

MONDAY, JULY 7, 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.

8:00 A.M. Weed and Parks Board Meeting at Weed and Parks Office

MEETING W/FORREST SANDERSON, PLANNING AND ZONING OFFICE RE: CONTRACT

Present at the July 7, 2003 8:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planning and Zoning Director Forrest Sanderson, and Clerk Eggum.

This meeting did not take place.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: SOKALOWSKI ZONE CHANGE/LOWER SIDE ZONING DISTRICT

Present at the July 7, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, and Clerk Eggum.

Sanderson advised that Sokalowski had requested that the request be modified to reflect a change to a SAG-5 rather than the SAG-10.

Commissioner Gipe made a **motion** to change the request from "AG-80 to SAG-10" to "AG-80 to SAG-5". Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

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 a request by Ted and Lorraine Sokalowski to change the zoning designation in a portion of the Lower Side Zoning District from AG-80 (Agricultural) to SAG-5 (Suburban Agricultural).

The boundaries of the area proposed to be amended from AG-80 to SAG-5 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 and to provide areas for estate-type residential development. The AG-80 classification has a minimum lot size of 80 acres; a change to SAG-5 would result in a minimum lot size of 5 acres.

The regulations defining the AG-80 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. 93270 13500.

The public hearing will be held on the **21st day of July, 2003, at 10:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the Lower Side Zoning District.

DATED this 7th day of July, 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 July 10 and 17, 2003

**Exhibit A
Legal Description
Ted and Lorraine Sokalowski Zone Change
Lower Side Zoning District**

The property proposed for rezoning is located bounded by Snowline Lane on the south and east and Demersville Road on the east. The property contains approximately 115.46 acres.

The property is described as E1/2NW1/4 and NE1/4SW1/4 less the Tract on C.O.S. 9503, Section 33, Township 28 North Range 21 West, P.M.M., Flathead County, Montana.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: LONG ZONE CHANGE/LOWER SIDE ZONING DISTRICT

Present at the July 7, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, 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 a request by William Long to change the zoning designation in a portion of the Lower Side Zoning District from AG-80 (Agricultural) to SAG-5 (Suburban Agricultural).

The boundaries of the area proposed to be amended from AG-80 to SAG-5 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 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 a district intended to protect and preserve agricultural land for the performance of smaller 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, and to provide areas for estate-type residential development. The AG-80 classification has a minimum lot size of 80 acres; a change to SAG-5 would result in a minimum lot size of 5 acres.

The regulations defining the AG-80 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. 93270 13500.

The public hearing will be held on the **24th 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 in the regulations for the described portion of the Lower Side Zoning District.

DATED this 7th day of July, 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 July 10 and July 17, 2003.

Exhibit A
Legal Description
William K. Long Zone Change
Lower Side Zoning District

The property proposed for rezoning is located approximately 700 feet west of Lower Valley Road adjacent to the Green Tree Meadows, Wild Goose Acres and Subdivision No. 118. The property contains approximately 28.54 acres.

The property is described as Tract 3, on C.O.S. 9923, Section 28, Township 28 North Range 21 West, P.M.M., Flathead County, Montana.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: MAJESTIC VALLEY ZONE CHANGE (62 ACRES) /HIGHWAY 93 NORTH ZONING DISTRICT

Present at the July 7, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, 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 a request by Majestic Valley, LLC to change the zoning designation in a portion of the Highway 93 North Zoning District from AG-40 (Agricultural) to SAG-5 (Suburban Agricultural).

The boundaries of the area proposed to be amended from AG-40 to SAG-5 are set forth on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to the property from those intended to protect and preserve agricultural land for the performance of a wide range of agricultural functions, intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development, to regulations intended to protect and preserve smaller agricultural functions and 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. The AG-40 classification has a minimum lot size of 40 acres; a change to SAG-5 would result in a minimum lot size of five acres.

The regulations defining the AG-40 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. 93270 13500.

The public hearing will be held on the **23rd day of July, 2003, at 10:30 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 Highway 93 North Zoning District.

DATED this 7th day of July, 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 10 and July 17, 2003.

Exhibit A
Majestic Valley, LLC
Zone Change/Highway 93 North Zoning District
Legal Description

Legal Description of Property:

Tract 1 of Certificate of Survey 12407 located in the E1/2 of the NE1/4 of Section 12, Township 29 North, Range 22 West, P.M.M., Flathead County, Montana.

DOCUMENT FOR SIGNATURE: BOARD PETITION TO DISSOLVE VILLAGE COUNTY SEWER DISTRICT

Present at the July 7, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, and Clerk Eggum.

Chairman Watne reviewed a petition from the Village County Sewer District advising that the bonded indebtedness of the district is paid in full and pursuant to the agreement with the City of Kalispell, it is necessary to dissolve the District and transfer all properties of the District, together with the future operation, to the City of Kalispell.

Commissioner Gipe made a **motion** to approve the Dissolution Petition for the Village County Sewer District. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

PUBLIC HEARING: ESLICK ZONE CHANGE/BIGFORK ZONING DISTRICT

Present at the July 7, 2003 9:30 A.M. duly advertised public hearing were Chairman Watne, Commissioners Gipe and Hall, and Clerk Eggum.

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

Commissioner Hall made a **motion** to adopt Staff Report FZC-03-20 as findings of fact. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to adopt Resolution No. 956AL. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

RESOLUTION NO. 956AL

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 7th day of July, 2003, concerning a proposal by Paul Eslick to change the zoning designation within the Bigfork Area Zoning District from a split zone of SAG-5 (Suburban Agricultural) and B-3 (General Business) to B-3 (General Business);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on June 24 and July 1, 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 Bigfork Area 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 Bigfork Area Zoning District from a split zone of SAG-5 (Suburban Agricultural) and B-3 (General Business) to B-3 (General Business), 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 Bigfork Area 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 Bigfork Area 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 Bigfork Area 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 Bigfork Area Zoning District protest the proposed change in said district, then the change will not be adopted.

DATED this 7th day of July, 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: /s/Howard W. Gipe
Howard W. Gipe, Member

ATTEST:
Paula Robinson, Clerk

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

**EXHIBIT A
PAUL ESLICK
ZONE CHANGE/BIGFORK ZONING DISTRICT
LEGAL DESCRIPTIONS**

Location and Legal Description of Property

The property is located on the intersection of the Swan Highway and Highway 35 (Streeter's Corner) in Bigfork. The property is further described as the West half of the Northeast Quarter of the Northwest Quarter of Section 24, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana, excepting therefrom that portion described in Deed to the State of Montana, recorded October 3, 1935 in Book 218, Page 539, records of Flathead County, Montana. Also excepting therefrom that portion described as follows: A tract of land situate, lying and being in the Northeast Quarter of the Northwest Quarter of Section 24, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana, and more particularly described as follows: Commencing at the Northwest Corner of the Northeast Quarter of the Northwest Quarter of Section 24, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana; thence South 00°28'00" East, a distance of 270.98 feet to the Point of Beginning of the tract of land herein being described; thence North 89°32'00" East and parallel with the North boundary line of Section 27, a distance of 130.00 feet to a point; thence South 00°28'00" East, a distance of 140.00 feet to a point; thence South 89°32'00" West and being parallel with the Easterly boundary line of the tract of land herein being described, a distance of 140.00 feet to the Place of beginning. Also excepting therefrom Tract 1 and Tract 2 of Certificate of Survey No. 5767.

