the June 23, 2003 11:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to adopt Resolution No. 1626. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**RESOLUTION NO. 1626**

WHEREAS, the Flathead County Clerk & Recorder's Office is the County Office responsible for assigning individual addresses, naming and re-naming of roads where necessary, and re-addressing non-compliant structures to State of Montana Standards and National Emergency Numbering Association guidelines;

WHEREAS, the purpose of this resolution is to enhance the easy and rapid location of properties by law enforcement, fire protection services, search and rescue, and emergency medical services to protect public health and safety of all persons living, working or visiting in Flathead County;

WHEREAS, standardization will allow citizens of Flathead County the opportunity to re-name or re-address existing roads through Petition.

NOW THEREFORE BE IT RESOLVED, the following policy is set by the Board of County Commissioners for addressing and naming new roads and re-addressing and re-naming existing roads in Flathead County, Montana.

**SECTION 1: PURPOSE:**

The purpose of this resolution is to enhance the easy and rapid location of properties by law enforcement, fire, rescue, and emergency medical services personnel in Flathead County, Montana.

**SECTION 2: ADMINISTRATION:**

This Resolution shall be administered by the Flathead County Clerk & Recorder's Office (hereinafter called "Administrator"), which is authorized to and may assign road names and numbers to all properties, both on existing and proposed roads, in accordance with the criteria in the address standards adopted by the Administrator. The Administrator shall also be responsible for maintaining the following official records of this Resolution:

- 1) The Flathead County map for official use showing road names and numbers;
- 2) An alphabetical list of all property owners as identified by current assessment records, by last name; and
- 3) An alphabetical list of all roads.

**SECTION 3: NAMING SYSTEM:**

All roads that serve two or more properties, or are ¼ mile or longer in length, shall be named regardless of whether the ownership is public or private. A "road" refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel, or dirt thoroughfare. "Property" refers to any property on which a more or less permanent structure has been erected or could be placed. A road name assigned by Flathead County shall not constitute or imply acceptance of the road as a public way.

The following criteria shall govern the naming system:

- a) No two roads shall be given the same name. Roads that branch off from a main road may be given a derivative of that name (e.g. Pine Road and Pine Lane).
- b) No two roads should have similar-sounding names (e.g., Beech Street and Peach Street).
- c) Each road shall have the same name throughout its entire length, except that a road name may

change when, and only when, there is a substantial intersection or at municipal boundaries.

- d) If a road has more than one branch at the end, separate names will be required for the multiple branches.

**SECTION 4: NUMBERING SYSTEM:**

Numbers shall be assigned according to the Montana Addressing Guidelines. The criteria governing the number system can be found at the Flathead County Plat Room, 800 South Main, Kalispell, Montana.

**SECTION 5: HOUSE NUMBERS:**

All owners of structures shall, within the time frame set forth in Section 7, display and maintain in a conspicuous place on their structure, the assigned numbers in the following manner:

- a) Number on the structure or residence. Where the residence or structure is within 50 (fifty) feet of the edge of the road right-of-way, the assigned number shall be displayed on the front of the residence or structure near the front door or entry in a place visible from the road.
- b) Number at the Street. Where the residence or structure is over 50 (fifty) feet from the edge of the road right-of-way, the assigned number shall be displayed on a post, fence, wall, mailbox, or on some structure at the property line next to the walk or access drive to the residence or structure.
- c) Size of Number. House Numbers shall be a minimum of 4" and shall be located so the number is visible from the road.
- d) Every person who has the duty to display the assigned number shall remove any different number that might be mistaken for, or confused with, the number assigned in conformance with this resolution.

**SECTION 6: NEW CONSTRUCTION AND SUBDIVISIONS:**

All new construction and subdivisions shall be named and numbered in accordance with the provisions of this Resolution and as follows:

- a) New Construction – Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to obtain an assigned number from the Administrator.
- b) New Subdivisions – Any prospective subdivider shall show a proposed road name on the preliminary plat. The Administrator shall approve the road name and assign the lot numbering system within the subdivision.

**SECTION 7: EFFECTIVE DATE:**

This Resolution shall become effective as of the date of adoption. It shall be the responsibility of the property owner to notify the Post Office, local utility companies, and any other necessary agencies of a new address. It shall be the duty of the property owner to comply with this ordinance, including the posting of new numbers, within thirty (30) days of assignment of an address. On new structures, numbering will be installed before final inspection or when the structure is first used or occupied, whichever comes first.

**SECTION 8: CHANGING ROAD NAMES & READDRESSING:**

In order to ensure the fastest emergency response to an area, the Flathead County Commissioners, or the Administrator, shall have the authority to name unnamed roads, change road names, and re-address properties. The policy is set forth in Appendix "A" and Appendix "B".

A road name assigned by the Administrator shall not constitute or imply jurisdiction, ownership, or right of use of any road. Every effort will be made to keep existing road names and solicit input from Landowners in naming local roads.

**SECTION 9: ENFORCEMENT:**

Failure to comply may result in delayed emergency response and disrupted mail delivery.

DATED this 23rd day of June, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

By: \_\_\_\_\_  
Howard W. Gipe, Member

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

ATTEST:  
Paula Robinson, Clerk & Recorder

By: /s/ Vickie M. Eggum  
Deputy



### ROAD CHANGE PROCEDURES – County Initiated

The Flathead County Clerk & Recorder's Office (hereinafter "Administrator") may, over time, establish road names for unnamed roads that serve two or more properties, or where the road is ¼ mile or longer in length.

The Administrator may re-name existing roads that are duplicated within the boundaries of Flathead County and may re-name roads with similar sounding names.

The following procedures will be followed in generating new road names:

- 1) Local fire and law enforcement officials will be asked to provide input on whether the road in question has a locally accepted name. This would be a name unofficially adopted by local Landowners or perhaps contains historic significance.
- 2) The Administrator will research to determine whether the proposed road name exists in the county, incorporated cities, towns or communities.
- 3) The Administrator will determine if the road name has been reserved for a future development.
- 4) A Notice of Hearing will be mailed to each Landowner who has access off of the road to be changed, who has an address assignment on the road, or who owns property along the road, informing them of the set date for the County Commission Public Meeting when the Resolution will be presented.
- 5) A Notice of Hearing will be published by the Administrator in the County Public Newspaper as an item for discussion on the County Commission agenda.
- 6) It will be the responsibility of the Administrator to present a **Resolution of Road Name Change** at the public hearing. Public comment will be heard at this point. If opposition exists, the County Commissioners will hear the opposition and make a decision. Pending no opposition, the change will be approved. If approved, a Resolution of Road Name Change will be passed and delivered to the Clerk and Recorder. An effective date of change will be listed in said Resolution.
- 7) Notification of the name change will be sent to each Landowner who has access off of the road to be changed, who has an address assignment on the road, or who owns property along the road.

**In addition to the change of a road name, an address change may also simultaneously take place with the same effective date.**

### APPENDIX "B"

#### ROAD CHANGE PROCEDURES – Landowner Initiated

The Flathead County Landowners have the opportunity to Petition for a road name change to the Flathead County Clerk & Recorder's Office (herein "Administrator").

The following procedure will be followed by Landowners in changing existing road names:

- 1) Meeting with the Administrator to obtain a Petition for Naming/Renaming of a Road.
- 2) The Administrator will research to determine whether the proposed road name exists in the county, incorporated cities, towns or communities.
- 3) The Administrator will determine if the road name has been reserved for a future development
- 4) Designate an authorized contact person for the Petition.
- 5) Complete the Petition with the appropriate information and present to the Administrator.
- 6) It will be the responsibility of the Landowner to sign the petition and obtain signatures of property owners representing at least 51% of the properties along or accessed by the road. If a property is owned by more than one landowner, one signature will be accepted for the purposes of this Resolution. Verification of these names will take place with the Administrator
- 7) Notice of Hearing will be mailed to each Landowner who has access off of the road to be changed, who has an address assignment on the road, or who owns property along the road, informing them of the set date for the County Commission Public Meeting when the Resolution will be presented.
- 8) A Notice of Hearing will be published by the Administrator in the County Public Newspaper as an item for discussion on the County Commission agenda.
- 9) It will be the responsibility of the Administrator to present a **Resolution of Road Name Change** to the public hearing. Public comment will be heard at this point. If opposition exists, the County Commissioners will hear the opposition and make a decision. Pending no opposition, the change will be approved. If approved, the Resolution of Road Name Change will be passed and delivered to the Clerk and Recorder. An effective date of change will be listed in said Resolution.
- 10) Notification of the name change will be sent to each Landowner who has access off of the road to be changed, who has an address assignment on the road, or who owns property along the road.

**In addition to the change of a road name, an address change may also simultaneously take place with the same effective date.**

**1:00 P.M. Chairman Watne is to attend a Deposition with Norm Grosfield**

**6:30 P.M. The Commissioners are to attend the Meeting with Neighbors Together re: Conrad Connector**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 24, 2003.

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## **TUESDAY, JUNE 24, 2003**

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

### **OPEN BIDS: SPRINKLER SYSTEM/FAIRGROUNDS**

Present at the June 24, 2003 8:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Fair Director Jay Scott, Assistant Avery, and Clerk Eggum.

The following bids were received for a fire protection system for the new building at the fairgrounds:

Fire Protection Services, Inc. - \$27,500.00

Fire Control Sprinkler Systems Inc. - \$18,971.00

Commissioner Gipe made a **motion** to award the bid to Fire Control Sprinkler Systems Company in the amount of \$18,971.00. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

### **PUBLIC HEARING: FIRST CITIZENS BANK TEXT AMENDMENT/FLATHEAD COUNTY ZONING REGULATIONS**

Present at the June 24, 2003 9:00 A.M. duly advertised public hearing were Chairman Watne, Commissioners Gipe and Hall, Planning and Zoning Director Forrest Sanderson, Assistant Avery, and Clerk Eggum.

Sanderson advised that this was a request by First Citizen's Bank to amend the text of the Flathead County Zoning Regulations. The proposal would amend Section 5.11.040 and would allow for signage in the B-1 (Neighborhood/Professional Business) commercial zones that would be consistent with other commercial zones in Flathead County. The Planning Board did unanimously approve the text amendment.

Chairman Watne opened the public hearing to anyone wishing to speak in favor or in opposition to the text amendment. Seeing no one in the audience, Chairman Watne closed the public hearing.

Commissioner Gipe made a **motion** to adopt Staff Report FZTA-03-10. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to adopt Resolution No. 955EV. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

### **RESOLUTION NO. 955EV**

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 24th day of June, 2003, to consider proposed amendments to the text of the Flathead County Zoning Regulations by amending Section 5.11.040 and would allow for signage in the B-1 (Neighborhood/Professional Business) commercial zones that would be consistent with other commercial zones within Flathead County.

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205, M.C.A., on June 3 and June 10, 2003.

WHEREAS, the Board of Commissioners heard public comment on the proposed amendments to the Flathead County Zoning Regulations at that hearing; and

WHEREAS, the Board of Commissioners has reviewed the recommendation of the Flathead County Planning Board regarding the proposed amendments.

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., hereby adopts this resolution of intention to amend Section 5.11.040 and would allow for signage in the B-1 (Neighborhood/Professional Business) commercial zones that would be consistent with other commercial zones within Flathead County as set forth on Exhibit A hereto.

BE IT FURTHER RESOLVED, that notice of the passage of this resolution, stating the general character of the proposed changes to the Flathead County Zoning Regulations, that said proposed changes and those regulations are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication thereof, the Board will receive written protests to the adoption of the proposed changes, shall be published once a week for two weeks.

BE IT FURTHER RESOLVED, that written protests to the adoption of the proposed changes will be received from persons owning real property within any zoning district heretofore created by Flathead County, for a period of thirty (30) days after the 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 percent of the free-holders protest the adoption of the proposed changes, the changes will not be adopted.

DATED this 24th day of June, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

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

By: /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

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

**EXHIBIT A**  
**Text Amendment**  
**First Citizens Bank**  
**Flathead County Planning and Zoning**

Section 5.11.040 Permitted signs in zoning districts.

3. Permitted signs in RC-1, RA-1, ~~B-1~~, CVR and P districts shall be as follows:

4. Permitted signs in **B-1**, B-2, BR-2, B-3, BR-4, B-5, B-6, and B-7 districts shall be as follows:

Commissioner Gipe made a **motion** to authorize the publication of the Notice of Passage of Resolution of Intention 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**

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 intent (Resolution No. 955EV) on June 24, 2003, to adopt proposed amendments to the text of the Flathead County Zoning Regulations.

The proposed amendment would amend Section 5.11.040 and would allow for signage in the B-1 (Neighborhood/Professional Business) commercial zones that would be consistent with other commercial zones within Flathead County.

The Flathead County Zoning Regulations are on file for public inspection at the Office of the Clerk and Recorder in Permanent File number 93270 13500. The proposed amendments are on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, and at the Flathead County Planning and Zoning Office, 1035 1<sup>st</sup> Avenue West, Kalispell, Montana.

For thirty (30) days after the first publication of this notice, the Board of Commissioners will receive written protests to the adoption of the proposed changes to the Flathead County Zoning Regulations, from persons owning real property within any zoning district heretofore created by Flathead County whose names appear on the last completed assessment role of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

Dated this 24th day of June, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

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

By: /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

Publish on June 28 and July 5, 2003.

**PUBLIC HEARING: BEALL TEXT AMENDMENT/FLATHEAD COUNTY ZONING REGULATIONS**

Present at the June 24, 2003 9:15 A.M. duly advertised public hearing were Chairman Watne, Commissioners Gipe and Hall, Planning and Zoning Director Forrest Sanderson, Assistant Avery, and Clerk Eggum.

Sanderson advised that this was a request to amend the text of the Flathead County Zoning Regulations to change the required side corner setback to fifteen feet for all properties in the SAG-5, SAG-10, AG-20, AG-40, and AG-80 zone classifications with lots that have an average width of 200 feet or less. This text will affect all lots in Flathead County that are or are hereafter zoned with an AG or SAG land use classification of the Flathead County Zoning Districts. The Planning Board did unanimously approve the text amendment.

Chairman Watne opened the public hearing to anyone wishing to speak in favor or in opposition to the Text Amendment. Seeing no one in the audience, Chairman Watne closed the public hearing.

Commissioner Hall made a **motion** to adopt Staff Report FZTA-03-02. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** to adopt Resolution No. 955ET. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**RESOLUTION NO. 955ET**

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 24th day of June, 2003, to consider proposed amendments to the text of the Flathead County Zoning Regulations by amending Sections 3.04.040, 3.05.040, 3.06.040, 3.07.040 and 3.08.040 to change the required side corner setback to fifteen feet for all properties in the SAG-5, SAG-10, AG-20, AG-40, and AG-80 zone classifications with lots that have an average width of 100 feet or less.