Commissioner Gipe made a **motion** to authorize the publication of the Notice of Passage of Resolution of Intention Bigfork Area Zoning District 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
BIGFORK AREA 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. 956AL) on July 7, 2003, to change the zoning designation in a portion of the Bigfork Area Zoning District from a split zone of SAG-5 (Suburban Agricultural) and B-3 (General Business) to B-3 (General Business), in order that the entire property will be zoned B-3.

The boundaries of the area proposed to be amended from SAG-5 and B-3 to B-3 are set forth on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to a portion of the property from a district 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, to an area allowing for those retail sales and service functions and businesses whose operations are typically characterized by outdoor display, storage and/or sale of merchandise, by major repair of motor vehicles, by outdoor commercial amusement and recreational activities, and businesses intended to serve the general needs of the tourist and traveler.

The regulations defining the SAG-5 and B-3 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 Bigfork Area Zoning District from persons owning real property within the Bigfork Area Zoning 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 7th day of July, 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 10 and July 17, 2003

**EXHIBIT A
PAUL ESLICK
ZONE CHANGE/BIGFORK ZONING DISTRICT
LEGAL DESCRIPTIONS**

Location and Legal Description of Property

The property is located on the intersection of the Swan Highway and Highway 35 (Streeter's Corner) in Bigfork. The property is further described as the West half of the Northeast Quarter of the Northwest Quarter of Section 24, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana, excepting therefrom that portion described in Deed to the State of Montana, recorded October 3, 1935 in Book 218, Page 539, records of Flathead County, Montana. Also excepting therefrom that portion described as follows: A tract of land situate, lying and being in the Northeast Quarter of the Northwest Quarter of Section 24, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana, and more particularly described as follows: Commencing at the Northwest Corner of the Northeast Quarter of the Northwest Quarter of Section 24, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana; thence South 00°28'00" East, a distance of 270.98 feet to the Point of Beginning of the tract of land herein being described; thence North 89°32'00" East and parallel with the North boundary line of Section 27, a distance of 130.00 feet to a point; thence South 00°28'00" East, a distance of 140.00 feet to a point; thence South 89°32'00" West and being parallel with the Easterly boundary line of the tract of land herein being described, a distance of 140.00 feet to the Place of beginning. Also excepting therefrom Tract 1 and Tract 2 of Certificate of Survey No. 5767.

PUBLIC HEARING: MYERS ZONE CHANGE/BIGFORK ZONING DISTRICT

Present at the July 7, 2003 9:45 A.M. duly advertised public hearing were Chairman Watne, Commissioners Gipe and Hall, and Clerk Eggum.

Chairman Watne opened the public hearing to anyone wishing to speak in favor or against the zoning district. See no one in the audience to speak; Chairman Watne closed the public hearing.

Commissioner Hall made a **motion** to adopt Staff Report FZC-03-16 as findings of fact. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to adopt Resolution No. 956AN. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

RESOLUTION NO. 956AN

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 7th day of July, 2003, concerning a proposal by William and Alana Myers to change the zoning designation in a portion of the Bigfork Area Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on June 24 and July 1, 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 Bigfork Area 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 Bigfork Area Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural) 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 Bigfork Area 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 Bigfork Area 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 Bigfork Area 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 Bigfork Area Zoning District protest the proposed change in said district, then the change will not be adopted.

DATED this 7th day of July, 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: /s/Howard W. Gipe
Howard W. Gipe, Member

ATTEST:
Paula Robinson, Clerk

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

Exhibit A
William & Alana Myers
Zone Change/Bigfork Zoning District
Legal Description

Location and Legal Description of Property: The property is located approximately 1300 feet directly south of Echo Lake. The property is described as Parcels A, B, C, and D of C.O.S. #13441 in Section 17, Township 27 North, Range 21 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 Bigfork Area Zoning District 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
BIGFORK AREA 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. 956AN) on July 7, 2003, to change the zoning designation in a portion of the Bigfork Area Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural).

The boundaries of the area proposed to be amended 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. 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 Bigfork Area Zoning District from persons owning real property within the Bigfork Area Zoning 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 7th day of July, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

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

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

Publish on July 10 and July 17, 2003.

Exhibit A
William & Alana Myers
Zone Change/Bigfork Zoning District
Legal Description

Location and Legal Description of Property: The property is located approximately 1300 feet directly south of Echo Lake. The property is described as Parcels A, B, C, and D of C.O.S. #13441 in Section 17, Township 27 North, Range 21 West, P.M.M., Flathead County, Montana.

PRELIMINARY PLAT: HELENA FLATS RANCHETTES, AMENDED LAT OF LOTS 1, 2 AND 3

Present at the July 7, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Lindsay Morgan, Dawn Marquardt and Debbie Shoemaker of Marquardt and Marquardt Surveying, Ted Dykstra Jr., Ted Dykstra Sr., and Clerk Eggum.

Morgan reviewed the preliminary plat for Amended Plat of Lots 1, 2, and 3, Helena Flats Ranchettes Subdivision filed by John C. Slack. The Amended Plat of Lots 1, 2 and 3, Helena Flats Ranchettes Subdivision creates a nine lot single-family subdivision on approximately 12 acres. All lots in the subdivision are proposed to have multiple user water and individual sewer systems. Staff recommends approval of the Preliminary Plat.

Marquardt addressed the septic and water.

Commissioner Hall made a **motion** to adopt Staff Report #FPP-03-12 as Findings of Fact. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

Commissioner Gipe made a **motion** to approve the Preliminary Plat for Amended Plat of Lots 1, 2, and 3, Helena Flats Ranchettes Subdivision subject to 16 conditions. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

PRELIMINARY PLAT: HELENA FLATS RANCHETTES, AMENDED PLAT OF LOT 5

Present at the July 7, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Lindsay Morgan, Dawn Marquardt and Debbie Shoemaker of Marquardt and Marquardt Surveying, Ted Dykstra Jr., Ted Dykstra Sr., and Clerk Eggum.

Morgan reviewed the preliminary plat for Amended Plat of Lot 5, of Helena Flats Ranchettes Subdivision filed by John C. Slack. The Amended Plat of Lot 5, of Helena Flats Ranchettes Subdivision creates a four lot single-family subdivision on approximately four acres. All lots in the subdivision are proposed to have multiple user water and individual sewer systems. The property is located on the northeast side of Highway 93 north of Whitefish. The proposed subdivision contains 20.937 acres. Staff recommends approval of the Preliminary Plat.

Commissioner Gipe made a **motion** to adopt Staff Report #FPP-03-10 as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

Commissioner Gipe made a **motion** to approve the Preliminary Plat for Helena Flats Ranchettes, Amended Plat of Lot 5 subdivision subject to 16 conditions. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

PRELIMINARY PLAT: WEST VALLEY SCHOOL ACRES, AMENDED PLAT OF LOT 2

Present at the July 7, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Melinda Riley, Jim Burton of Jackola Engineering, and Clerk Eggum.

Riley reviewed the preliminary plat for Amended plat of Lot 2, West Valley School Acres Subdivision filed by Andy Silvers. The Amended Plat of Lot 2, West Valley School Acres Subdivision creates a two lot single-family subdivision on approximately 21 acres. All lots in the subdivision are proposed to have multiple user water systems and individual sewer systems. Staff recommends approval of the Preliminary Plat.

Commissioner Gipe made a **motion** to adopt Staff Report #FPP-03-11 as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

Burton advised

Commissioner Hall made a **motion** to approve the Preliminary Plat for West Valley School Acres Subdivision subject to nine conditions. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

MEETING W/CHARLIE JOHNSON, ROAD DEPARTMENT

Present at the July 7, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, P. E. Williams, Road Superintendent Charlie Johnson, and Clerk Eggum.

Johnson prepared a letter for the Commissioners' review to a resident on River Road requesting removal of trees on the county right-of-way pursuant to county policy.

Johnson confirmed that he was to refer all residents with inquiries relative to RSIDs to Assistant Avery.

Johnson confirmed that he was to continue with work on the Conrad Connector. He noted he has been spending money and has plans to do an RFP for the environmental matter and that could start at \$30,000.00 and go up from there. Johnson advised that he received a ballpark figure for the bridge of \$350,000.00 (\$55.00 per square foot) excluding any environmental mitigation. This would be a low profile bridge; single span; 140' x 34' wide. The price could go up depending on the piling and the caps. Until an environmental assessment is complete, it is really impossible to estimate. Commissioner Gipe confirmed that an environmental assessment would cost somewhere between \$30,000 and \$60,000.00. Johnson noted he was in the process of preparing the documents to get a request for proposal to be able to go out to bid. Chairman Watne stated that we need to go ahead.

Johnson sought information as to the direction of the North Fork. He had been advised by the RAC Committee that he would be receiving roughly, \$49,000.00 to do that slump in the North Fork. He stressed that it could not be done for

that amount of money. Johnson noted that he had the survey done and was in the process of preparing the bid documents. Commissioner Hall noted the impact of actually viewing the slumps made on him. It is very serious. The road could be totally lost with a big rain. Johnson reiterated that the project may have to be carried over.

Johnson presented the Commissioners with a copy of a letter from a resident on Daley Lane and the stop sign rearrangement requested by Chairman Watne. Chairman Watne expressed concern for the people coming down the hill on the other road and being unable to stop. Daley Lane is the flat road.

Johnson referred to a letter Commissioner Hall received relative to blading and dust oiling. The County does not blade a road once it is oiled until numerous complaints are received. The County does not have the funds to dust oil every county road. If they dust oiled, they would be unable to pave and perform maintenance on the roads. To dust oil one mile on Pioneer and Jellison would have cost the County \$12,000.00. The County does the grading in conjunction with the dust oiling. Johnson requested that policy remain unchanged. Johnson reiterated the need to move forward on RSIDs to hopefully get some roads paved. Johnson stated he would respond to the letter explaining the situation and county policy.

Johnson advised that he has received several requests to do an overlay on Conrad Point. He noted a portion of it has been overlaid. Conrad Point has already been picked as a safety project and is the list for next spring to use the excavator and chisel off some of those rocks before an overlay is tackled.

Chairman Watne confirmed that the rented excavator is bigger than the one the County owns. Johnson advised it does a really good job.

Johnson advised that they were currently paving on Pioneer and Jellison. He noted an agreement had been worked out not totally to his satisfaction but better than what it was before. He noted they were putting a good four inches of asphalt on that road. It is probably going to be a little bit more asphalt depth than any of the other roads because of the truck traffic. The project should be completed by the end of the week. He advised that they will start chip sealing on the 14th.

Johnson advised that he viewed Potter Lane off of Woodland at Columbia Falls with an attorney. He noted the ditch has been filled with sod and fence posts driven along the edges of the road. Johnson agreed with Chairman Watne that this type of situation was more critical than trees in the right-of-way.

Commissioner Hall stated he would like to see a mile of McMannamy Draw paved this year and a mile every year thereafter until the road is paved. Chairman Watne noted the road was in his district and he agreed it needed paving but noted that several other roads were in just as dire a need of paving. Johnson noted that of the top 25 roads there were not many cars separating them. He stressed that he needed to know because the roads need to be surveyed before any work can begin.

The Commissioners agreed that Auction Road should be paved. Johnson advised he had the road surveyed and anticipates that it will be one of the last things to get done this summer.

Johnson noted that he has to take money from overlaying and put into chip sealing to save already existing paving. He added he would overlay the strategic roads but just did not have the funding to do both.

Commissioner Hall reviewed a map prepared by GIS identifying an alternative road to Big Mountain through Stoltze land. He suggested perhaps the \$4 million that has to be utilized in that area could be used on building that road. Chairman Watne advised that Stoltze was not very willing to have that be a secondary road. Johnson agreed advising that his understanding was Stoltze was willing to allow that as a secondary access in the event of fire. Johnson noted the road comes right down on to Haskill Basin Road and the watershed issues in that area are holding up progress on Haskill Basin.

Williams requested a guardrail to prevent cars from crashing into her driveway on Conrad Drive. Johnson explained the county's policy relative to guardrails. It is the same guidelines as the state has. The safety risk to the driver is the determining factor. Only if there is the possibility of imminent death is a guardrail warranted. Williams advised that if they hadn't moved their boat two days before the car would have crashed into the boat. She noted they had a honeysuckle hedge that used to stop the cars but they were forced to take that down as it obstructed the view of oncoming traffic. Then they built a berm to stop the traffic but the traffic is usually going too fast and ends up doing a duke's hazard jump. The driver almost hit the porch and if he hadn't hit the cedar trees in front of the porch there would have had a dead guy in the driveway. There is a big divot in the yard where the car went airborne. Johnson reiterated that a guardrail is a killer also. By putting up a guardrail it opens the county up to a lawsuit. Johnson advised that it is up to the Commissioners if a guardrail is to be put up. Chairman Watne questioned what else could be done. Johnson responded that he didn't know if they could ever make the road safe for the drunk drivers. Williams stated that a majority of the crashes are people coming out of Kiwanis Lane 35 to 45 MPH and they are getting run into by the people that are running the stop sign on Shady Lane or running into the traffic coming down Conrad and all of it is going too fast. Johnson noted that his safety studies did not reveal a problem at that location which indicates that tickets are not being written, people are exchanging names and insurance companies and moving on. Williams expressed the frustration with not being able to arrest drunk drivers because there is no room in the jail.

Commissioner Gipe asked Johnson to request the Department of Transportation to do a safety study. It is their secondary and a determination can be made from there.

Williams suggested that perhaps a rumble strip could be put into the pavement to at least wake the drunks up before they hit her yard. Commissioner Hall suggested a three way stop sign. Williams acknowledged that they would probably run it like they do the stop sign on Shady Lane. Johnson noted that with the new bridge going in traffic would increase at that intersection. He stated that the entire intersection needs to be redesigned.

MEETING W/BETH MORGANSTERN RE: DEFERRED COMP PLAN 457B

Present at the July 7, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Beth Morganstern, and Clerk Eggum.

Morganstern reviewed investment opportunities for county employees and would like the opportunity to provide information to the staff. Commissioner Gipe advised her to speak with the HR person.