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205, M.C.A., on June 3 and June 10, 2003.

WHEREAS, the Board of Commissioners heard public comment on the proposed amendments to the Flathead County Zoning Regulations at that hearing; and

WHEREAS, the Board of Commissioners has reviewed the recommendation of the Flathead County Planning Board regarding the proposed amendments.

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., hereby adopts this resolution of intention to amend Sections 3.04.040, 3.05.040, 3.06.040, 3.07.040 and 3.08.040 to change the required side corner setback to fifteen feet for all properties in the SAG-5, SAG-10, AG-20, AG-40, and AG-80 zone classifications with lots that have an average width of 100 feet or less, as set forth on Exhibit A hereto.

BE IT FURTHER RESOLVED, that notice of the passage of this resolution, stating the general character of the proposed changes to the Flathead County Zoning Regulations, that said proposed changes and those regulations are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication thereof, the Board will receive written protests to the adoption of the proposed changes, shall be published once a week for two weeks.

BE IT FURTHER RESOLVED, that written protests to the adoption of the proposed changes will be received from persons owning real property within any zoning district heretofore created by Flathead County, for a period of thirty (30) days after the 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 percent of the free-holders protest the adoption of the proposed changes, the changes will not be adopted.

DATED this 24th day of June, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

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

By: /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

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

**EXHIBIT A  
R.C. BEALL TEXT AMENDMENT  
FLATHEAD COUNTY ZONING REGULATIONS**

**Sections 3.04.040, 3.05.040, 3.06.040, 3.07.040, 3.08.040**

**3. Setbacks**

**A. Minimum Yard Requirements for Principal Structure:**

**Front: 20 Feet**  
**Side: \* 20 Feet each**  
**Side Corner: \*\* 20 Feet**  
**Rear: 20 Feet**

**B. Detached Accessory Structures:**

**Front: 20 Feet**  
**Side: \* 5 Feet**  
**Side Corner: \*\* 20 Feet**  
**Rear: 5 Feet**

\* **For non-conforming properties with lot widths of less than 150 feet, the side yard setback shall be 10 feet each. For non-conforming properties with lot widths of less than 50 feet, the side yard setback shall be 5 feet each.**

\*\* **For non-conforming properties with lots with average widths of less than 200 feet, the side corner setback shall be 15 feet.**

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

#### **NOTICE OF PASSAGE OF RESOLUTION OF INTENTION**

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 intent (Resolution No. 955ET) on June 24, 2003, to adopt proposed amendments to the text of the Flathead County Zoning Regulations.

The proposed amendments would amend Sections 3.04.040, 3.05.040, 3.06.040, 3.07.040 and 3.08.040 to change the required side corner setback to fifteen feet for all properties in the SAG-5, SAG-10, AG-20, AG-40, and AG-80 zone classifications with lots that have an average width of 100 feet or less

The Flathead County Zoning Regulations are on file for public inspection at the Office of the Clerk and Recorder in Permanent File number 93270 13500. The proposed amendments are on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, and at the Flathead County Planning and Zoning Office, 1035 1<sup>st</sup> Avenue West, Kalispell, Montana.

For thirty (30) days after the first publication of this notice, the Board of Commissioners will receive written protests to the adoption of the proposed changes to the Flathead County Zoning Regulations, from persons owning real property within any zoning district heretofore created by Flathead County whose names appear on the last completed assessment role of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

Dated this 24th day of June, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

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

By: /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

Publish on June 28 and July 5, 2003.

#### **GIS MEETING W/PAULA ROBINSON AND TOM REYNOLDS**

Present at the June 24, 2003 9:30 A.M. Meeting were Commissioners Gipe and Hall, Clerk and Recorder Paula Robinson, GIS Coordinator Tom Reynolds, and Clerk Eggum.

General discussion was held relative to present opening; resolution for road names; GPSing of roads pick up 200 roads this summer; comparing postal addresses; GO codes

#### **Chairman Watne and Assistant Avery were seated**

Fire district boundaries; cemetery data bases; ESRI conference in July; first of July automating process for latest GO codes.

#### **MONTHLY MEETING W/CHERYL WEATHERELL, 4-H OFFICE**

Present at the June 24, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Extension Agent Cheryl Weatherell, Assistant Avery, and Clerk Eggum.

General discussion was held relative to camp; state congress in July; Flathead County camp; fair; poultry and rabbit clinics.

#### **PUBLIC HEARING: DeTONI TEXT AMENDMENT/CANYON AREA LAND USE REGULATORY SYSTEM**

Present at the June 24, 2003 10:15 A.M. duly advertised public hearing were Chairman Watne, Commissioners Gipe and Hall, Paul DeToni, Ginny DeToni, Pat McClelland, Mary Smith, Planner Lindsay Morgan, Assistant Avery, and Clerk Eggum.

Morgan advised that this was a request by Paul and Virginia DeToni to amend the text of the Canyon Area Land Use Regulatory System by amending Section 6.2C to allow for outfitting establishment operations in the Middle Canyon. Originally the staff report was written allowing for outfitting establishments for lots that are 10 acres or larger and that is for the full operation of an outfitting establishment. The DeToni's property is 6.36 acres. In the discussion they would be allowed to have booking operations only. They wouldn't be allowed to operate a trail riding business, which they don't plan to do, or anything else that would be associated with an outfitting establishment such as overnight lodging. Morgan presented the proposal to the Middle Canyon Committee. They amended the text amendment to say outfitting establishments, booking reservations only portion nothing associated with an outfitting establishment would be allowed period. Then they forwarded that recommendation to the Planning Board and the Planning Board further amended it. Their amendment says lots in the Middle Canyon can book reservations for an outfitting establishment. Additionally it had said they couldn't have overnight lodging for patrons. Both the Planning Board and the Middle Canyon Committee have recommended that it be a major land use. Outfitting establishments are currently allowed in the Upper Canyon as a major land use. So I reviewed it with our 12 criteria. It meets all criteria for the text amendment and therefore we recommend approval. Originally when I wrote it up I wrote it as a major. That was because it was originally written where you could have a full operation for lots that were 10 acres or larger. Then it was amended so that booking reservations only, no matter what size your lot is and it could stay as a major land use or it could be dropped down to a minor land use. I know that the DeTonis would like it to be a minor land use. But the Planning Board and the Middle Canyon Committee would like it to stay as a major land use. With a major land use you have to go through a more extensive review process. First it would go to the Middle Canyon Land Use Committee. They would hold a public hearing. Then it goes to the Planning Board and it goes to a public hearing and then it goes to the Commissioners for final review and approval. For a minor land use the committee reviews the application, makes a recommendation to the planner and then it goes to the Planning Director for approval. No public hearing is held. If a person disagrees with the ruling, they appeal to the Commissioners. It doesn't go through as extensive a review process.

Chairman Watne opened the public hearing to anyone wishing to speak in favor of the text amendment as a minor land use.

**Ginny DeToni** stated that she believes it should really be a minor land use because all they were really asking to do is make a business office. We have facilities in the park but at this time getting phone lines into the park is very hard so I have no access to a fax machine, internet to check web pages and things like that. We thought since we were doing that we might as well be able to take reservations for our business in the park. We are surrounded by helicopters on one side, rafting companies on the other, across the street more helicopters, more rafts, and more restaurants so it is not really a big change. It is just saying I think it should be instead of an in-home office more of a small business type of thing. So I don't think it is really a major land use issue.

**McClelland** advised that she was on the citizen review board and she was in favor of a change but it was selective.

**Paul DeToni** stated he was a little confused. I was when we went into the meeting. We asked for a minor and I was under the impression everybody agreed on it at the last hearing but I guess now it has come up to the point where they want it to be a major. This was another thing they also said in the meeting that if you have 10 acres of land that you could be an established outfitting business in the West Canyon Area. You had to be at least 10 acres and everybody agreed on that also. I don't have 10 acres but they did agree in the text amendment if you were going to be an outfitter that you had to have at least 10 acres and they brought that up into the issue. We have owned Mules for Outfitters for 10 years in Glacier National Park and we have been an asset to the park and contribute to their surrounding area as far as employing people. As far as donating money to the park, I feel we have been an asset to Glacier National Park. We would like to open our office to have reservations and to take reservations outside Glacier National Park. It is something the community has grown and we don't have the facilities in the park to operate. You can get on a web page so we feel it is a minor land use just to have our office. We have a lot of time and expense generated throughout the park for us not to at least have an office to conduct day-to-day business. Everybody else around the area seems to move really rapidly and freely depending what they want to do. We feel at this point in time we should at least be able to have our office in that area without a major land use considering what is happening around the area.

No one else rising to speak, Chairman Watne asked for anyone wishing to speak in favor of a major.

**Smith** advised that she was a member of the Middle Canyon Land Use Advisory Committee. I don't think there was ever a text amendment that allowed outfitting in the Middle Canyon even on 10 acres or more. All the applications that this committee has received from the DeToni's has been for a major land use. Everything has been addressed as major. We are in favor of calling it a major land use.

**McClelland** advised she is also on the Middle Canyon Land Use Advisory Committee. Maybe I can clarify things a little bit. We are talking about major land uses and minor land uses. Major land uses include guided hunting, fishing, and rafting establishments. It is obvious that people don't fish, hunt or raft on the site. This is just adding outfitting to that as a number 10 under major land uses. It would be to allow them to also operate an office and have this fish access there. Outfitting is allowed in the Upper Canyon area and in planning for the distribution of activities and looking at the canyon as a whole. That was considered to be the most rural area. It has the most liberal amounts of land. It has 10 acres and 20 acres. It gives you more property. West Glacier has a designated service center and then it has an additional planned development center that circles that. The plan suggests that business development should take place in that area. This piece of property is out of it. The surrounding properties were grand fathered in and that also includes a trail business that operates out of the Rawhide. Those things were grand fathered in in 1994. DeTonis were in the area during the whole planning process for this zoning. I think that is a factor that they should be aware of what was going on and what the feeling of the community was so they are outside either of these development areas for businesses. That puts them in if we group them as an outfitter with the hunting, fishing and rafting establishments but do it as a new number 10 under that major land use. We are giving them that opportunity to manage their business from this location. Under minor land uses, the businesses are all listed in the designated service center. Mind you this is not in the designated service center. Then it talks about in-home offices for accountants, bookkeepers, realtors and attorneys, etc. So you could do the bookkeeping in your home but we have an additional situation. We had the meeting with the Planning Board on the 14<sup>th</sup> of May and they decided on this route of a major land use and adding it at the Planning Board and on the 18<sup>th</sup> of May in the Great Falls Tribune Mule Shoe has an advertisement that advertises the only trail rides in Glacier National Park. Two locations in the park, Lake McDonald Corral phone number; Many Glacier Corral phone number; one hour to all day rides phone number; look for our new office under the Bald Eagle in West Glacier, come on in and visit. So that indicates substantial public use. I don't think it qualifies as a home business because you wouldn't be inviting the general public to come in and visit with you in your office if you had a business in your home in a newspaper ad.

Morgan advised that all that is being reviewed is the text amendment to allow for outfitting establishments specifically in the Middle Canyon and the change now is booking reservations only. The DeToni property in general is not being reviewed. You could change it back to what it originally was. You could go with the Canyon Committee or you could go with the Planning Board's recommendation. The original had to be 10 acres and then it said any lots that were smaller than the 10 acres in size you could have booking reservations only. When the Canyon Committee amended it they just completely deleted that portion of 10 acres or allowing full operation of an outfitting establishment period. Booking reservations only is the only thing that both the Planning Board and the Committee have agreed upon for a text amendment. The Middle Canyon Committee struck the 10 acres and the Planning Board agreed to strike it. Their text amendments are very similar. They both kept it as a major land use. The Planning Board just erased this additional condition so that no additional outfitting establishment operations shall occur on site. This exclusion includes overnight lodging for patrons. The Planning Board excluded that to the end of booking reservations for an outfitting establishment. Lots in Middle Canyon may be able to book reservations for an outfitting establishment.

Chairman Watne asked for anyone wishing to speak in opposition to a major land use.

**Ginny DeToni** stated that they would prefer it to be a minor so they could get it open this year. We would just really like to get it opened this year and the major land use seems to take a long time. When Paul went to the Flathead County Planning and Zoning he was so confused and he thought they said we could open our office the next day.

**Paul DeToni** advised that at the meeting it was pretty confusing. I am sure you can understand why. Everybody was saying yes lets do a minor so these people can get their office open and down the road change it so they can have what everybody else is entitled to around the area. I personally don't know what they would like us to do with a piece of property in between a helicopter company and a raft company in the middle of a commercial area.

Smith spoke to the issue but Chairman Watne and Morgan were having discussions and was unable to differentiate.

**Ginny DeToni** advised that Paul left thinking it had been passed but he thought they made it a major so we could have everything else that everybody has well I said if they left it a major it is not getting passed. So we are just trying to hurry this along so we can be opened some time this summer.

Chairman Watne reiterated that the DeTonis would like to have it added as a minor. The Planning Board and the Canyon Committee recommend it go as a change in the major.

Morgan read off their text amendment recommended changes individually to help with the confusion: The Middle Canyon Committee would like the text amendment to read: Booking reservations for an outfitting establishment. Lots in the Middle Canyon may be permitted to book reservations for an outfitting establishment. No additional establishment operations shall occur on site. This exclusion includes overnight lodging for patrons. And it is a major.

The Planning Board has recommended a major land use: Booking reservations for an outfitting establishment. Lots in the Middle Canyon may be permitted to book reservations for an outfitting establishment.

The minor land use would read exactly the same but it would not be classified as a major, it would be classified as a minor. Initially, the reason that it was classified as a major was because it also included that provision when I first wrote in with the 10 acres in size or larger can have a full operation of an outfitting establishment. Outfitting establishments written like that in the Upper Canyon are major land use. Chairman Watne noted that this wasn't a full blown outfitting. Morgan agreed that it was just reservations only.

**McClelland** stated that this is a community approved plan. As a review committee we look at it from that point and also the impact that any change might have on future applications. It is our job to review the applicant's request in relation to the details of the community approval. According to that it is a major land use.

Commissioner Hall confirmed that if it went through as a major, the public hearing would be tonight in Glacier Park and then that recommendation would go the Planning Board when they meet in July and then it comes back to the Commissioners. McClelland advised that they accelerated it by a whole month. Commissioner Hall asked if they had any suggestions on how they could help the DeTonis get their business open. Morgan responded that if it is approved as a major land use they would have to go through the entire process before they would be able to open.

**McClelland** stated that this (Middle Canyon Land Use Plan) isn't any deep dark secret. It is available. As a responsible purchaser of land, you need to know what your zoning is and see how your plans will fit into it. Meanwhile, the land is already being developed. They did not wait for any approvals.