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

TUESDAY, JULY 8, 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.

MEETING W/ALAN ROWLEY/FOREST SERVICE RE: RAC PROJECTS

Present at the July 8, 2003 8:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Allen Rowley, Steve Brady, and Clerk Eggum.

Rowley presented the Research Advisory Projects for the year and reviewed the same:

- North Fork Road Relocation
- East Fork Swift Bridge Replacement
- Cascadilla River Access Site Toilet
- Trial Creek Trailhead
- Round Meadows Phase III
- Island South Forest Health Improvement

Rowley advised that at the end of September you will be asked to submit your requests for Title II and Title III funding to the Secretary of Agriculture through the State Treasurer's Office. These projects are being brought forward so you can essentially approve the funding level we have planned for. We started with \$230,000.00 at Gary's advice which is a lower level than we planned for last year. Last year we started with \$250,000.00 and this year we started at \$230,000.00 which is much closer to the exactly 15% requirement for Title II Title III funding. As the committee built that list of projects we did it with the understanding that when you make your final budget decisions it will probably not be \$234,330.00 exactly. The Resource Advisory Committee is okay with approving this list tentative and then when you make that final determination of how much you want to allocate to Title II projects we will prorate any difference back across the projects.

Commissioner Hall described visiting the slump sites on the North Fork Road and stated that those are serious road issues. Rowley agreed noting that Charlie, their highway design engineer and himself went up there last fall looking for a solution. Looking at the three slumps separately, they decided to tackle the easiest one first because the other two are much more complicated obviously. Commissioner Hall suggested that a site visit of the slumps for the RAC Committee may be in order for next year. Rowley agreed. With the kind of engineering work that is needed for that project, the available funds don't go very far and this committee is not so far been interested in spending all of their money in one place. So that means no matter what we do, a series of phased projects up the North Fork will be required.

Rowley noted the North Fork Road money would actually come back to the county to Charlie's department. The East Fork Swift Bridge would go to DNRC to the Northwest Lands Office. The others would come to the Forest Service and are essentially a pass through. That money will be used to augment contracts to make those projects happen on the ground.

Chairman Watne advised that Fisher had asked for funding for Blankenship for vaulted bathrooms about a year and one-half ago and never received a response. Rowley advised that they didn't roll the projects over. He acknowledged that Blankenship is one of those that ought to have been rolled over. Commissioner Hall noted that this was the first he had heard of that project and agreed it was a good one. Rowley stated he would dig back into the files and pull that old one out and pass it on to his successor for consideration next year.

Commissioner Hall noted that the Island South Forest Health Improvement project is actually harvesting some timber. Rowley noted that it was a good example of a case where there is work to be done. If you leave mistletoe infected trees standing what you guarantee is every tree will have mistletoe. The proposal is to go in and take down those mistletoe infected trees because they still have commercial value. So we eliminate that health issue unfortunately, they wouldn't normally pay their way out of the woods because it is five, six 10 per acre. Well with this we are going to be able to treat those acres, augment the contract, plow the money back in through timber sale receipts. It lets us do a project that we would never be able to get to. It was a decision we inherited in the past. Ideally we wouldn't have to do that. I wasn't here 15 years ago when they were left so now is a good chance. It should be fairly productive. I have heard figures between 200 acres plus as the number of acres we would be treating. Chairman Watne noted that there is a lot of mistletoe in the whole valley.

Commissioner Hall made a **motion** to tentatively approve the RAC projects for 2003. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

PUBLIC HEARING: GATZKE ZONE CHANGE/EVERGREEN AND VICINITY ZONING DISTRICT

Present at the July 8, 2003 9:00 A.M. duly advertised public hearing were Chairman Watne, Commissioner Hall, Planning and Zoning Director Forrest Sanderson, John Schwarz, Jim Christian, and Clerk Eggum.

Sanderson advised that this was a request by the Donald Gatzke Trust for a zone change from R-2, a one family limited residential zone with a 20,000 square foot minimum lot size to R-5, a two family residential zone with a 5,400 square foot minimum lot size within the Evergreen and Vicinity Zoning District. The property proposed for rezoning is located near the intersection of Harmony Road and Solberg Drive in Evergreen and contains approximately five 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 in opposition to the zone change request. No one rising to speak, Chairman Watne closed the public hearing.

Commissioner Hall made a **motion** to adopt Staff Report FZC-03-17 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. 797CE. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

RESOLUTION NO. 797CE

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 8th day of July, 2003, to consider a request by the Donald Gatzke Trust to change the zoning designation on property in the Evergreen and Vicinity Zoning District from R-2 (One Family Limited Residential) to R-5 (Two Family Residential);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on June 24 and July 1, 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 Kalispell City-County Planning Board regarding the proposed change in the Evergreen and Vicinity 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 on property in the Evergreen and Vicinity Zoning District from, R-2 (One Family Limited Residential) to R-5 (Two Family 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 Evergreen and Vicinity 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 Evergreen and Vicinity 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 Evergreen and Vicinity 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 Evergreen and Vicinity Zoning District protest the proposed change, then the change will not be adopted.

DATED this 8th day of July, 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
Donald Gatzke Trust
Zone Change/Evergreen and Vicinity Zoning District
Legal Description

Location and Legal Description of Property: 324 and 326 Harmony Road further described as Lots 20, 21 of Hoiland-Day Acres and 318 Solberg Drive further described as Lots 23D and 22C Hoiland-Day Acres in Section 34, Township 29 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. 797CE) on July 8, 2003, to change the zoning designation on property in the Evergreen and Vicinity Zoning District from R-2 (One Family Limited Residential) to R-5 (Two Family Residential).

The boundaries of the area proposed to be changed from R-2 to R-5 are set forth on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to the property from providing for large tract residential development in suburban areas, beyond sanitary sewer and/or water lines, to providing residential district with minimum lot areas, wherein development will require all public

utilities and all community facilities, and in which two-family dwellings are permitted. Minimum lot size would decrease from 20,000 square feet in the R-2 zone to 5,400 square feet in the R-5 zone.

The regulations defining the R-2 and R-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.

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 Evergreen and Vicinity 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 8th day of July, 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 12 and July 19, 2003.

Exhibit A
Donald Gatzke Trust
Zone Change/Evergreen and Vicinity Zoning District
Legal Description

Location and Legal Description of Property: 324 and 326 Harmony Road further described as Lots 20, 21 of Hoiland-Day Acres and 318 Solberg Drive further described as Lots 23D and 22C Hoiland-Day Acres in Section 34, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: TANNER ZONE CHANGE/BIGFORK ZONING DISTRICT

Present at the July 8, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioner Hall, and Clerk Eggum.

Commissioner Hall made a **motion** to authorize the Notice of Public Hearing and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by William Tanner to change the zoning designation in a portion of the Bigfork Area Zoning District from R-1 (Residential) to R-2 (Residential).

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

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

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

The public hearing will be held on **July 24, 2003, at 11:00 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 Bigfork Area Zoning District.

DATED this 8th day of July, 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 12, and July 19, 2003.