**Ginny DeToni** stated that when they bought the property, the real estate agent advised that the property could be used as a bed and breakfast, an outfitting business and other such things and never mentioned the fact of the Middle Canyon zoning at least that I was aware of. It was quite a shock.

Morgan advised that they do need the permit from her office whether it be a minor land use or a major land use before they can open. She was unaware of what other permits they may need from other offices.

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

Chairman Watne and Commissioner Gipe agreed the amendment was very restrictive and didn't know why it should be classified as a major to just have an office.

McClelland advised that the Middle Canyon Land Use Plan has been functional since 1994. People have been operating other businesses and private citizens have been operating under this plan for that long. There are many things that affect private citizens because if you want to do something which is different in the plan then you have apply to the Board of Adjustment and many private citizens have done that and some businesses have. We try to facilitate things in every way we can but we have to stick with what is in the plan.

Commissioner Hall questioned whether they had considered going through the Board of Adjustment. Ginny DeToni advised that they were not aware of the Board of Adjustment. Morgan noted that what they were requesting is flat out not permitted so they needed a text amendment change to the regulations in order to be able to do what they wanted to do.

Commissioner Hall confirmed they have been operating for 10 years and basically taking reservations in Glacier National Park and in their home in the winter. Smith noted that they operated last year out of their business site. Ginny DeToni admitted that they did have someone answering phones last year but then they were advised that that was not a permitted use. It was at that point they started the process of the text amendment.

Paul DeToni reiterated that they would like to have their office there. I don't know that these young ladies realize how much private ground is left in the upper canyon area. Probably our place and another 10 acres in that whole area on the road is all that is available. As far as what we want to do at our place is to be able to take reservations. They agreed to it but I guess they agreed not to let us have it. They say in one breath that we can have it and then in the next breath they say that we can't. That they wanted a major instead of a minor. I don't understand that.

Morgan advised that the major disagreement now is the major or minor land use.

Commissioner Gipe confirmed what the Planning Board recommended. The Planning Board and the Committee both recommended a major. The wording is exactly the same. The last two sentences of the Middle Canyon Committee recommendation were eliminated by the Planning Board. Commissioner Hall confirmed that basically if it is a major the DeTonis would have to continue operating the way they have been until later. Chairman Watne questioned what negative impact there would be in it being a minor land use for the Middle Canyon. McClelland responded that it just didn't fit the definition of a minor land use. It is outside any of the designated communities or designated service centers. It is in an area where the residence is attending her lot and there is land available in that area. It is true that it is not on the highway most of it because that is one of the things this plan was wanting to do was help slow strip development on the highway and preserve the use of Glacier Park

Tape ends

A minor would open a can of worms as far as minor land uses because it is an outfitting establishment and you are adding that. Perhaps I should say that the hunting, rafting and guiding establishments all have multiple uses.

Chairman Watne confirmed that there would be no livestock on the property. McClelland responded that livestock isn't on the others either except for the grand fathered trail rides that already operate under a Forest Service permit. The West Glacier Middle Canyon area has become much more of a bedroom community and it is considered it would infringe on the property rights of the people who live there. There is a great deal of private land in the West Glacier area. Chairman Watne questioned how it would infringe on these rights if the stock was not there. McClelland noted it wouldn't be she was just giving background. That is why it is written the way it is. Chairman Watne reiterated that they were not asking to have the stock or anything there. McClelland responded that they had to look at that. This is going way back to the beginning and then we went to the decision of a major land use including it. Horse outfitting was not specifically referred to in the plan and therefore it was not allowed. It is specifically planned and referred to in the Upper Canyon. There are 40 miles of highway in the Upper Canyon. There are a little over five miles of highway in the Middle Canyon. There is a lot of land available in the Upper Canyon that may perhaps be purchased and used for a complete outfitting establishment. The canyon plan did consider this. It just said some things will be one place and some things will be others. We are stuck with what we have to grandfather in.

Chairman Watne advised that he did not have a problem with it being a minor since it would only be an office. Commissioner Gipe agreed and noted that he understood the committee's concerns relative to an outfitting facility at that location.

Commissioner Hall noted that one of the things the Commissioners get the opportunity to do is look at each case individually. I totally understand the process of the major as it has been explained to us today but then we have to consider each situation. Concern was noted at setting a precedent where someone else would then come along but then that case would be looked at individually concerning public testimony and a decision would then be made on that particular case.

Commissioner Gipe made a **motion** to allow for the operation of outfitting establishments subject to Minor Land use review in the Middle Canyon Zoning District for booking reservations only. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** to continue consideration of adoption of the resolution of intent to include the change as a minor land use. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

#### **FINAL PLAT: JOLLY HILL SUBDIVISION, PHASE II**

Present at the June 24, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Johna Morrison, Richard Mohrenweiser, Dawn Marquardt of Marquardt and Marquardt Surveying, and Clerk Eggum.

Morrison reviewed the Staff Report regarding the application filed by Richard and Judith Mohrenweiser for Jolly Hill Subdivision II which creates eight single-family residential lots. The property is located west of Marion and contains 9.78 acres. Preliminary Plat was approved on March 14, 2002 subject to 12 conditions. Morrison indicated that all conditions had been met or otherwise addressed. The plat is in substantial compliance with the Flathead County Subdivision Regulations. Staff recommends approval for the final plat.

Commissioner Gipe made a **motion** to approve cash in lieu of parkland in the amount of \$2,336.57. Commissioner Hall **seconded** the motion. **Aye** - Watne, Gipe and Hall. Motion carried unanimously.

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

#### **AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: LAPP, ET AL., ZONE CHANGE/WEST SIDE ZONING AREA**

Present at the June 24, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

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

#### **NOTICE OF PUBLIC HEARING WEST SIDE ZONING DISTRICT**

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 Charles Lapp, K.C. and Agnes Dors, Cynthia, Marvin and Catherine Baier, and Clinton Grosswiler to change the zoning designation in a portion of the West Side Zoning District from AG-80 (Agricultural) to R-2 (One Family Limited Residential).

The boundaries of the area proposed to be amended from AG-80 to R-2 are set forth on Exhibit "A" hereto.

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 providing for large tract residential development in suburban areas, beyond sanitary sewer and/or water lines.

The regulations defining the AG-80 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 10th day of July, 2003, 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 West Side Zoning District.



DATED this 24th day of June, 2003.

ATTEST:  
Paula Robinson, Clerk

By: /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

Publish on June 28 and July 5, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

**EXHIBIT A**  
**Charles Lapp; K.C. & Agnes Dors;**  
**Cynthia Marvin and Catherine Baier & Clinton Grosswiler**  
**Zone Change/West Side Zoning District**  
**Legal Description**

**Location and Legal Description of Property:** The property is a portion of the West Side Zoning District at the intersection of Stillwater Road and Three Mile Drive west of Kalispell. The property proposed for rezoning contains approximately 133.98 acres and is generally described as the W1/2 SW1/4, Section 1, Township 28 North, Range 22 West, the NE1/4NE1/4, less the areas included in the platted subdivision "2 Mile Tracts Phase 2", Section 11, Township 28 North, Range 22 West, Flathead County, Montana.

**CONSIDERATION OF RESOLUTION OF INTENT: LAPP MASTER PLAN AMENDMENT/KALISPELL AREA**

Present at the June 24, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to adopt Resolution No. 678AD. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**RESOLUTION NO. 790T**

WHEREAS, Charles Lapp, has requested a revision to the Flathead County Master Plan, to change the designation of approximately 160 acres of land located in the West Side Zoning District, at the corner of Stillwater Road and Three Mile Drive from an Agricultural designation to a Residential designation, to allow for future subdivision and development of the area;

WHEREAS, the Flathead County Planning Board made a recommendation to approve concerning the request; and

WHEREAS, the Flathead County Board of Commissioners has reviewed the proposal and determined that the proposed amendment to the Flathead County Master Plan should be formally considered.

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 intends to consider the revision of the Flathead County Master Plan by changing the designation of approximately 160 acres of land located in the West Side Zoning District, at the corner of Stillwater Road and Three Mile Drive from an Agricultural designation to a Residential designation, to allow for future subdivision and development of the area.

BE IT FURTHER RESOLVED that the Board of Commissioners will give the public an opportunity to comment in writing on the proposed master plan amendment and will consider any written comments which are received in the Board's Office prior to July 10, 2003. The Board will consider whether to pass a final resolution adopting the proposed amendment to the Flathead County Master Plan after that date.

DATED this 24<sup>th</sup> day of June, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

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

ATTEST:  
Paula Robinson, Clerk

By: /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

Commissioner Hall made a **motion** to authorize the publication of the Notice of Passage of Resolution of Intention Flathead County Master Plan. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**NOTICE OF PASSAGE OF RESOLUTION OF INTENTION**  
**FLATHEAD COUNTY MASTER PLAN**

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it passed a Resolution of Intention (Resolution No. 790T) on June 24, 2003, to consider a revision to the Flathead County Master Plan proposed by Charles Lapp.

The proposed revision involves changing the designation of approximately 160 acres of land located in the West Side Zoning District, at the corner of Stillwater Road and Three Mile Drive from an Agricultural designation to a Residential designation, to allow for future subdivision and development of the area. Documents related to the proposal are on file at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, and at the Flathead Planning and Zoning Office, 1035 1<sup>st</sup> Avenue West, Kalispell, Montana, where they may be examined by the public.

The Board of Commissioners will give the public an opportunity to comment in writing on the proposed amendment to the Flathead County Master Plan and will consider any written comments which are received in the Board's Office prior to July 10, 2003. The Board will consider whether to pass a final resolution adopting the proposed amendment after that date.

DATED this 24th day of June, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

By: /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

Publish on June 28 and July 5, 2003.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ALL INDUSTRIAL ZONING DISTRICTS TEXT AMENDMENT/FLATHEAD COUNTY ZONING REGULATIONS**

Present at the June 24, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to authorize the publication of the Notice of Public Hearing and authorize the Chairman to sign. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. 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 changes to the text of the Flathead County Zoning Regulations proposed by Flathead County.

The proposed amendments would amend Sections 3.27.20, 3.27.30, 3.28.10, 3.28.20, 3.28.30, 3.29.10, 3.29.20 and 3.29.30 and delete Section 3.29.060, to allow for many commercial and residential uses, as permitted or conditional uses, in all of the industrial zoning districts, i.e., I-1 (Light Industrial), I-1H (Light Industrial - Highway) and I-2 (Heavy Industrial).

The Flathead County Zoning Regulations are on file for public inspection at the Office of the Clerk and Recorder in Permanent File number 93270 13500. The proposed amendments are on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana and the Flathead County Planning and Zoning Office, 1035 1st Avenue East, Kalispell, Montana.

The public hearing will be held on the **9th day of July, 2003, 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 to the text of the Flathead County Zoning Regulations.

DATED this 24th day of June, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

By: /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

Publish on June 28 and July 5, 2003.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: O'MYER ZONE CHANGE/EVERGREE AND VICINITY ZONING DISTRICT**

Present at the June 24, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Commissioner Gipe 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, Hall and Gipe. 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 Shane O'Myer to change the zoning designation on property in the Evergreen and Vicinity Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural).

The boundaries of the area proposed to be changed from SAG-10 to SAG-5 are set forth on Exhibit "A".

The proposed change would change the character of the zoning regulations applicable to the property which, in both SAG-10 and SAG-5 districts, are intended to protect and preserve agricultural land for the performance of limited agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential friction of uses will be minimized, by providing for estate type residential development and by reducing the minimum lot size from 10 acres to five acres.

The regulations defining the SAG-10 and SAG-5 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. 9327013500.

The public hearing will be held on the **9th day of July 2003, 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 Evergreen and Vicinity Zoning District.

DATED this 24th day of June, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

By: /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

Publish on June 28 and July 5, 2003.

#### **EXHIBIT A** **Shane O'Myer** **Zone Change/Evergreen and Vicinity Zoning District** **Legal Description**

#### **Location and Legal Description of Property:**

The property is located approximately 2.5 miles north of East Reserve Drive off of Addison Square. The property is further described as Parcels A, B, C, & D of Certificate of Survey No. 15165 in Sections 26 and 27, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

#### **AUTHORIZATION TO PUBLISH CALL FOR BIDS: 4-WHEEL DRIVE VEHICLES/SHERIFF'S OFFICE**

Present at the June 24, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

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

#### **CALL FOR BIDS**

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive bids for the purchase of five (5) new patrol four wheel drive full-size utility vehicles for the Flathead County Sheriff's Department. The specifications which the vehicles must meet are available from the Flathead County Sheriff's Office, 920 South Main, Kalispell, Montana, telephone (406) 758-5585, or from the Flathead County Clerk and Recorder's Office, 800 South Main, Kalispell, Montana, telephone (406) 758-5526.

Each bidder must deposit with their bid, a bid security of ten percent (10%) of the bid to secure the bidder's express covenant that if the bidder is awarded the contract, the bidder will, within ten (10) days, enter into a formal contract for the purchase and sale of said units. Bid security shall be payable to Flathead County and shall be in the form of lawful money of the United States; a cashier's check, certified check, bank money order, or bank draft issued by a Montana Bank, or bid bond executed by a surety corporation authorized to do business in Montana.

Where bids and quality of product are comparable, preferences will be given to equipment of Montana production and to Montana resident bidders over non-residents, if an appropriate affidavit under Section 18-1-113, M.C.A., accompanies the bid.

The bidder shall include with his bid, the form of contract to be signed. The terms of said contract, including maintenance and warranty provisions, will be considered in determining the bid which best serves the County's interests. The County reserves the right to negotiate terms of said contracts (excluding prices contained therein).

All sealed bids, plainly marked "**SEALED BID-SHERIFF'S PATROL VEHICLES**" must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, Montana 59901 on or before **5:00 o'clock P.M., on July 11, 2003**. Bids will be opened and read at 9:30 A.M., on July 14, 2003 in the Commissioners' Office at the West Annex of the Courthouse, 800 South Main, Kalispell, Montana.

The award of bid will be made solely by the issuance of a letter of award to the successful bidder by the Office of the Flathead County Clerk and Recorder. Flathead County reserves the right to accept or reject any bid and to waive any irregularities which are deemed to be in the best interest of the County.

Dated this 24<sup>th</sup> day of June, 2003

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

By: /s/ Vickie M. Eggum

Publish: June 28, 2003 and July 5, 2003

**11:30 A.M. Meeting with Flathead County Planning Board Re: Resource Plan Use**

**1:00 P.M. Meeting W/Health Department Board Re: Personnel Issues**

**4:00 P.M. Commissioner Hall is to attend the RAC Meeting at the Commissioners' Office**

**5:00 P.M. Chairman Watne is to attend the Refuse Board Meeting at Solid Waste District Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 25, 2003.