R-1 to R-2
June 11, 2003

Tract 1: A tract of land situated, lying and being in the Northeast Quarter of the Northwest Quarter (NE1/4NW1/4) of Section 25, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana and more particularly described as follows: Beginning at the SE corner of the NE1/4NW1/4 of Section 25, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana; thence South 89°24'47" West, a distance of 85.64 feet to a point in the center of a 60 foot private road easement, said point being on a 270.00 foot radius curve concave Southwesterly, having a radial bearing of South 86°13'52" West; thence Northwesterly and along said center line through a central angle of 27°38'05" an arc length of 130.23 feet to the P.T. of said curve; thence North 31°24'13" West, and continuing along said road centerline, 130.00 feet to a point; thence North 13°34'52" East, and leaving said centerline, 42.49 feet to a found iron pin on the Northeasterly R/W of said road; thence North 56°13'40" East, a distance of 215.40 feet to the center of a corner post and being on the Easterly boundary line of the NE1/4NW1/4 of Section 25; thence South 00°28'55" East, and along the Easterly boundary line of the NE1/4NW1/4, a distance of 394.07 feet to the Place of Beginning.

Tract 2: A tract of land in the Northwest Quarter of the Northeast Quarter of Section 25, Township 27 North, Range 20 West, M.P.M., described as follows: Beginning at the Southwest corner of the NW1/4NE1/4, said Section, Township and Range; thence North along the Quarter line 400.00 feet; thence East 845.9 feet to an intersection with the West Right-of-Way line of Montana Federal Aid Highway No. 35; thence S03°18' East, along said Right-of-Way line 400.6 feet to an intersection with the South boundary line of the NW1/4NE1/4 of Section 25; thence West along the South boundary line 869.00 feet to the Point of Beginning. Recorded in Book 481, Page 417. EXCEPTING THEREFROM: A tract of land in the NW1/4NE1/4 Section 25, Township 27 North, Range 20 West, M.P.M., Flathead County, Montana, described as follows: Commencing at the Southwest corner of the NW1/4NE1/4; thence North 89°41' East a distance of 560.6 feet to the Point of Beginning of the tract to be described; thence South 89°41' West a distance of 194.4 feet to a point; thence North 22°21'26" East a distance of 335.14 feet to a point; thence South 80°17' East a distance of 123.25 feet to a point; thence South 10°43' West a distance of 293.0 feet to the Point of Beginning. ALSO EXCEPTING THEREFROM: That part of the NW1/4NE1/4 Section 25, Township 27 North, Range 20 West, M.P.M., Flathead County, Montana, described all to read: s follows: Commencing at the Southwest corner of said NW1/4NE1/4 of said Section 25; thence North 89°41' East along the South boundary a distance of 560.6 feet to the Point of Beginning; thence North 10°43' East a distance of 340.8 feet to a point; thence North 89°41' East a distance of 217.31 feet to a point and the intersection with the Right-of-Way line of Montana Federal Aid Highway No. 35; thence South 3°18' East along said Right-of-Way line a distance of 335.00 feet to an intersection with the South boundary line of the NW1/4NE1/4 of said Section 25; thence South 89°41' West along the South boundary line a distance of 300.00 feet to the Point of Beginning.

CONSIDERATION OF PERSONNEL COMMITTEE TRANSMITTAL FORM REVISION/FAIR MAINTENANCE WORKER

Present at the July 8, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioner Hall, and Clerk Eggum.

Chairman Watne reviewed a Memo relative to a request to revise minutes taken on Personnel Committee Transmittal Form #9-03/Fairm-Building Maintenance Worker on June 5, 2003. Request is being made by the Personnel Committee and Human Resource Office to correct the minutes on action taken on Personnel Committee Transmittal from #9-03 on June 5, 2003 approving a part-time seasonal position for a Fair-Building Maintenance Worker II to read: **That approval was given to the Fair Department for a seasonal part-time FAIR MAINTENANCE WORKER at Range 11, Code 804.**

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

MONTHLY MEETING W/LAURIE REBUCK, JUVENILE DETENTION

Present at the July 8, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Laurie Rebeck, Juvenile Detention, Kathy Frame, and Clerk Eggum.

General discussion was held relative to licensing study, no major issues this year, fire system funding; ventilation system; population up and stay is longer; can now bond; continuing on last years budget levels.

PUBLIC HEARING: WILSON TEXT AMENDMENT/FLATHEAD COUNTY ZONING REGULATIONS

Present at the July 8, 2003 10:00 A.M. duly advertised public hearing were Chairman Watne, Commissioner Hall, Kelli Wilson, Mary Freeman, Dee Boya, Kathie Pitts, Planning and Zoning Director Forrest Sanderson, and Clerk Eggum.

Sanderson advised that this was a request by Kelli Wilson to amend the text of the Flathead County Zoning Regulation to expand commercial opportunities in certain residential zoning districts. The proposed amendment would specifically amend Flathead County Zoning Regulations Sections 3.12.030, 3.13.030 and 3.15.030 by adding beauty salons and barbershops as a conditional use in R-4 and R-5, and RA-1 zones.

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

Wilson presented the Commissioners with various documents:

She noted that she only uses a portion of the garage and there is plenty of parking space available. She noted the statements were from neighbors who are in favor of her having a salon. She advised that the Montana Department of Labor and Industry found no outstanding issues and the minor concerns would be resolved prior to their next visit.

Freeman simply said thank you.

Boya advised that they just came to support Kelli because there is a group who really feel like she desires this and that she would do a good job and be an asset to the community.

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

Chairman Watne advised that this was something that has been going on for far too long and it has really hindered this lady to get her business off of the ground. We need to move on it.

Commissioner Hall made a **motion** to adopt Staff Report FZTA-03-14A 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. 955FH. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

RESOLUTION NO. 955FH

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 8th day of July, 2003, to consider changes to the text of the Flathead County Zoning Regulations proposed by Kelli Wilson to amend Sections 3.12.030, 3.13.030, and 3.15.030 by adding Beauty Salons and Barbershops as a conditional use in R-4, R-5 and RA-1 zones;

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205, M.C.A., on June 24 and July 1, 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 Sections 3.12.030, 3.13.030, and 3.15.030 of the Flathead County Zoning Regulations by adding Beauty Salons and Barbershops as a conditional use in R-4, R-5 and RA-1 zones 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 change, the change will not be adopted.

DATED this 8th day of July, 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 FLATHEAD COUNTY PLANNING BOARD TEXT AMENDMENT FLATHEAD COUNTY ZONING REGULATIONS

A. Proposed Amendments: As usual, deletions from the text are ~~struck through~~ whereas, additions are **bolded, italicized and underlined**.

Section 3.12.030

1. Beauty Salons and Barbershops.

Section 3.13.030

1. Beauty Salons and Barbershops.

Section 3.15.030

1. Beauty Salons and Barbershops.

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. 955FH) on July 8, 2003, to adopt a proposed amendment to the text of the Flathead County Zoning Regulations.

The proposed amendment would amend Sections 3.12.030, 3.13.030, and 3.15.030 by adding Beauty Salons and Barbershops as a conditional use in R-4, R-5 and RA-1 zones.

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 1st 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 8th day of July, 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 12 and July 19, 2003.

COS REVIEW: HAUGEN

Present at the July 8, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioner Hall, Planning and Zoning Director Forrest Sanderson, and Clerk Eggum.

This meeting did not take place.