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### **WEDNESDAY, JUNE 25, 2003**

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

**9:00 A.M. Commissioner Hall is to View North Fork Road with Charlie Johnson, Road Department**

#### **MONTHLY MEETING W/LEE CORAY-LUDDEN RSVP**

Present at the June 25, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, RSVP Director Lee Coray-Ludden, Assistant Avery, and Clerk Eggum.

General discussion was held relative to budget meeting; golf tournament; clarification of \$10,000.00 county funding; director's salary.

#### **PUBLIC HEARING: ROYBAL ZONE CHANGE/LOWER SIDE ZONING DISTRICT**

Present at the June 25, 2003 9:15 A.M. duly advertised public hearing were Chairman Watne, Commissioner Gipe, Planning and Zoning Director, Dawn Marquardt of Marquardt and Marquardt Surveying, Assistant Avery, and Clerk Eggum.

Sanderson advised that this was a request by Paul Roybal and Katherine McBroom for a zone change from a zone of SAG-5 Suburban Agricultural with a five acre minimum lot size to a zone of R-1 Suburban Residential with a one acre minimum lot size within the Lower Side Zoning District. The property proposed for rezoning is located near the north end of Foys Lake on Foys Lake Road, Montana Highway 404, and contains 9.3 acres.

Chairman Watne opened the public hearing to anyone wishing to speak in favor of the zone change request. No one rising to speak Chairman Watne asked for anyone wishing to speak against the zone change. No one rising the speak, Chairman Watne closed the public hearing.

Commissioner Gipe made a **motion** to adopt Resolution No. 957AF. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried quorum.

#### **RESOLUTION NO. 957AF**

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 25<sup>th</sup> day of June, 2003, to consider a request by Paul Roybal & Katherine McBroom to change the zoning designation in a portion of the Lower Side Zoning District from SAG-5 (Suburban Agricultural) to R-1 (Suburban Residential);

**WHEREAS**, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on June 12 and June 19, 2003;

**WHEREAS**, the Board of Commissioners did hear 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.

**NOW THEREFORE, BE IT RESOLVED** that the Board of Commissioners of Flathead County, Montana, 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 described on Exhibit "A" hereto, from SAG-5 to R-1.

**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 25<sup>th</sup> day June, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

By: \_\_\_\_\_  
Gary D. Hall, Member

ATTEST:  
Paula Robinson, Clerk

By: /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

**EXHIBIT A**  
**Paul Roybal & Katherine McBroom Washington Trust**  
**Zone Change/Lower West Side Zoning District**  
**Legal Description**

The property is described as Parcels A and B on Certificate of Survey 14843 and Parcel B on Certificate of Survey 7797, in Section 23, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana.

Commissioner Gipe made a **motion** to authorize the publication of the Notice of Passage of Resolution of Intention Lower Side Zoning District and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

**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. 957AF) on June 25, 2003, to change the zoning designation in a portion of the Lower Side Zoning District from SAG-5 (Suburban Agricultural) to R-1 (Suburban Residential).

The boundaries of the area proposed to be amended from SAG-5 to R-1 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 estate type development, in rural areas away from concentrated urban development or in areas where it is desirable to permit only low density development. The SAG-5 classification has a minimum lot size of 5 acres; a change to R-1 would result in a minimum lot size of 1 acre.

The regulations defining the SAG-5 and R-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 25<sup>th</sup> day of June, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

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

By: /s/Vickie M. Eggum  
Vickie M. Eggum, Deputy

Publish on June 30, 2003 and July 7, 2003.

**EXHIBIT A**  
**Paul Roybal & Katherine McBroom Washington Trust**  
**Zone Change/Lower West Side Zoning District**  
**Legal Description**

The property is described as Parcels A and B on Certificate of Survey 14843 and Parcel B on Certificate of Survey 7797, in Section 23, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana.

**MONTHLY MEETING W/DAVE PRUNTY**

Present at the June 25, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, Solid Waste Director Dave Prunty, Assistant Avery, and Clerk Eggum.

General discussion was held relative to modification of bylaws; goal setting annual; short term; long term; landfill expansion; refuse operations; Chamberlain property; budget; financial reports; depreciation of equipment;

**MONTHLY MEETING W/DOROTHY LAIRD, LIBRARY**

Present at the 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, Library Director Dorothy Laird, Assistant Avery, and Clerk Eggum.

General discussion was held relative to appointment of board member; distributed library cards for the Commissioners; Supreme Court decision on internet filtering in libraries; facilities study.

**PUBLIC HEARING: COTTAGE COVE TEXT AMENDMENT/FLATHEAD COUNTY ZONING REGULATIONS**

Present at the June 25, 2003 10:15 A.M. duly advertised public hearing were Chairman Watne, Commissioner Gipe, Planning and Zoning Director Forrest Sanderson, Assistant Avery, and Clerk Eggum.

Sanderson advised that this was a request to amend the Planned Unit Development (PUD) section to provide for residential PUDs within the Lakeside Zoning District.

Chairman Watne opened the public hearing to anyone wishing to speak in favor or against the text amendment. Seeing no one in the audience, Chairman Watne closed the public hearing.

Commissioner Gipe made a **motion** to adopt Resolution No. 955EZ. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

**RESOLUTION NO. 955EZ**

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 25th day of June, 2003, to consider a change to the text of the Flathead County Zoning Regulations proposed by Cottage Cove, L.L.C. amending Section 3.31.030 to provide for residential PUDs within the Lakeside Zoning District.

**WHEREAS**, notice of that hearing was published pursuant to Section 76-2-205, M.C.A., on June 9 and June 16, 2003;

**WHEREAS**, the Board of Commissioners heard public comment on the proposed amendment to the Flathead County Zoning Regulations at that hearing; and

**WHEREAS**, the Board of Commissioners has reviewed the recommendation of the Flathead County Planning Board regarding the proposed amendment.

**NOW THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., hereby adopts this resolution of intention to amend Section 3.31.030 to provide for residential PUDs within the Lakeside Zoning District as set forth on Exhibit A hereto.

**BE IT FURTHER RESOLVED**, that notice of the passage of this resolution, stating the general character of the proposed change to the Flathead County Zoning Regulations, that said proposed change and those regulations are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication thereof, the Board will receive written protests to the adoption of the proposed change, shall be published once a week for two weeks.

**BE IT FURTHER RESOLVED**, that written protests to the adoption of the proposed change will be received from persons owning real property within any zoning district heretofore created by Flathead County, for a period of thirty (30) days after the 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 percent of the free-holders protest the adoption of the proposed change, the change will not be adopted.

DATED this 25<sup>th</sup> day of June, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

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

By: /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

By: \_\_\_\_\_  
Gary D. Hall, Member

**EXHIBIT A**  
**Text Amendment**  
**Flathead County Planning and Zoning**  
**FLATHEAD COUNTY ZONING REGULATIONS**

Section 3.31.030: Standards for Planned Unit Development District (PUD)

3.31.030(3)(A) residential PUD District:

Residential PUD district can be established only in R-1 through R-5, RA-1, SAG-5, SAG-10, AG-20 or **LS** use districts, or in any area designated as "residential" in the Flathead County Master Plan.

3.31.030(4)(A) Residential PUD District Density.

<u>Residential PUD Created</u>	<u>Maximum Permissible Density</u>
R-1 District	2 dwelling units/acre
R-2 District	3 dwelling units/acre
R-3 District	7 dwelling units/acre
R-4 District	15 dwelling units/acre
<b>LS District</b>	<b>15 dwelling units/acre</b>
R-5 District	15 dwelling units/acre
RA-1 District	33 dwelling units/acre
SAG-5 District	2 dwelling units/5 acres
SAG-10 District	2 dwelling units/10 acres
AG-20 District	2 dwelling units/20 acres

Commissioner Gipe made a **motion** to authorize the publication of the Notice of Passage of Resolution of Intention and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

**NOTICE OF PASSAGE OF RESOLUTION OF INTENTION**

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 intent (Resolution No. 955EZ) on June 25, 2003, to adopt a proposed amendment to the text of the Flathead County Zoning Regulations.

The proposed amendment would amend Section 3.31.030 to provide for residential PUDs within the Lakeside Zoning District.

The Flathead County Zoning Regulations are on file for public inspection at the Office of the Clerk and Recorder in Permanent File number 93270 13500. The proposed amendment is on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, and at the Flathead County Planning and Zoning Office, 1035 1<sup>st</sup> Avenue West, Kalispell, Montana.

For thirty (30) days after the first publication of this notice, the Board of Commissioners will receive written protests to the adoption of the proposed change to the Flathead County Zoning Regulations, from persons owning real property within any zoning district heretofore created by Flathead County whose names appear on the last completed assessment role of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

Dated this 25<sup>th</sup> day of June, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

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

By: /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

Publish on June 30, and July 7, 2003.

**PUBLIC HEARING: SANDS SURVEYING TEXT AMENDMENT/FLATHEAD COUNTY ZONING REGULATIONS**

Present at the June 25, 2003 10:30 A.M. duly advertised public hearing were Chairman Watne, Commissioner Gipe, Planning and Zoning Director Forrest Sanderson, Assistant Avery, and Clerk Eggum.

Sanderson advised that this was a request to amend the text of the Flathead County Zoning Regulations to allow for kitchen facilities in guest houses.

Chairman Watne opened the public hearing to anyone wishing to speak in favor or against the text amendment. Seeing no one in the audience, Chairman Watne closed the public hearing.

Commissioner Gipe made a **motion** to adopt Resolution No. 955EX. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

**RESOLUTION NO. 955EX**

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 25th day of June, 2003, to consider a change to the text of the Flathead County Zoning Regulations proposed by Sands Surveying, Inc. amending Section 7.08.050 to allow for kitchen facilities in guest houses;

**WHEREAS**, notice of that hearing was published pursuant to Section 76-2-205, M.C.A., on June 9 and June 16, 2003;

**WHEREAS**, the Board of Commissioners heard public comment on the proposed amendment to the Flathead County Zoning Regulations at that hearing; and

**WHEREAS**, the Board of Commissioners has reviewed the recommendation of the Flathead County Planning Board regarding the proposed amendment.

**NOW THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., hereby adopts this resolution of intention to amend Section 7.08.050 to allow for kitchen facilities in guest houses as set forth on Exhibit A hereto.

**BE IT FURTHER RESOLVED**, that notice of the passage of this resolution, stating the general character of the proposed change to the Flathead County Zoning Regulations, that said proposed change and those regulations are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication thereof, the Board will receive written protests to the adoption of the proposed change, shall be published once a week for two weeks.

**BE IT FURTHER RESOLVED**, that written protests to the adoption of the proposed change will be received from persons owning real property within any zoning district heretofore created by Flathead County, for a period of thirty (30) days after the 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 percent of the free-holders protest the adoption of the proposed change, the change will not be adopted.

DATED this 25<sup>th</sup> day of June, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

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

By: /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

By: \_\_\_\_\_  
Gary D. Hall, Member

**EXHIBIT A**  
**Text Amendment**  
**Flathead County Planning and Zoning**  
**FLATHEAD COUNTY ZONING REGULATIONS**

**Section 7.08.050 Definitions "G":**

Guest House – A detached structure ~~being~~ **which is** an accessory to a one-family dwelling with not more than two bedrooms, ~~having no kitchen facilities and~~ which shall be used and/or designed for use primarily by guests and/or servants ~~for sleeping quarters only~~. One guest house is allowed per tract of record.

Commissioner Gipe made a **motion** to authorize the publication of the Notice of Passage of Resolution and Intention and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

**NOTICE OF PASSAGE OF RESOLUTION OF INTENTION**

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 intent (Resolution No. 955EX on June 25, 2003, to adopt a proposed amendment to the text of the Flathead County Zoning Regulations.

The proposed amendment would amend Section 7.08.050 to allow for kitchen facilities in guest houses.



The Flathead County Zoning Regulations are on file for public inspection at the Office of the Clerk and Recorder in Permanent File number 93270 13500. The proposed amendment is on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, and at the Flathead County Planning and Zoning Office, 1035 1<sup>st</sup> Avenue West, Kalispell, Montana.

For thirty (30) days after the first publication of this notice, the Board of Commissioners will receive written protests to the adoption of the proposed change to the Flathead County Zoning Regulations, from persons owning real property within any zoning district heretofore created by Flathead County whose names appear on the last completed assessment role of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

Dated this 25<sup>th</sup> day of June, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

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

By: /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

Publish on June 30 and July 7, 2003.

#### **COS REVIEW: GRAHAM**

Present at the June 25, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planning and Zoning Director Forrest Sanderson, Kenneth G. Graham, Katherine Graham, Brian F. Sullivan, Assistant Avery, and Clerk Eggum.

Sanderson reviewed the chain of title.

Commissioner Gipe made a **motion** to approve the COS as presented. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

#### **MEETING W/RAIL TO TRAILS COMMITTEE**

Present at the June 25, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, Helen Pilling, Valerie Parsons, Horace Sanders, Planner Mark Crowley, Ed Boon, Assistant Avery, and Clerk Eggum.

Sanders distributed a report from the Rails to Trails.

Crowley advised that in the early 90s it was envisioned as one massive CTEP project all the way from the end of the existing Meridian Trail all the way out into Kila. It was then broken up into a number of pieces to make it more manageable and to deal with the right-of-way issues. They are paving the Smith Valley section today. Last week we just had a walk through with the Great Northern section and that is where we have the right-of-way issues. That is between Whalebone and Dern Road. We have easements so we go behind properties and come back up to the Highway. With those two projects that will bring pavement from Meridian Road all the way out to the first Ashley Creek crossing just before Julies. In the Julies area MDT talks about redoing those bridges and the highway between in 2005. When MDT rebuilds the bridges they will rebuild the path which means we don't have to use CTEP dollars. Much like they did with the path coming up from Somers on Highway 93. What that leaves is the piece from Kila out to Highway 2. That is what we are looking at today.

Pilling advised that most of that was pretty straight forward as most of it was right on the railroad bed. Crowley noted that Rails to Trails got some grant money from Fish, Wildlife and Parks for the culverts. Pilling worked with eight different local contractors to install them for free. They have spent quite a bit of time but not much money on that project. The project to Kila was identified as a CTEP project years ago and then the scope of that project was narrowed down so Rails to Trails is here to ask that the Commissioners approve that portion to complete this link out to Kila on the existing rail bed. The culvert work that Helen did with Fish, Wildlife and Parks in the amount of \$20,000.00 or \$30,000.00 could be used as our local CTEP match. Rails to Trails has a great history of working with the CTEP program with the county and their projects are in the black.

Chairman Watne advised that their main concern on this was future maintenance. Commissioner Gipe agreed and questioned what was required.

Crowley provided the Commissioners with a history of the projects starting in 1992 and their status and advising that the allocation for this year was \$236,000.00. Crowley advised that he would prepare the CTEP application and the Commissioners would have to sign the application for the continuation of the Great Northern Historical Trail, the Kila segment.

Commissioner Gipe advised it had already been approved by the Commissioners and to prepare the application.

#### **MEETING W/BONNIE OLSON, DISTRICT COURT**

Present at the June 25, 2003 11:15 A.M. Meeting were Chairman Watne, Commissioner Gipe, Judge Kitty Curtis, Deputy County Attorney Jonathan Smith, Bonnie Olson, Assistant Avery, and Clerk Eggum.

General discussion was held relative to the public defender contracts.

**11:30 A.M. Commissioner Gipe is to attend a meeting with Carol James**

**4:00 P.M. Commissioner Hall is to attend a GPAC Meeting at Kalispell Chamber**

**6:30 P.M. Commissioner Hall is to attend a FBIA Workshop at Rocco's**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 26, 2003.

\*\*\*\*\*

**THURSDAY, JUNE 26, 2003**

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

**FINAL PLAT: DEMPSEY ACRES SUBDIVISION**

Present at the June 26, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Johna Morrison, Dawn Marquardt of Marquardt and Marquardt Surveying, Assistant Avery, and Clerk Eggum.

Morrison reviewed the Staff Report regarding the application filed by Pauline Miller for Dempsey Acres Subdivision which creates a one lot minor subdivision along Jaquette Road approximately 10 miles east of Kalispell. The property contains 6.49 acres. Preliminary Plat approval was waived on July 3, 2002 subject to six conditions. All conditions have been met or otherwise addressed. Staff recommends approval for the final plat.

Commissioner Hall made a **motion** to adopt Staff Report FWP-03-15 as findings of fact. Chairman Watne **seconded** the motion. **Aye** –Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve Final Plat of Dempsey Acres Subdivision. Chairman Watne **seconded** the motion. **Aye** –Watne and Hall. Motion carried by quorum.

**CONSIDERATION OF LEASE 1130 SOUTH MAIN**

Present at the June 26, 2003 8:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, Deputy County Attorney Jonathan Smith, and Clerk Eggum.

Chairman Watne reviewed a Lease between Flathead County and Verda Hoffman for 1130 South Main on a month-to-month basis commencing June 5, 2003 for \$275.00 per month.

Commissioner Hall made a **motion** to approve the Lease. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**CONSIDERATION OF EXTENSION REQUEST: SIA/ASPEN MEADOW ESTATES**

Present at the June 26, 2003 8:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Johna Morrison, Dawn Marquardt of Marquardt and Marquardt Surveying, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a letter requesting an extension to complete the road as required by the subdivision improvement agreement from June 30, 2003 to July 30, 2003.

Commissioner Hall made a **motion** to approve an extension request to July 30, 2003. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**CONSIDERATION OF BUDGET AMENDMENTS**

Present at the June 26, 2003 8:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to adopt Resolution No. 1627. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

BUDGET AUTHORITY RESOLUTION  
RESOLUTION NO. 1627

WHEREAS, the Board of Commissioners anticipated funds for Fiscal Year 2003;

WHEREAS, Flathead County has received grant monies for which no provision was made in the Fiscal 2003 budget; and

WHEREAS, Counties may appropriate federal or state money received during the fiscal year by formal resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners hereby appropriates the additional funds and directs the County Clerk and Recorder to make the following revisions to the budget for fiscal year 2003:

SEE ATTACHED GENERAL JOURNAL VOUCHERS

BE IT FURTHER RESOLVED that the above appropriation shall become effective on the date of this resolution.

DATED this 26<sup>th</sup> day of June, 2003

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

By: \_\_\_\_\_  
Howard W. Gipe, Member

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

ATTEST:  
Paula Robinson,  
Clerk and Recorder

By: /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

**COUNTY OF FLATHEAD  
GENERAL  
JOURNAL  
VOUCHER**

DATE ISSUED:

VOUCHER  
NO.: 0306-43

DATE OF RECORD:

MCA 7-6-4006

**Resolution # 1627**  
ACCOUNTING COPY

**"B"**  
**Entry**

Account Number

Description

Line

Debit General  
Ledger

Credit General  
Ledger

2988-0190-365000	Donations		\$9,586.00	
2988-0190-365031	Donation/Roundup for safety		\$5,505.00	
2988-172000				\$15,091.00
	To budget for revenues received for the Home Repair grant (donation portion).			
2956-0201-331055			\$1,000.00	
2956-172000				\$1,000.00
2956-0201-430235-337				\$1,000.00
2956-242000			\$1,000.00	
	To book the initial budget for the CTEP Farm to Market			
2957-0201-331055			\$1,000.00	
2957-172000				\$1,000.00
2957-0201-430235-337				\$1,000.00
2957-242000			\$1,000.00	
	To book the initial budget for the CTEP/River Road Path			

**Explanatory  
Memorandum:**

Prepared By:  
Approved By:

Commissioner Hall made a **motion** to adopt Resolution No. 1628. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**BUDGET AMENDMENT RESOLUTION  
RESOLUTION NO. 1628**

WHEREAS, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2002-2003, are required, and;

WHEREAS, Section 7-6-4031, M.C.A. and Budget Resolution No. 1628, allow budget transfers to be made between items in the same fund.

NOW, THEREFORE, BE IT RESOLVED, that the attached list of transfers and revisions shall be made in the budget for Flathead County for Fiscal Year 2002-2003; and

BE IT FURTHER RESOLVED, that this Resolution and the attached list of transfers and revisions shall be entered into the minutes of the Board of Commissioners.

DATED this 26<sup>th</sup> day of June, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

By: \_\_\_\_\_  
Howard W. Gipe, Member

ATTEST:  
Paula Robinson, Clerk

By: /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

**COUNTY OF FLATHEAD  
GENERAL  
JOURNAL  
VOUCHER**

			<b>JE # 0306-160/RES 1628</b>	
5410-0220-430860-398	Contracted services/Containers	1	\$30,000.00	
5410-0220-430870-910	Capital outlay/Lined cell	2		\$30,000.00
Line item transfer to cover engineering costs associated with the new lined cell/lateral expansion.				
Approved by Comm 4/28/03. Per David Prunty				
2251-0231-411010-345	Telephone	jrn1+	\$1,000.00	
2251-0231-411010-311		4		\$1,000.00
Line item transfer per Michelle Anderson to cover overdraft.				

**Explanatory  
Memorandum:**

Prepared By:  
Approved By:

**CONSIDERATION OF LAKESHORE PERMIT: NASTASE**

Present at the June 26, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Johna Morrison, Assistant Avery, and Clerk Eggum.

Morrison reviewed Lake and Lakeshore Construction Permit filed by Roger Nastase on Rogers Lake to mitigate work that was already done in the Lakeshore Protection Zone. Application is for a seawall and landscaping. General discussion was held.

Commissioner Hall made a **motion** to approve Lakeshore Permit #FLP-03-49 and authorize the Chairman to sign subject to 31 conditions. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**PUBLIC HEARING: O'CONNELL ZONE CHANGE/LOWER SIDE ZONING DISTRICT**

Present at the June 26, 2003 9:00 A.M. duly advertised public hearing were Chairman Watne, Commissioner Hall, Sandy O'Connell, Planner Johna Morrison, Assistant Avery, and Clerk Eggum.

Morrison advised that this was a request by Randy and Sandy O'Connell for a zone change from AG-80 Agricultural to SAG-10, Suburban Residential, within the Lowerside Zoning District. The property proposed for rezoning is bounded by Foys Bend Lane to the south, Demersville Road to the west, and Lower Valley Road to the east and contains approximately 121 acres. There are 12 statutory criteria and they have met all the criteria.

Chairman Watne opened the public hearing to anyone wishing to speak in favor of the zone change request. No one rising to speak, Chairman Watne asked for anyone wishing to speak in opposition to the zone change. No one rising to speak, Chairman Watne closed the public hearing.

Commissioner Hall made a **motion** to adopt FZC-03-15 as Finding of Fact. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to adopt Resolution No. 957AH. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**RESOLUTION NO. 957AH**

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 26<sup>th</sup> day of June, 2003, to consider a request by Randy and Sandy O'Connell to change the zoning designation in a portion of the Lower Side Zoning District from AG-80 (Agricultural) to SAG-10 (Suburban Agricultural);

**WHEREAS**, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on June 12 and June 19, 2003;

**WHEREAS**, the Board of Commissioners did hear 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.

**NOW THEREFORE, BE IT RESOLVED** that the Board of Commissioners of Flathead County, Montana, 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 SAG-10, 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 26<sup>th</sup> day June, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

By: \_\_\_\_\_  
Howard W. Gipe, Member

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

ATTEST:  
Paula Robinson, Clerk

By: /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

EXHIBIT A  
Randy and Sandy O'Connell  
Zone Change/Lowerside Zoning District  
Legal Description

Legal Description of Property:

Parcel B on Certificate of Survey No. 5621 and

Parcel 2: East One-Half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$ ) and Northwest Quarter of Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ ) Section Thirty-three (33), Township Twenty-eight (28) North, Range Twenty-one (21) West, P.M.M., Flathead County, Montana. EXCEPTING THEREFROM that portion deeded to Flathead County for roadways in deeds recorded May 2, 1911, in Book 108, Page 203, as Doc. No. 1616, recorded March 8, 1962, in Book 445, Page 707, as Doc. No. 1861, and recorded March 8, 1962, in Book 445, Page 708, as Doc. No. 1862, records of Flathead County, Montana.

ALSO EXCEPTING THEREFROM: A tract of land situated, lying and being in the Northeast Quarter of the Northeast Quarter of Section 33, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana, and more particularly described as follows to-wit: Commencing at the Northeast corner of the Northeast Quarter of Section 33, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana; thence South 89°40'19" West, and along the North boundary of said NE $\frac{1}{4}$ , a distance of 30.00 feet to a found iron pin on the Westerly R/W of a 60 foot county road known as Lower Valley Road and the True Point of Beginning of the tract of land herein described; thence South 00°01'49" West, and along said R/W, 904.28 feet to a set iron thence leaving said R/W, South 89°40'19" West, 963.49 feet to a set iron pin; thence North 00°01'49" East, 904.28 feet to a set iron pin on the North boundary of said NE $\frac{1}{4}$ ; thence North 89°40'19" East, and along said boundary, a distance of 963.49 feet to the Point of Beginning.

Commissioner Hall made a **motion** to authorize the publication of the Notice of Passage of Resolution of Intention Lower Side Zoning District and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**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. 955AH) on June 26, 2003, to change the zoning designation in a portion of the Lower Side Zoning District from AG-80 (Agricultural) to SAG-10 (Suburban Agricultural).

The boundaries of the area proposed to be amended from AG-80 to SAG-10 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 protect and

preserve agricultural land for the performance of limited agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential friction of uses will be minimized. The AG-80 classification has a minimum lot size of 80 acres; a change to SAG-10 would result in a minimum lot size of 10 acres.

The regulations defining the AG-80 and SAG-10 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 26<sup>th</sup> day of June, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

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

By: /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

Publish on July 1 and July 8, 2003.

EXHIBIT A  
Randy and Sandy O'Connell  
Zone Change/Lowerside Zoning District  
Legal Description

Legal Description of Property:

Parcel B on Certificate of Survey No. 5621 and

Parcel 2: East One-Half of the Northeast Quarter (E1/2NE1/4) and Northwest Quarter of Northeast Quarter (NW1/4NE1/4) Section Thirty-three (33), Township Twenty-eight (28) North, Range Twenty-one (21) West, P.M.M., Flathead County, Montana. EXCEPTING THEREFROM that portion deeded to Flathead County for roadways in deeds recorded May 2, 1911, in Book 108, Page 203, as Doc. No. 1616, recorded March 8, 1962, in Book 445, Page 707, as Doc. No. 1861, and recorded March 8, 1962, in Book 445, Page 708, as Doc. No. 1862, records of Flathead County, Montana.

ALSO EXCEPTING THEREFROM: A tract of land situated, lying and begin in the Northeast Quarter of the Northeast Quarter of Section 33, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana, and more particularly described as follows to-wit: Commencing at the Northeast corner of the Northeast Quarter of Section 33, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana; thence South 89°40'19" West, and along the North boundary of said NE1/4, a distance of 30.00 feet to a found iron pin on the Westerly R/W of a 60 foot county road known as Lower Valley Road and the True Point of Beginning of the tract of land herein described; thence South 00°01'49" West, and along said R/W, 904.28 feet to a set iron thence leaving said R/W, South 89°40'19" West, 963.49 feet to a set iron pin; thence North 00°01'49" East, 904.28 feet to a set iron pin on the North boundary of said NE1/4; thence North 89°40'19" East, and along said boundary, a distance of 963.49 feet to the Point of Beginning.

#### **MEETING WITH MATT GELINAS RE: COURTHOUSE EAST**

Present at the June 26, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioner Hall, Matt Gelinas, Kathy Gelinas, Robin Boon, Deputy County Attorney Jonathan Smith, Assistant Avery, and Clerk Eggum.

Matt Gelinas advised that on the sale of the CHE property there were a lot of things concealed. First of all after the sale of the property on October 3<sup>rd</sup> I asked to go into the building and someone told me there is a lot of asbestos in this building that has not been taken care of. A guy called me from Spokane for the IRS and said you had better get a building inspection report. I came down to Elaine's office and asked if she had a building inspection and she said no they do not. I kept pursuing that and asking and of course as different employees in the buildings told me there is a lot of asbestos underneath these tunnel areas that has been laying here that they have removed illegally, not according to the law. A person should have due diligence to go into a property after they buy because you can turn it back but I did all the due diligence I could. Here is a letter dated October 18<sup>th</sup> by Bison Engineering. They had done an inspection on the building in 1985. It is interesting that she sent a letter to the commissioners and it stated Dear Commissioners we are discontinuing asbestos related project in 1995 in an effort to purge our files of these projects, we have enclosed our copies of any documents related to the project we performed for you. So when I talked to her on the phone and she told me she was mailing this to Elaine and I came down and talked to Elaine and that is when Elaine said oh by the way we have this file. All of a sudden it showed up from 1985. This is from Bison Engineering and it goes into extensive detail on what should have been done in the building. It talks about asbestos containing material and how it should be handled and how it should be taken care of. Of course, we know there is some in the flooring tile but that is non-friable. That is not a health hazard unless you make it friable. In this report it says asbestos containing material is documented as pipe and boiler insulation throughout the physical plant, steam tunnels, exchange rooms and offices. The insulation has sustained damage in all areas but is in worse condition in exchange room, steam tunnels and boiler. Airborne fiber levels should be considered high in these areas particularly when disturbed during maintenance activities. It goes on until the friable asbestos containing materials are removed these areas should be posted as containing asbestos materials and users in the area informed of the presence and hazards contained with asbestos containing materials. A regular schedule of inspection and repair by maintenance personnel is highly recommended to insure that occupant

exposure to airborne fibers released from damaged ACM is kept to an absolute minimum until the material is ultimately removed. I can go through all the laws and read to you.