COS REVIEW: ZABEL

Present at the July 8, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Planning and Zoning Director Forrest Sanderson, Ardis Larsen of Larsen and Larsen Surveying, and Clerk Eggum.

Sanderson reviewed the chain of title.

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

MEETING W/RAEANN CAMPBELL/HUMAN RESOURCE OFFICE AND DAVE PRUNTY/SOLID WASTE DIST. RE: HEALTH INSURANCE

Present at the July 8, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Solid Waste Director Dave Prunty, Human Resource Officer Raeann Campbell, and Clerk Eggum.

General discussion was held relative to the insurance committee. Prunty requested that an operator from the Solid Waste District be on the committee.

PRELIMINARY PLAT: TIEBUCKER SUBDIVISION

Present at the July 8, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Johna Morrison, Tim Birk and Bret Birk, and Clerk Eggum.

Morrison reviewed the preliminary plat for Tiebucker Subdivision filed by Tim and Julie Birk, William Paullin and Carol Keys. The Tiebucker Subdivision creates a 38 lot single-family subdivision on approximately 20.45 acres. All lots in the subdivision are

proposed to have public water and sewer systems. This property is located near School Addition Road along Sunnybrook Lane in Somers. Staff recommends approval of the Preliminary Plat.

Commissioner Hall made a **motion** to adopt Staff Report #FPP-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 the Preliminary Plat for Tiebucker Subdivision subject to 14 conditions. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

MEETING W/FORREST SANDERSON, PLANNING AND ZONING OFFICE RE: FEE SCHEDULE

Present at the July 7, 2003 11:15 A.M. Meeting were Chairman Watne, Commissioner Hall, Planning and Zoning Director Forrest Sanderson, and Clerk Eggum.

General discussion was held relative to fee schedule revisions for the Planning and Zoning Office.

12:00 P.M. The Commissioners are to attend the Computer Services Potluck Picnic

3:00 P.M. Commissioner Hall is to attend a meeting with Jon Dahlberg at the N.W. Land Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 9, 2003.

WEDNESDAY, JULY 9, 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: VALLEY RIDGE ESTATES

Present at the July 9, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Johna Morrison, Richard J. Swan of Thomas, Dean and Hoskins, Inc., and Clerk Eggum.

Morrison reviewed the Staff Report regarding the application filed by Valley View Partners, LLC for Valley Ridge Estates Subdivision which creates five residential lots off Valley View Drive. Preliminary plat approval was granted on January 24, 2002 subject to nine conditions. Morrison indicated that all conditions had been met or otherwise addressed. Staff recommends approval of the final plat.

Commissioner Gipe made a **motion** to approve the Subdivision Improvement Agreement in the amount of \$21,000.00 to complete the electronic valve. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

Commissioner Gipe made a **motion** to approve Final Plat for Valley Ridge Estates Subdivision. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

CONTINUATION OF MONTHLY MEETING W/RAEANN CAMPBELL, HUMAN RESOURCE OFFICE

Present at the July 9, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Human Resource Director Raeann Campbell, Deputy County Attorney, Jonathan Smith, and Clerk Eggum.

Chairman Watne reviewed the Administrative Services Agreement effective July 1, 2003 through June 30, 2004 between Flathead County and Allegiance Benefit Plan Management, Inc. to provide administrative services for the County's insurance plan.

Commissioner Gipe made a **motion** to approve the Administrative Services Agreement and authorize the Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Chairman Watne reviewed the Proposed Agreement for Alcohol and Drug Testing Program between Occupational Health and Wellness Services (OHWS) and Flathead County to provide drug and alcohol testing services.

Commissioner Hall made a **motion** to approve the Proposed Agreement for Alcohol and Drug Testing Program and authorize the Chairman to sign. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

PUBLIC HEARING: ALL INDUSTRIAL ZONING DISTRICTS TEXT AMENDMENT/FLATHEAD COUNTY ZONING REGULATIONS

Present at the July 9, 2003 9:30 A.M. duly advertised public hearing were Chairman Watne, Commissioners Gipe and Hall, Planning and Zoning Director Forrest Sanderson, Todd Gardner, and Clerk Eggum.

Sanderson reviewed the staff report advising that this was a text amendment to the Flathead County Zoning Regulations to provide expanded permitted and conditional uses in all industrial zoning districts.

Chairman Watne opened the public hearing to anyone wishing to speak in favor of the text amendment. No one 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 approve Staff Report FZTA-03-16. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

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

RESOLUTION NO. 955FJ

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 9th day of July, 2003, to consider changes to the text of the Flathead County Zoning Regulations proposed by Flathead County which 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);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205, M.C.A., on June 28 and July 5, 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 3.27.20, 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), 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 9th day of July, 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'

Flathead County Zoning Regulations Text Amendment I-1, I-1H, and I-2 Zoning Districts

As usual, additions to the text are italicized and underlined whereas deletions from the text are ~~struck through~~.

SECTION 3.27 I-1 LIGHT INDUSTRIAL

3.27.20 Permitted Uses (I-1), Light Industrial.

1. Accessory apartments.
2. Animal related services such as pet grooming and training, veterinary clinics and animal hospitals, taxidermy, aviaries and farrier services.
3. Art foundries.
4. Auction yard, without livestock.
5. Automobile, RV, watercraft (new and used) and accessory sales.
6. Automobile service stations.
7. Boat sales, new and used.
8. Bus stations.
9. Car washes.
10. Cellular towers.
11. Churches and other places of worship.
12. Contractors' storage yards and building supply outlets.
13. Daycare Centers.
14. Direct mailing and telemarketing.
15. Farm equipment sales.

16. Feed, seed and farm supply, including grain elevators.
17. **Financial institutions.**
18. **Food stores, supermarkets, and delicatessens.**
19. **Health clubs.**
20. Heating, ventilation, air conditioning and plumbing sales, service and repair.
21. Heavy equipment sales, rental and service.
22. High tech industrial business.
23. **Hotels, motels.**
24. Janitorial service.
25. Light assembly and manufacturing, fabrication and processing, repairing, packing, storage facilities, warehousing and distribution of products and equipment provided that such uses do not produce objectionable impacts beyond the lot lines and do not involve materials that are explosive, hazardous or toxic. Examples of such uses would include but are not limited to the following:
 - A. Automobile, bus, truck, boat and equipment washing, detailing, repairing, service and storage.
 - B. Manufacture of products such as clothing; furniture; fabricated wood, glass, plastic and metal products; leather and leather goods; medical, dental and optical products and equipment and boat building.
 - C. Processing and manufacturing of food such as baked good, dairy products, alcoholic beverages and beverage manufacturing and bottling.
 - D. Repair of equipment and consumer items such as appliances, clocks, watches, lawn and garden equipment, computers, televisions, shoes, and furniture.
 - E. Storage and warehousing such as mini-storage, boat and vehicle storage.
26. **Lodges and fraternal and social organizations, provided that any such establishment shall not be conducted primarily for gain.**
27. **Lumber yards, building materials; storage and sales.**
28. **Manufactured home sales and storage.**
29. ~~New/used automobile, recreational vehicle, utility trailer and watercraft sales.~~
29. Nurseries, landscaping materials, wholesale and retail.
30. **Offices.**
31. Parcel delivery services.
32. Parks **and publicly owned recreational facilities.**
33. **Public transportation shelter stations.**
34. **Public utility service installations. (A minimum of five feet of landscaped area shall surround such building or structure.)**
35. **Quasi-public buildings (fire stations, -government offices, etc.)**
36. **Radio and television broadcast stations.**
37. **Recreational facilities, high-impact.**
38. **Recreational facilities, low-impact.**
39. **Recreational vehicle parks.**
40. **Recycling drop-off stations.**
41. **Rental stores and yards.**
42. Research laboratories and institutions.
43. **Retail sales and services.**
44. **Restaurants.**
45. Security guard services.
46. **Theaters, housed in permanent indoor structures.**
47. Tire recapping and retreading.
48. Track terminals.
49. Wholesale trade and warehousing.