Commissioner Hall confirmed that the report was written in 1985 and the law has changed since 1985. Gelinas responded that it has gotten even stricter. It didn't go in the negative. As you have watched the news lately the last month there have been asbestos related issues one right after another.

Commissioner Hall stated that it has been his understanding that the removal of asbestos and all that was negotiated out of the contract before the building was purchased. He questioned whether Gelinas had visited with the Commissioners' office and got the file before he purchased the property. Gelinas responded that he did not. I was unable to get it. I did all the due diligence I could. A statement was made to me that you should have got removed ceiling tile. How could I under Bob Watne could I go take a tile off right now and do a building inspection. No. He cannot do that. He can't just go into a building and start tearing things apart.

Gelinas advised that he was hoping to come to an agreeable term to resolve this problem because the law is clear on this. I can read you some cases on this. I am sure I will get a rebuttable. I am not an attorney.

Smith advised that his research has indicated that the County has no obligation at this point to participate in the cost of removing the asbestos. It is the person who owns the building who decides to remove the asbestos who is charged with paying the costs to do the removal.

Gelinas sought confirmation that the County would make a statement in court that they did all of the due diligence and were not negligent.

Smith advised that everyone at the sale on the purchase date was told that there was asbestos in the building that had to be dealt with on the property. Everybody knew there was asbestos in the building that had to be dealt with.

Everybody who came in and talked to us knew that we reduced the price by \$200,000.00 to take care of asbestos and dump fees and everything else. We tried to sell it for \$300 and something thousand but we reduced the price by those amounts in order to sell it. Smith requested that Gelinas send the cases he had so Smith could read them. He reiterated that the cases he has been able to find don't reflect a duty on the county to participate in the removal of the asbestos after the property has been purchased.

Gelinas again requested permission to read some cases. Smith responded that it was hard to make a judgment in three seconds. He requested the cites and he would read the cases. He noted that he has requested Gelinas provide that information before and he would be glad to give an analysis to the Commissioners.

Gelinas advised that he had an actual case relative to the duty to disclose in a commercial real estate action. It talks about what the Montana court has adopted. He noted that he was not out to hang the county. This falls under tort. I have bent over backwards on this thing to try to deal with the county and you know that for a fact. Smith reiterated that he has never received anything in writing to be able to give an opinion. Gelinas advised that Jim Bartlett sent one and they never received a return. Smith advised that Jim Bartlett did not cite a case. Jim Bartlett said it was his opinion the County had some sort of obligation under CERCLA. I read CERCLA.. The County does not have an obligation under CERCLA. He didn't cite any specific section of law.

Gelinas insisted on reading a case. One of the perimeters of a seller's duty to disclose and a buyer's due diligence duty in the context of a commercial real estate transaction. The Montana Supreme Court has adopted the following definition of a negligent misrepresentation. 1. Who in the course of his business, profession or employment or any other transaction in which he has a pecuniary interest supplies false information for the guidance of others in their business transactions is subject to liability for pecuniary loss caused to them by their justifiable reliance upon the information if he fails to exercise reasonable care or confidence inaudible to communicate information. Then it goes on to all the opinions. Clearly there should have been a disclosure on the property what was contained on that property underneath the tunnels, inside that kitchen. That is full of asbestos. I have recorded statements from employees that they would go in and remove it illegally just a few years ago. Less than three years ago. That is illegal. It is against Montana law. I can't do it. You guys couldn't have done it either. It exposed people. Smith noted that was not the issue here. Gelinas advised that the state is investigating the actions. Smith reiterated that the state investigation had nothing to do with the issue between Gelinas and the County.

Gelinas asked if the County could legally break the law and do whatever it wants and it is okay. Smith replied whether or not the County broke the law has nothing to do with his dispute with the County.

Gelinas asked if I sold you a piece of beef and you found out it had mad cow disease and you were going to feed a restaurant and it is contaminated, what do you do then? The soil underneath that building . . . . Smith replied if he had reason to believe it had mad cow disease before he bought it he is stuck with it.

Gelinas stated that he would not have bought the building had he known then what he knows now. I have gone to school; got the training; I would have never even considered. Usually in a real estate transaction it has all of that. Just like I read. I cited just one case and one law. That is disclosure; failure to disclose. Smith advised that the County didn't fail to disclose anything.

Kathy Gelinas asked where the signed statement was? Gelinas asked where all the signed statements and the disclosure were? There was just a grant deed. Kathy Gelinas stated that they didn't sign any statements of disclosure.

Smith advised that they bought the property at auction. We disclosed at the auction sale that there were problems with the building. We reduced the price of the building over \$100,000.00, \$200,000.00 in order to sell it because we knew there were expenses in removing asbestos.

Gelinas asked if Smith wanted to see the statement made at the sale. It is interesting the chicken scratching on the bottom of it. Statement: Agency still remains in the building until the end of October, 2002. That is another bone of contention. To extend the lease while you were in the building was an act of God to get it signed. It is unbelievable and Don Avery can attest for that fact. I had to hound you on the street to get the stupid thing. It went all the way to November 8<sup>th</sup>. Some asbestos in the building. Well that is a pretty vague statement. Friable and unfriable are two whole different ball games. It is like the shark dead on the beach and one in the ocean. Two different ball games.

Smith asked if that didn't give Gelinis pause when he heard that. No it didn't because you had heard it before.

Kathy Gelinis stated that it was written after. Gelinis stated that we don't know for sure but it is in chicken scratching. He continued reading the statement. There has been hazardous materials in the tunnel that have been cleaned up. Smith responded that that was not asbestos that was something else. Gelinis responded that it was not. Smith noted that is why the statement was made. It was there and there may be remnants of it there. Gelinis stated that by Montana law, you cannot do that. You do an abatement project. You cannot leave residue . . .

Smith advised that the project was done years and years ago but we understood that perhaps it wasn't up to today's standards.

Gelinis stated that was what he was trying to tell the County. Gelinis referred to letters to county commissioners in late 89 90s they are all stamped. This one is to Mr. Jacobsen who is county commissioner it talks about in 1990 it says the Montana asbestos control becomes effective on January 1, 1990 and will directly affect public buildings. The law defines requirements for inspection, removal, air monitoring, asbestos management planning. Failure to comply may result in local government entities being held liable for asbestos exposure to employees and the public. Your first step is to have a member of the staff trained to identify and recommend appropriate response actions for asbestos containing materials. Well, Dale Hadley who is named in that report, he went to that school. I have a recorded statement from him, you probably don't want to hear it. I asked him Dale, did you guys remove asbestos. He said yes we did. I said what did you do to put a negative pressure enclosure? What did you do to put a critical barrier to protect the public? He said we never did that. I said Dale do you understand the ramifications of it. These are all violations of the law of OSHA standards. He says I know that. That is what we did. We just went in cut it off and leave it lay. Smith replied that he understood.

Kathy Gelinis stated that the new owner is not responsible for the removal of asbestos under a law in 2000. It is the county's responsibility and that is a law. Smith responded that is if it was hazardous. It was not hazardous until it is removed. Gelinis claimed it has been removed Jonathan, it is laying on the floor it is all under the soil of the tunnel. You can walk in it. It is laying right there. They were walking through it. Gelinis questioned how much Smith knew about asbestos. Smith replied not much. Gelinis advised that he did not either until he went to two classes in Spokane; one was Asbestos Abatement Contractors Supervisors. Smith acknowledged that Gelinis could have taken the classes before he bought the building. Gelinis stated that that was not the point. Smith disagreed.

Kathy Gelinis stated that it was still the county's responsibility no matter who buys it to clean it up. It is a law of 2000. Smith again requested that information in writing and he would be happy to look at it.

Gelinis again referred to the difficulty in obtaining a lease. Smith replied that it was a snafu that was not Gelinis' fault. He noted the County has offered to pay Gelinis for that but you don't want to be paid. Gelinis advised that he had come to an agreement and the County just paid for it.

Smith stated that he understood that Gelinis was not treated as well as he should have been treated but that has nothing to do with the asbestos. Gelinis reiterated that the law requires that you disclose things. Smith noted that the County did disclose. Kathy Gelinis stated that they have no written statement; they have not signed one thing.

Gelinis stated that it is like if you bought a thousand acres and you said there might be a little bit of contamination of oil on it and then you buy it and find that W R Grace drilled oil wells and pumped the oil in the ground and left it lie. That is two totally different things and you know that. This soil is all contaminated. The state has been through it. Pierre Amicucci has gone through it with me. He said it is contaminated. It is going to have to be dealt with. I said Pierre who is the responsible party? I have it in a letter. The county is.

Smith against requested that they send him the law. There is no sense sitting here arguing about this. We have argued about it time after time and you keep telling me there are these laws that require us to do things and I look at the laws you cite and they don't require us to do these things.

Kathy Gelinis stated that there is a time period. Gelinis referred to the irony of the Health Department in a building containing asbestos. Gelinis stated that he didn't even read all the letters that were sent to the county about the asbestos awareness. They sent one to Earl Bennett that talks about how to deal with it. See Bison originally had bid it. I never knew that. They had bid to do all that. They never completed the project. A due diligence I want to tell you unless you know how to inspect buildings you would have never known all the asbestos in there. It has been concealed. It has been covered over. I want to tell you they talked about encapsulation you guys don't even know what encapsulation is. That is just a term somebody pulled out of a hat. That asbestos is in the hallways and the pipes on the first floor and on the ground floor.

Smith again requested that the information all be put in writing and sent to the County. Kathy Gelinis advised that they have tried. Smith noted that he has nothing in writing. All he has is a bunch of conversations with Matt.

Kathy Gelinis stated that it boils down to the county is obligated by Montana law to clean up their mess and time is of the essence. Gelinis stated that he was not trying to pick on Jonathan. It is not the intent. Don knows that the building was sold as is and they went into the kitchen and started gutting the building of the restaurant equipment. I donated it to be nice back to the Meals on Wheels. I have no problem with that. Don has to admit that is true, they took it. They took it down there. I was doing everything I could. The last day of the sale, Jed Fisher came down there and I called Jed I said Jed you guys have left this building a stinking mess. He said we took everything. I said come on down. That is when the dump trucks . . .

Smith interrupted and again stated that this has nothing to do with asbestos. We understand you weren't treated very well when you purchased the building and things were stolen out of it. Doors were left open and kids were riding bikes up and down the hallway. We offered to pay you for the stuff that we took and you didn't want it. You donated it. What does that have to do with asbestos removal? I understand you weren't treated as well as you should have been. I know this but it has nothing to do with removing the asbestos. Smith reiterated give me in writing the statutes or cases that you think would show that the county would have some duty at this point in time.

Commissioner Hall stated that he believes the Gelinis are very generous. He asked what it was they wanted from the County.



Gelinas read another statement. This is by an individual that was going to bid on the building and he said prior to that time he knew there was asbestos. He knew about all of that. He said he would have purchased the property but the price was too much. He said it would have made it less than zero. It would have made a negative price on it because of it. Miles City has the same thing they went through with this. They sold the building for a dollar. It is boarded up. It has been boarded up for 10 years because of all the asbestos containing material there. I am just trying to come out of the thing. I just don't think the county was fair in declaring it.

Commissioner Hall asked if Gelinas had ever gotten a bid on what it would cost to clean up what is left. Gelinas advised that he couldn't because the building inspection was from 1985. Even if I wanted to demolish the building, the State of Montana says you cannot demolish the building until you have a current inspection on the building because it is too old. Maybe there has been one that is hidden.

Smith suggested that the County give Gelinas his money back and he give the County the building back if the Commissioners approve the suggestion. Gelinas replied that he was at a negative. Gelinas requested that the County give him his money back, waive the dump fees and split down the middle on the environmental issue. Gelinas continued that he needed to get his money back because when the County was leasing the building he was making money. If he leased it at a minimal cost, he has lost over half a million dollars. Nine months it has been vacant. I haven't made a dime on it.

Smith stated that they could not waive the dump fees as that was an action the Solid Waste Board would have to approve. Gelinas countered stating that the Commissioners have the authority to do such an act.

Gelinas advised that considering the failure to disclosure that was a fair and amicable offer. I might come out of it but I sincerely doubt it. There is a bid for \$235,000.00 to demolish the building and that has nothing to do with the asbestos abatement. That is on top of that. There is a lot of pipe. Smith noted that the price was reduced by \$200,000.00 for those purposes. Kathy Gelinas stated that does not include the asbestos. Asbestos pipe with friable asbestos on it is about \$40.00 a foot. Smith again requested all the information in writing.

Commissioner Hall noted that obviously Gelinas had done a lot of research. The County did not. The County reduced the price to include the dump fees and any other expenses that might be incurred to help alleviate any extra costs to make it attractive to sell. He noted that was his perspective in listening to the debate.

Gelinas reviewed a letter to Don Avery dated August 22, 2002 it says: I did not have any data on possible demolition or removal costs associated with future plans for the site. Based on his data the preliminary work I have done estimated it would cost \$220,000.00 to demolish the existing buildings on the site, remove debris and clean up the property. This allows for a preliminary environmental site assessment. However, the cost estimate does not include any potential environmental clean up that may be required for environmental and site assessment report. That is even before the sale you knew this.

Commissioner Hall stated that on behalf of the county I would say that once again. You are a bright guy. You have done your research. You went to school. You have a briefcase this big full of stuff. We don't always have that opportunity to do that. I don't think there was ill intent. Gelinas acknowledged that there may not have been. Kathy Gelinas stated that there may not have been ill intent in W. R. Grace too but they had to take the responsibility and that is the whole thing. The responsibility by the law still rests with the county and we are just asking for your responsibility to be taken care of. That is all. Gelinas added that he was just trying to come out of it. I don't want to go bankrupt over it.

Commissioner Hall reviewed his proposed, you want us to give you the money for the building and pay for the dump fees and you end up with the land. Gelinas responded that he didn't know if he would come out of it at that price. Commissioner Hall replied that no one does.