3.27.030

Conditional Uses (I-1)

1. Accessory apartments (See Chapter VII—Definitions).
2. Automobile wrecking yards, junk yards, salvage yards.
3. Auction yards, livestock.
4. **Colleges, business schools, trade schools, music conservatories, dance schools.**
5. Commercial caretaker's facility in a detached accessory building in conjunction with a business.*
6. **Commercial recreation areas.**
7. Communication towers/masts.
8. **Convention hall facilities.**
9. **Electrical distribution stations.**
10. **Golf driving ranges and putting courses.**
11. Landfills, sanitary for disposal of garbage and trash.
12. **Mini-storage, RV storage.**
13. **Mortuaries.**
14. ~~New/Used automobile, recreational vehicle and watercraft sales.~~
15. Radio and television broadcast stations.
15. Recycling processing, plants.
16. Small wood product processing with five (5) or less employees.
17. **Taverns.**
18. **Temporary buildings or structures.***
19. **Water storage facilities.**

SECTION 3.28 I-1H LIGHT INDUSTRIAL - HIGHWAY

3.28.010

Definition.

A district to provide areas for light industrial uses and service uses that typically do not create objectionable by-products (such as dirt, noise, glare, heat, odors, smoke, etc.) which extend beyond the lot lines. It is also intended that the encroachment of non-industrial or non-specified commercial uses within the district be prevented other than those listed herein. This district is intended for industrial areas which are located along state and federal highways and contains greater levels of performance and mitigation utilizing increased setbacks, landscape buffering, access control and signage restriction for the purpose of protecting the County's major travelways from unnecessary encroachments, limiting access points to encourage improved traffic flows and to preserve scenic corridors and entrance ways to major communities.

3.28.020

Permitted Uses (I-IH).

1. Accessory apartments.
2. Animal related services such as pet grooming and training, veterinary clinics and animal hospitals, taxidermy, aviaries and farrier services.
3. Art foundries.
4. Auction yard, without livestock.
5. Automobile, RV, watercraft (new and used) and accessory sales.
6. Automobile service stations.
7. Boat sales, new and used.
8. Bus stations.
9. Car washes.
10. Cellular towers.
11. Churches and other places of worship.
12. Contractors' storage yards and building supply outlets.
13. Daycare Centers.
14. Direct mailing and telemarketing.
15. Farm equipment sales.
16. Feed, seed and farm supply, including grain elevators.
17. Financial institutions.
18. Food stores, supermarkets, and delicatessens.
19. Health clubs.
20. Heating, ventilation, air conditioning and plumbing sales, service and repair.
21. Heavy equipment sales, rental and service.
22. High tech industrial business.
23. Hotels, motels.
24. Janitorial service.
25. Light assembly and manufacturing, fabrication and processing, repairing, packing, storage facilities, warehousing and distribution of products and equipment provided that such uses do not produce objectionable impacts beyond the lot lines and do not involve materials that are explosive, hazardous or toxic. Examples of such uses would include but are not limited to the following:
 - A. Automobile, bus, truck, boat and equipment washing, detailing, repairing, service and storage.
 - B. Manufacture of products such as clothing; furniture; fabricated wood, glass, plastic and metal products; leather and leather goods; medical, dental and optical products and equipment and boat building.
 - C. Processing and manufacturing of food such as baked good, dairy products, alcoholic beverages and beverage manufacturing and bottling.
 - D. Repair of equipment and consumer items such as appliances, clocks, watches, lawn and garden equipment, computers, televisions, shoes, and furniture.
 - E. Storage and warehousing such as mini-storage, boat and vehicle storage.
26. Lodges and fraternal and social organizations, provided that any such establishment shall not be conducted primarily for gain.
27. Lumber yards, building materials; storage and sales.
28. Manufactured home sales and storage.
29. Nurseries, landscaping materials, wholesale and retail.
30. Offices.
31. Parcel delivery services.
32. Parks and publicly owned recreational facilities.
33. Public transportation shelter stations.
34. Public utility service installations. (A minimum of five feet of landscaped area shall surround such building or structure.)
35. Quasi-public buildings (fire stations, -government offices, etc.)
36. Radio and television broadcast stations.
37. Recreational facilities, high-impact.
38. Recreational facilities, low-impact.
39. Recreational vehicle parks.
40. Recycling drop-off stations.
41. Rental stores and yards.
42. Research laboratories and institutions.
43. Retail sales and services.
44. Restaurants.
45. Security guard services.
46. Theaters, housed in permanent indoor structures.
47. Tire recapping and retreading.
48. Track terminals.
49. Wholesale trade and warehousing.

3.28.030

Conditional Uses (I- I H).

1. ~~Accessory apartments (See Definitions).~~
2. ~~Auction yards, livestock.~~
3. Colleges, business schools, trade schools, music conservatories, dance schools.
4. ~~Commercial caretaker's facility in a detached accessory building in conjunction with a business.*~~
5. Commercial recreation areas.
6. ~~Communication towers/masts.~~
7. Convention hall facilities.
8. Electrical distribution stations.
9. Golf driving ranges and putting courses.
10. ~~Landfills, sanitary for disposal of garbage and trash.~~
11. Mini-storage, RV storage.
12. Mortuaries.
13. ~~New/Used automobile, recreational vehicle and watercraft sales.~~
15. ~~Radio and television broadcast stations.~~
16. ~~Recycling processing, plants.~~
17. Taverns.
18. Temporary buildings or structures.*
19. Water storage facilities.

*Administrative Conditional Use Permit (see Section 2.06.045)

~~All other uses which exist at the time of adoption of these regulations shall be considered non-conforming. Such use may, however, be continued, expanded and enlarged or sold in similar fashion as a permitted use. In the event that such nonconforming use is completely abandoned or willfully changed to a permitted use in the district, after 180 days the property cannot revert back to the previous nonconforming use and future use of the lot shall be limited to only the uses permitted in the district.~~

~~3.28.060 ADMINISTRATION~~

~~1. APPLICATION~~

~~The applicant, prior to the initiation of any activity requiring review, including earth moving, foundation preparation, access road development or the actual construction of a facility as described above shall submit the following information:~~

- ~~A. Site plan showing access plan, internal traffic circulation plan, parking (visitor, employee, client) scheme, outside storage areas, building, footprints, fencing, screening, landscaping and signage. The plan shall be to scale, legible and show dimensions.~~
- ~~B. A brief written summary of the project including anticipated number of employees, customer volume and any unusual traffic generation by the project.~~
- ~~C. A summary of a) sewage disposal plan; b) water use plan (source and any unusual volume needs); c) storm water drainage concerns; and d) garbage disposal.~~

~~2. PROJECT REVIEW~~

~~The application shall be submitted to the Flathead County Planning & Zoning Office.~~

- ~~A. The Flathead County Planning & Zoning Office shall, when all materials are complete, review the proposal within fourteen (14) days of complete submittal.~~
- ~~B. The Flathead County Planning & Zoning Office shall seek comment from affected agencies, including the City County Health Department, County Road Department, and State Highway Department during the review time.~~
- ~~C. The Flathead County Planning & Zoning Office review shall be based on review in-conformity, to existing County regulations, the Flathead County Zoning Regulations, and the performance standards listed above.~~

EXHIBIT 'B'

I-2 HEAVY INDUSTRIAL

Definition.