Gelinas stated that he has done a building inspection. I guarantee you I know a lot. If you want me to tell you what is in the building I have done over 100 samples in the building. The boiler plant was never even cleaned and they closed an area off with screen and foamed it and I asked and oh there is no asbestos in here. Hogwash. They cleverly concealed it. Where the freight elevator goes up the freight elevator they put trash in there and they filled it all in with trash. I didn't know it. I kept asking how come this door doesn't open. Well it hasn't opened for years. I know why. It was sealed shut and garbage was covering six runs of pipe with friable asbestos on it. In the kitchen, the same thing. There is a door that is all caulked around. They siliconed around it. That is where they were cleaning asbestos out of it. They had a little piece of visqueen over it. Right in the floor as you step to the door there is asbestos right on the floor. They were trying to clean it out a little bit at a time. Not legally but I am not the guy with the badge that puts the handcuffs on people. But I can read you the law that says OSHA requirements that said there should have been signs posted all through that building. Now a person would have known that if you would have walked in the building and saw a sign posted and here the signs are posted in the building, you would know what to do then. These are OSHA requirements. They have been in effect for a long time. It says this warning sign shall be posted where there is friable asbestos. Danger asbestos. Cancer and Lung Disease Hazard. Authorized personnel only. In addition where the use of respirators, protective clothing is required to regulated area under this control, the warning sign shall include the following, respirators, protective clothing are required in this area. I read it to you the other day. It even asks for pictographs if you got people that can't read. That is to protect them. I asked Dale Hadley did you guys ever post signs in those area. He said they have never ever been posted. I said why that is OSHA requirement. You guys are under OSHA.

Kathy Gelnias added that it just builds up to what was concealed and we are just asking to be taken care of what was concealed and the big mess that we got that is the county's responsibility from the law that we will give you and you will respond in the time given. Smith agreed if he was given the cites he would respond. Gelinas noted that he has two attorneys waiting to take his case. Lewis and Solkolova that is all they dealt with in Libby. He said he didn't have time but he said in a couple of months he would. He said it is their case, it is easy to win. But it is the time involved. I want to try to make some money on this project and move ahead. I think it is pretty fair to sign a piece of paper that says waive the dump fees. That does not cost you a dime. Smith replied that of course it costs the County. We have to put the stuff in the ground. It costs money to put that garbage in the ground and that is what we ask people to pay for when they dump there. Gelinas noted that anything that does not have to go there that he can get rid of he will send it to clean sites. I am more than happy to do that. The brick, the concrete, inaudible cleaned out. There are three sites around the valley. I would gladly send it to that but the friable asbestos has to be buried. It has to be double bagged in

six mill bags and stamped with signs on them. That has to go there. I don't see how it is going to cost you anything. If you gave the \$175,000.00 back it didn't cost you a dime. You just didn't make anything on the property. Kathy Gelinas stated that the County's problem would then be solved and it is a big problem.

Commissioner Hall stated that he was not an attorney but it seems to him what you need to do is get us copies of your documentation and we will have a consultation on what we need to do to respond to it as quick as possible. We need to come to an agreement as to what needs to be done and if that is not agreeable then we need to go to the next step. I think we can figure something out.

#### **CONSIDERATION OF LAKESHORE PERMIT: HOLTVEDT**

Present at the June 26, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Melinda Riley, Assistant Avery, and Clerk Eggum.

Riley reviewed Lake and Lakeshore Construction Permit filed by Andrew and Eileen Holtvedt on Whitefish Lake to clean up the beach and place washed gravel along the shoreline; remove leaning aspen trees and existing shrubs; replace trees and shrubs; construct a rock retaining wall and steps. The Whitefish Lakeshore Protection Committee approved such permit. General discussion was held.

Commissioner Hall made a **motion** to approve Lakeshore Permit #WLP-03-20 and authorize the Chairman to sign subject to 28 conditions. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

#### **CONSIDERATION OF LAKESHORE PERMIT: WILLIAMS**

Present at the June 26, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Melinda Riley, Assistant Avery, and Clerk Eggum.

Riley reviewed Lake and Lakeshore Construction Permit filed by Dave Williams on Whitefish Lake to reconfigure existing F/T-shaped EZ Dock. The Whitefish Lakeshore Protection Committee approved such permit. General discussion was held.

Commissioner Hall made a **motion** to approve Lakeshore Permit #WLP-03-16 and authorize the Chairman to sign subject to 16 conditions. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

#### **CONSIDERATION OF LAKESHORE PERMIT: HALEY**

Present at the June 26, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Melinda Riley, Assistant Avery, and Clerk Eggum.

Riley reviewed Lake and Lakeshore Construction Permit filed by Tom Haley on Whitefish Lake to install an I-shaped Dock Rite Dock. The Whitefish Lakeshore Protection Committee approved such permit. General discussion was held.

Commissioner Hall made a **motion** to approve Lakeshore Permit #WLP-03-18 and authorize the Chairman to sign subject to 12 conditions. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

#### **PUBLIC HEARING: THOMAS, DEAN AND HOSKINS TEXT AMENDMENT/FLATHEAD COUNTY ZONING REGULATIONS**

Present at the June 26, 2003 10:30 A.M. duly advertised public hearing were Chairman Watne, Commissioner Hall, Tim Fox, Planning and Zoning Director Forrest Sanderson, Assistant Avery, and Clerk Eggum.

Sanderson advised that this was a request by Thomas, Dean and Hoskins to amend the text of the Flathead County Zoning Regulations by modifying the definition of "building line" to allow building eaves to be four feet closer to the property line. The proposed amendment will specifically amend Section 7.03.100.

Chairman Watne opened the public hearing to anyone wishing to speak in favor of the text amendment.

Fox advised that this was making the requirements universal throughout the county relative to building line and he was in favor of such amendment.

No one else rising to speak, Chairman Watne asked for anyone wishing to speak in opposition to the text amendment. No one rising to speak, Chairman Watne closed the public hearing.

Commissioner Hall made a **motion** to adopt Staff Report FZTA-03-15 as findings of fact. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to adopt Resolution No. 955FD Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

#### **RESOLUTION NO. 955FD**

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 26th day of June, 2003, to consider a change to the text of the Flathead County Zoning Regulations proposed by Thomas, Dean & Hoskins amending Section 7.03.100, the definition of the "building line," to allow eaves on buildings to encroach up to two feet into setbacks required in the zoning districts.

**WHEREAS**, notice of that hearing was published pursuant to Section 76-2-205, M.C.A., on June 7th and June 14, 2003;

**WHEREAS**, the Board of Commissioners heard public comment on the proposed amendment to the Flathead County Zoning Regulations at that hearing; and

**WHEREAS**, the Board of Commissioners has reviewed the recommendation of the Flathead County Planning Board regarding the proposed amendment.

**NOW THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., hereby adopts this resolution of intention to amend Section 7.03.100, the definition of the "building line," to allow eaves on buildings to encroach up to two feet into setbacks required in the zoning districts as set forth on Exhibit A hereto.

**BE IT FURTHER RESOLVED**, that notice of the passage of this resolution, stating the general character of the proposed change to the Flathead County Zoning Regulations, that said proposed change and those regulations are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication thereof, the Board will receive written protests to the adoption of the proposed change, shall be published once a week for two weeks.

**BE IT FURTHER RESOLVED**, that written protests to the adoption of the proposed change will be received from persons owning real property within any zoning district heretofore created by Flathead County, for a period of thirty (30) days after the 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 percent of the free-holders protest the adoption of the proposed change, the change will not be adopted.

DATED this 26<sup>th</sup> day of June, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

By: \_\_\_\_\_  
Howard W. Gipe, Member

By: /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

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

**EXHIBIT A  
THOMAS, DEAN & HOSKINS  
TEXT AMENDMENT  
FLATHEAD COUNTY ZONING REGULATIONS  
SECTION 7.03.100 DEFINITION OF BUILDING LINE**

**A. Proposed Amendment:** The applicants propose an amendment to the Flathead County Zoning Regulations, Section 7.03.100, Definition of "Building Line".

As usual, additions to the text are ***bold, italicized and underlined*** whereas deletions from the text have been struck through.

7.03.100 Definition of "Building Line" That part of the building nearest the property line including building eaves, corners, faces, covered decks or porches and decks over three feet in height, ~~or other part of the building nearest the property line.~~ ***Eaves shall not extend more than two feet into the setbacks.***

Commissioner Hall made a **motion** to authorize the publication of the Notice of Passage of Resolution of Intention and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**NOTICE OF PASSAGE OF RESOLUTION OF INTENTION**

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 intent (Resolution No. 955FD) on June 26, 2003, to adopt proposed amendments to the text of the Flathead County Zoning Regulations.

The proposed amendment would amend Section 7.03.100, the definition of the "building line," to allow eaves on buildings to encroach up to two feet into setbacks required in the zoning districts.

The Flathead County Zoning Regulations are on file for public inspection at the Office of the Clerk and Recorder in Permanent File number 93270 13500. The proposed amendments are on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, and at the Flathead County Planning and Zoning Office, 1035 1<sup>st</sup> Avenue West, Kalispell, Montana.

For thirty (30) days after the first publication of this notice, the Board of Commissioners will receive written protests to the adoption of the proposed change to the Flathead County Zoning Regulations, from persons owning real property within any zoning district heretofore created by Flathead County whose names appear on the last completed assessment role of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

Dated this 26<sup>th</sup> day of June, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

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

By: /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

Publish on July 1 and July 8, 2003.

**PUBLIC HEARING: SONJU TEXT AMENDMENT/FLATEHEAD COUNTY ZONING REGULATIONS**

Present at the June 26, 2003 10:45 A.M. duly advertised public hearing were Chairman Watne, Commissioner Hall, Planning and Zoning Director Forrest Sanderson, Assistant Avery, and Clerk Eggum.

Sanderson advised that this was a request to amend the text of the Flathead County Zoning Regulations submitted by Richard and Mary Sonju. The applicants propose to change the percentage a non-conforming use can expand in all zone classifications.

Chairman Watne opened the public hearing to anyone wishing to speak in favor or in opposition to the text amendment. Seeing no one in the audience, Chairman Watne closed the public hearing.

Commissioner Hall made a **motion** to adopt staff report FZTA-03-06 as findings of fact. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to adopt Resolution No. 955FB. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**RESOLUTION NO. 955FB**

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 26th day of June, 2003, to consider a change to the text of the Flathead County Zoning Regulations proposed by Richard and Mary Sonju to amend Section 2.07.040(4) to allow a non-conforming use to be expanded, subject to a Conditional Use Permit, within the confines of the lot or parcel of land upon which it is located.

**WHEREAS**, notice of that hearing was published pursuant to Section 76-2-205, M.C.A., on June 7th and June 14, 2003;

**WHEREAS**, the Board of Commissioners heard public comment on the proposed amendment to the Flathead County Zoning Regulations at that hearing; and

**WHEREAS**, the Board of Commissioners has reviewed the recommendation of the Flathead County Planning Board regarding the proposed amendment.

**NOW THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., hereby adopts this resolution of intention to amend Section 2.07.040(4) to allow a non-conforming use to be expanded, subject to a Conditional Use Permit, within the confines of the lot or parcel of land upon which it is located as set forth on Exhibit A hereto.

**BE IT FURTHER RESOLVED**, that notice of the passage of this resolution, stating the general character of the proposed change to the Flathead County Zoning Regulations, that said proposed change and those regulations are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication thereof, the Board will receive written protests to the adoption of the proposed change, shall be published once a week for two weeks.

**BE IT FURTHER RESOLVED**, that written protests to the adoption of the proposed change will be received from persons owning real property within any zoning district heretofore created by Flathead County, for a period of thirty (30) days after the 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 percent of the free-holders protest the adoption of the proposed change, the change will not be adopted.

DATED this 26<sup>th</sup> day of June, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

By: \_\_\_\_\_  
Howard W. Gipe, Member

By: /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

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

**EXHIBIT A**  
**Text Amendment**  
**Flathead County Planning and Zoning**  
**FLATEHEAD COUNTY ZONING REGULATIONS**

A non-conforming use may be expanded, subject to a Conditional Use Permit, within the confines of the lot or parcel of land upon which it is located at the time of the adoption or amendment of these regulations.

Commissioner Hall made a **motion** to authorize the publication of the Notice of Passage of Resolution of Intention and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

#### **NOTICE OF PASSAGE OF RESOLUTION OF INTENTION**

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 intent (Resolution No. 955FB) on June 26, 2003, to adopt proposed amendment to the text of the Flathead County Zoning Regulations.

The proposed amendment would amend Section 2.07.040(4) to allow a non-conforming use to be expanded, subject to a Conditional Use Permit, within the confines of the lot or parcel of land upon which it is located.

The Flathead County Zoning Regulations are on file for public inspection at the Office of the Clerk and Recorder in Permanent File number 93270 13500. The proposed amendment is on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, and at the Flathead County Planning and Zoning Office, 1035 1<sup>st</sup> Avenue West, Kalispell, Montana.

For thirty (30) days after the first publication of this notice, the Board of Commissioners will receive written protests to the adoption of the proposed change to the Flathead County Zoning Regulations, from persons owning real property within any zoning district heretofore created by Flathead County, whose names appear on the last completed assessment role of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

Dated this 26<sup>th</sup> day of June, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

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

By: /s/Vickie M. Eggum  
Vickie M. Eggum, Deputy

Publish on July 1, and July 8, 2003.

#### **PUBLIC HEARING: LAKESIDE PRIVATE AND PUBLIC SCHOOLS TEXT AMENDMENT/FLATHEAD COUNTY ZONING REGULATIONS**

Present at the June 26, 2003 11:00 A.M. duly advertised public hearing were Chairman Watne, Commissioner Hall, Planning and Zoning Director Forrest Sanderson, Assistant Avery, and Clerk Eggum.

Sanderson advised that this was a request to amend the text of the Flathead County Zoning Regulations to allow for the establishment of public and private schools as a permitted use under Section 3.42.020 of the Lakeside Zoning Classification.

Chairman Watne opened the public hearing to anyone wishing to speak in favor of or in opposition to the text amendment. Seeing no one in the audience, Chairman Watne closed the public hearing.

Commissioner Hall made a **motion** to adopt staff report FZTA-03-08 as findings of fact. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to adopt Resolution No. 955FF. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

#### **RESOLUTION NO. 955FF**

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 26th day of June, 2003, to consider a change to the text of the Flathead County Zoning Regulations proposed by Flathead County to allow for the establishment of public and private schools as a Permitted Use under Section 3.42.020 of the Lakeside Zoning Classification.

**WHEREAS**, notice of that hearing was published pursuant to Section 76-2-205, M.C.A., on June 9th and June 16, 2003;

**WHEREAS**, the Board of Commissioners heard public comment on the proposed amendment to the Flathead County Zoning Regulations at that hearing; and

**WHEREAS**, the Board of Commissioners has reviewed the recommendation of the Flathead County Planning Board regarding the proposed amendment.

**NOW THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., hereby adopts this resolution of intention to amend Section 3.42.020 of the Flathead County Zoning Regulations to allow for the establishment of public and private schools as a Permitted Use under the Lakeside Zoning Classification, as set forth on Exhibit A hereto.

**BE IT FURTHER RESOLVED**, that notice of the passage of this resolution, stating the general character of the proposed change to the Flathead County Zoning Regulations, that said proposed change and those regulations are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication thereof, the Board will receive written protests to the adoption of the proposed change, shall be published once a week for two weeks.

**BE IT FURTHER RESOLVED**, that written protests to the adoption of the proposed change will be received from persons owning real property within any zoning district heretofore created by Flathead County, for a period of thirty (30) days after the 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 percent of the free-holders protest the adoption of the proposed change, the change will not be adopted.

DATED this 26<sup>th</sup> day of June, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

By: \_\_\_\_\_  
Howard W. Gipe, Member

ATTEST:  
Paula Robinson, Clerk

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

By: /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

**EXHIBIT A**  
**Text Amendment**  
**Flathead County Planning and Zoning**  
**FLATHEAD COUNTY ZONING REGULATIONS**  
**LAKESIDE ZONING DISTRICT**

**A. Proposed Amendments:**

Section 3.42.020: Uses Permitted Anywhere in District

**(10)**            **Schools, Public**

Section 3.42.030: Conditional Uses

**(13)**            **Schools, Private**

Section 7.18 DEFINITIONS "S"

7.18.15.1.1 **Schools, Public – Schools established by recognized school districts supported by public funds.**

Commissioner Hall made a **motion** to authorize the publication of the Notice of Passage of Resolution of Intention and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**NOTICE OF PASSAGE OF RESOLUTION OF INTENTION**

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 intent (Resolution No. 955FF) on June 26, 2003, to adopt the proposed amendment to the text of the Flathead County Zoning Regulations.

The proposed amendment would allow for the establishment of public and private schools as a Permitted Use under Section 3.42.020 of the Lakeside Zoning Classification.

The Flathead County Zoning Regulations are on file for public inspection at the Office of the Clerk and Recorder in Permanent File number 93270 13500. The proposed amendment is on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, and at the Flathead County Planning and Zoning Office, 1035 1<sup>st</sup> Avenue West, Kalispell, Montana.

For thirty (30) days after the first publication of this notice, the Board of Commissioners will receive written protests to the adoption of the proposed change to the Flathead County Zoning Regulations, from persons owning real property within any zoning district heretofore created by Flathead County whose names appear on the last completed assessment role of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

Dated this 26<sup>th</sup> day of June, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:

By: /s/Robert W. Watne

Paula Robinson, Clerk

Robert W. Watne, Chairman

By: /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

Publish on July 1, and July 8, 2003.

**MEETING W/GLEN BRIST RE: ASHLEY LAKE ROAD**

Present at the June 26, 2003 11:15 A.M. Meeting were Chairman Watne, Commissioner Hall, Glen Brist, Dick Stephold, Elnora Dye, Helen Jackson, Kip Holder, John A. Brenden, Bernie Windauer, Paul Wachholz, Assistant Avery, and Clerk Eggum.

Brist questioned whether the Commissioners were able to find money to complete the Ashley Lake Road project. Chairman Watne responded that the money taken off the Big Mountain Road project could not be used on that road and in fact they are finding out that some of the money can't be moved at all.

Commissioner Hall explained that the Commissioners decided to pull the secondary funding for the Big Mountain Road project due to the inability of the Department of Transportation to purchase right-of-way to improve the road. A portion of the money has to stay with that road as it was a Congressional Act pursued by Conrad Burns to provide that funding for that road. That money will be used to make whatever improvements they can afford to make to the upper part of the road. The secondary money goes back into the Regional Secondary Road Program. That committee has set priorities. Big Mountain Road was the number one priority. Since the money was pulled, those funds are then used on the other projects in order of priority. The Commissioners were hoping the money would come back to the county to use on the valley floor. That is not the case. Commissioner Hall advised that the county has spent about half a million dollars at this point on the Ashley Lake Road. The county does not have the funding or the equipment to complete the project due to safety concerns. Johnson advised that the Commissioners proposed paving from the north cattle guard down to south cattle guard but he would recommend going to the bridge which is right at a mile. It will require some fabric being placed on the road through the soft areas.

Brist stated that his biggest concern was the scar that was left on his property by the County in starting the project. The ground is now unproductive. He noted that money would be going in to make the improvements on the lower part of the road and requested that those funds be used to work on the project that was already started on his property. He questioned whether the Commissioners considered putting it out to a private contractor for bid. Commissioner Hall reiterated that it was just cost prohibitive. There is no way the county could ever get that done financially. Brist stated that the new road would probably be wider than the road that already exists. He speculated that people are going to drive the road no matter how dangerous it is if they want to travel. He suggested that they not do anything but hook up both ends, blade down the grade and watch which road people travel. It will probably be the new road. Commissioner Hall noted that they had to consider liability. Brist responded that if they built the new road there would not be a liability issue.

Commissioner Hall reiterated that financially they can't make it work. Brist reminded the Commissioners that a private contractor said he could do the job for \$100,000.00. Chairman Watne advised that they have not put it out for bid. Johnson recalled that the gentleman was not quite as eager to do it when he saw the actual plans.

Brist stated that the County was wasting money every time it was resurveyed; every time a load of crushed gravel went on the old road where those soft spots are.

Wachholz advised that he purchased a family farm a few years ago. The Doyle brothers and myself bought the Brist property that is all to the west that includes the bonded gravel pit about four months ago. He noted that traffic has doubled on that road in the last three years. More and more people are living up there year round. Wachholz continued that they made a commitment to Brist not to object to the upper road noting that in fact it is something they would like to see happen. The Brist family has a horrendous cut across their property and the situation should be rectified one way or another. He stated that they would be willing to work with the County and/or with a private contractor to make the necessary improvements and possibly if everybody works together a positive solution can be arrived at to build the road.

Windauer advised that he was with the county back in the early 90s. There was an agreement in the Ashley Lake Road file with Brist, Inc. and the Commissioners to do the road. Charlie Phillips started the project. Mark Pitman and I continued on with the project to fulfill the agreements. We did quite a bit of work up there to get it where it is right now. There were designs done by myself when I was there. When you talk about liability issues, when you get into a situation of paving well any road that you build according to AASHTO standards which the county adopted back during the administration when I was there. So you have to worry about minimum curve radiuses, sight distance, all of those things. The lower road now, if you try to rebuild that you would have issues to deal with that you would have to correct when you build the road. Water being one, curve radiuses, several different issues and you don't have as many issues on the upper road that you would have to contend with. You have grade and possibly width problem. When you talk about paving the road, what happens when you pave a road is you increase your speed. When you increase your speed, that affects your curve radius so it is kind of a snow ball effect once you pave. My suggestion would be at the present time don't do any paving especially on the lower road because you are going to have more accidents on the lower road because of paving than you would on the upper road if you kept it gravel. When you start looking at how you have to design, all those things come into play. We had that problem on East Edgewood when I was there. We tried to pave a section with sharp 90 degree curves. It just creates problems when you start paving. Not to say it shouldn't be paved in the future because of traffic counts and increased use. I think you are going to end up spending more money on the bottom road then you would on fixing up the top road.

Johnson responded that he agreed with Windauer on a lot of issues. However, there are water quality issues because it was brought up by Jackola that the state had concerns relative to the upper road.

Windauer agreed that they would have to deal with a spring and frost heaves because of the underlying water and soil types but stated those issues were not present on the upper road. Brist noted that when he went home the other day during a big rainstorm, there was a river running down this new road, the cut, a river of muddy water right out onto the existing county road. Brist questioned whether the County was going to leave him with this water running off eroding that land rather than taking care of the road. Johnson noted that those were the issues the state brought up regarding

the completion of that road. Water is going to come down that slope and enter that creek whether it be a gravel road or a paved road.

Brist stated that what it comes down to is he has a cut on his property. It is a matter of integrity. The County did put their equipment up there and did start the project. That proves intent. It should have been finished at that time. It wasn't and now that new standards are in effect was not really a concern. The road needs to be fixed.

Brenden advised that he has been up at Ashley Lake since 1949 and we know what taxes have done. Last year, the taxes on my property went up 23%. We paid \$2,000.00 for our place now taxes are \$3,600.00. I understand government because I have been in government all of my life but there never is enough money and I appreciate that and it is hard but a commitment was made and we people up on Ashley Lake don't get many things back for our taxes. They keep going up and up and it takes a long time if we have a problem with a break in the roads are tough up there as you well know. Lots of rocks and very difficult. No sewer and water and fire protection and other things. We have an alert helicopter pad at my place simply because it was the only place that they could land on the lake. That was done because of Flathead Electric and Harp Line Construction and Vi Smith and myself. So we have done a lot of things on our own to make it better but I think an agreement had been made in the past and I have know the Brist family forever and a day and there is something about a person's word in Montana that I call the Montana ethic that if a promise has been made then by golly you should try to keep up with it. I understand the money problem, but I also understand commitment. When a commitment is made and for what we get and you talk about that road compared to some of the road that goes by my place in fact from the cattle guard where it splits around the lake and goes out to Batavia on the east end that road is really bad. I think we need to help the Brist family and Ashley Lake residents and any body else who uses that road to the best of our ability and I think it is incumbent upon the county to do that.

Stephon advised that he occupies Lots 1, 2 and 3 up at Ashley Lake. I own the corner prior to going to the damn. It is a pretty bad curve, extremely dusty curve. The dust is terrible. Mrs. Dye has been there since 1945 and she says there hasn't been much change to that road since. Now, aside from the fact of the paving issue, why hasn't there been some oil or some content put down on that road to help keep the dust down? Trucks travel it; cement trucks travel; gravel trucks; logging trucks; but we have to suffer.

Chairman Watne responded that the County does not do any dust oiling at all. With all the road that the County is responsible for, they would really run into severe budget problems if they had to oil all those roads. The logging contractors in the past have dust oiled. Brist acknowledged that Mattsen Timber did once. Johnson noted that every year they contact the dust oilers and get their price and multiply it by the amount of road and it pretty much consumes the entire budget for the Road and Bridge Department.

Holder advised that she is a full time resident of Ashley Lake. I think we need to forget about Big Mountain Road. We need to forget about paving. We need to go back to 1991 when an agreement was made between the County Commissioners, the Road Department and the Brist family and the county needs to live up to what they decided then. It is not Glen's fault that the road has changed. It is not Glen's fault the county designed and accepted new road requirements. If that road would have been completed as Glen said, we wouldn't all be here. We can't discuss new projects when the old one needs to be completed. I don't think it should matter how much money it costs at this point in time. The county should live up to the agreement they made with the Brist family. Holder noted that amount of money spent last month putting gravel and time spent blading the Batavia Road. Holder relayed an incident where she met a truss truck coming up when she was headed down and visibility was very poor. Glen's problem needs fixed and I think you guys should just bite the bullet and find that money somewhere but finish the job. If you don't finish the job, then go back in there, seed it, tree it and get rid of the scar. You have to do one thing or another because it is not fair. It is his property.

Chairman Watne expressed regret for the County having ever gotten involved with the project in the first place. Brist stated Ashley Lake Road is probably 10 or 15 times busier than when he was a kid so to build the new road is going to help all the people who go up to the Lake on that road and traffic is only going to increase. To go in there and rebuild the old road is going to take more taxpayer money that could be put on getting the new road finished. Brist noted that neither he nor his father were going to move their fences again. You could take that whole hill, push it down there and make a road out of it. You would have the dirt you want. Right-of-way is not a problem.

Brist stated that he specifically wrote a letter and requested that he be included in any preliminary plans. He also desired to be involved in any on-site visits so the Commissioners could get a full picture not one sided picture of what needs to be done. He noted that where the big pine tree is that goes into the gravel pit, that is the high spot. That needs to be cut there and then your 7% grade would be okay. Johnson noted it was 8% and it needs to get down to 6%. Brist stated that if the cat would have just cut that a little more they would have been at 7% grade and that grade wouldn't be an issue today. These are all things that can be fixed. Chairman Watne questioned whether it was solid rock right in there. Windauer advised that they used the D-8 with a river tube and ripped all that at the top. They pulled that off and were pushing it down the other side and they figured they would do some fill up right at the steepest spot and would get the grade that was needed. Johnson noted the last attempt was made shortly after he came to the County and they were up there one whole fall, drilling and blasting at that point. Brist agreed that there was some blasting but you expect drilling and blasting when you are building a road.

Brist reiterated that the cut was there to stay until somebody does something about it. Commissioner Hall questioned whether Windauer thought there was enough material up above to bring down the road to a 6% grade and get the road width that was needed. Windauer responded that what he can remember is there is enough material on top to bring down. He explained how they were going to change the curve, Flathead Electric was going to move their pole back and they were going to take material down and blend all of that in and carry it out further where the little creek goes through, drag out the bottom bed, widen it out and eventually blend those two curves together. The curve going up on the hill and the curve approaching.

Commissioner Hall expressed concern for the narrowness of the bottom portion. Windauer advised that they were going to bring material down on that side to widen it out. Johnson added that part of the problem was the toe was never started in the right spot in the first place. You would extend that toe out to keep that road together you would have to go back in there start keying at the bottom, re-establish pulling the slope up there and key it in all the way at the top in order to get the toe pushed back out where it belongs to get the width at the top.

Brist suggested that the road could be guard railed where the slope is too steep. Johnson advised you just can't shove the dirt out over the edge. We end up with the same problem we have at 7 Mile Hill.



Windauer advised that in the AASHTO standards depending upon the height of the slope, determines what the grade the side slope should be.

Brist advised that there was one pile of three inch on the property that he sold but it does belong to the county for building the road. In addition we still have \$25,000.00 that would be donated to the project from the crushed gravel that was sold. Brist noted that he wanted to work with the County to get the project done. He expressed concern for improvements being done on the lower road when that money could be spent up above. As far as material, there is not cost to material there. There is no cost for right-of-way. Diesel and wages is all that would cost the County.

Commissioner Hall noted that equipment was an issue because the county doesn't have the equipment currently it needs to build that road.

Commissioner Hall suggested that they re-visit the property and have Mr. Brist, Windauer, and Wachholz and the contractor that said he could do the project for \$100,000.00. Johnson noted that he didn't know who that individual was but suggested they give him the plans and \$100,000.00 and tell him to build the road.

Holder noted that there were lots of road builders in the county who would be willing to bid the job. Brist agreed that if it was put out to bid they should get quite a few bites. Then you would know what the cost would be.

Jackson speaking just as a landowner stated, I would like to see that road finished partly because you are talking about paving it when it is done. Anything you can do to improve it all. My mom has been up there since 54. Since I have been born I have been traveling that road and it is terrible. I have always thought the road above Glen's right there looked like the logical way to go. I am not a builder. Just looking at it seems like the way to go. If it can be done, anything to improve it would be good if you talking about paving even a mile of it, hallelujah. Pave it and make an improvement.

Brist noted that even that little pavement Charlie did at the bridges is awesome.

**12:00 P.M. Brown Bag Luncheon w/Charlie Johnson, Road Department**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 27, 2003.

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**FRIDAY, JUNE 27, 2003**

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Watne, Commissioners Gipe and Hall, 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 June 30, 2003.

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