A district to provide for industrial uses to accommodate heavy manufacturing, processing, fabrication, and assembly of parts or materials. It is also intended that the encroachment of non-industrial or unspecified commercial uses within the district be prevented.

Permitted Uses (I-2).

1. Automobile repair shops.
2. Cellular towers.
3. Contractors' yards,
4. Manufacturing, fabricating, processing, repairing, packing, or storage facilities. Such uses may include:
 - A. Boiler works.
 - B. Dry kilns.
 - C. Fuel oil sales and storage.
 - D. Log storage.
 - E. Wood products processing (plywood mills, lumber mills, pulpwood processing, fiberboard plants, etc.).
5. Parcel delivery services.
6. Parks.
7. Petroleum products, wholesale and retail.
8. Railroad yards.

9. Recycling processing plants.
10. Uses permitted in I-1.

Conditional Uses (I-2).

1. Acid manufacture.
2. Airports, landing fields.
3. Automobile wrecking yards, junk yards, salvage yards.
4. Commercial caretaker's facility in a detached accessory building in conjunction with a business.
5. Communication towers/masts.
6. Explosives manufacture.
7. Extractive industries and ore processing.
8. Heliports.
9. Landfills, sanitary for disposal of garbage and trash.
10. Pesticide manufacture.
11. Racetracks, motor-vehicle.
12. Sanitary landfills.
13. Sewage treatment plants.
- 14. Uses conditionally permitted in I-1.**

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. 955FJ) on July 9, 2003, to adopt proposed amendments to the text of the Flathead County Zoning Regulations.

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 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 1st 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 9th day of July, 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 14 and July 21, 2003.

CONSIDERATION OF RESOLUTION OF INTENT: INCORPORATION OF KALISPELL CITY-COUNTY MASTER PLAN AND MAP/FLATHEAD COUNTY MASTER PLAN AMENDMENT

Present at the July 9, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, and Clerk Eggum.

Commissioner Gipe made a **motion** to adopt Resolution No. 1629. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

RESOLUTION NO. 1629

WHEREAS, Flathead County Planning and Zoning, has requested a revision to the Flathead County Master Plan, which involves changing the designation by incorporating into that Plan those portions of the Kalispell City-County Master Plan that are applicable to those lands located within the former Kalispell City-County Planning Jurisdiction but outside the limits of the City of Kalispell;

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 incorporating into that Plan those portions of the Kalispell City-County Master Plan that are

applicable to those lands located within the former Kalispell City-County Planning Jurisdiction but outside the limits of the City of Kalispell.

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 31, 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 9th day of July, 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. 1629) on July 9, 2003, to consider a revision to the Flathead County Master Plan proposed by Flathead County Planning and Zoning.

The proposed revision involves incorporating those portions of the Kalispell City-County Master Plan that are applicable to those lands located within the former Kalispell City-County Planning Jurisdiction, but are located outside the limits of the City of Kalispell. 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 1st 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 31, 2003. The Board will consider whether to pass a final resolution adopting the proposed amendment on or after that date.

DATED this 9th day of July, 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 July 14 and July 21, 2003.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: KOENIG ZONE CHANGE/HIGHWAY 93 NORTH ZONING DISTRICT

Present at the July 9, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, and Clerk Eggum.

Commissioner Hall made a **motion** to authorize the publication of 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 a request by Bill, Karen, Marlene and Robert Koenig to change the zoning designation in a portion of the Highway 93 North Zoning District from AG-40 (Agricultural) to SAG-5 (Suburban Agricultural).

The boundaries of the area proposed to be amended from AG-40 to SAG-5 are set forth on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to the property from those intended to protect and preserve agricultural land for the performance of a wide range of agricultural functions, intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development, to regulations intended to protect and preserve smaller agricultural functions and 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. The AG-40 classification has a minimum lot size of 40 acres; a change to SAG-5 would result in a minimum lot size of five acres.

The regulations defining the AG-40 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. 93270 13500.

The public hearing will be held on the **29th 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 Highway 93 North Zoning District.

DATED this 9th day of July, 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 14 and July 21, 2003.

EXHIBIT A
Koenig Zone Change
Highway 93 North Zoning District
AG-40 to SAG-5
Legal Description

Tract 1: The SE1/4NW1/4, the NE1/4SW1/4, the W1/2SW1/4NE1/4, the W1/2NW1/4SE1/4 of Section 18, Township 29 North, Range 21 West, M.P.M., Flathead County, Montana. Tract 2: The E1/2SW1/4NE1/4 and the E1/2NW1/4SE1/4 of Section 18, Township 29 North, Range 21 West M.P.M., Flathead County, Montana. Tract 3: The NW1/4NE1/4, the W1/2W1/2NE1/4NE1/4, the SE1/4NE1/4, and the NE1/4SE1/4 of Section 18, Township 29 North, Range 21 West, M.P.M., Flathead County, Montana.

PUBLIC HEARING: O'MYER ZONE CHANGE/EVERGREEN AND VICINITY ZONING DISTRICT

Present at the July 9, 2003 10:00 A.M. duly advertised public hearing were Chairman Watne, Commissioners Gipe and Hall, Marsha O'Myer, Planner Melinda Riley, Dawn Marquardt and Debbie Shoemaker of Marquardt and Marquardt Surveying, and Clerk Eggum.

Riley reviewed the request by Shane O'Myer for a zone change from a SAG-10 Suburban Agricultural one with 1-acre minimum lot size to a SAG-5 Suburban Agricultural with a 5-acre minimum lot size within the Evergreen and Vicinity Zoning District. The property proposed for rezoning is located approximately 2.5 miles north of East Reserve Drive off of Addison Square in Kalispell. It contains approximately 40 acres and is bordered by SAG-10 on the east, north and south sides, and R-1 on the west side.

Chairman Watne opened the public hearing to anyone wishing to speak in favor of the zone change. 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 Gipe made a **motion** to adopt FZC-03-19 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** to adopt Resolution No. 797CG. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

RESOLUTION NO. 797CG

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 9th day of July, 2003, 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);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on June 28 and July 5, 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 Evergreen and Vicinity 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 on property in the Evergreen and Vicinity Zoning District from, SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural) 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 Evergreen and Vicinity 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 Evergreen and Vicinity 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 Evergreen and Vicinity 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 Evergreen and Vicinity Zoning District protest the proposed change, then the change will not be adopted.

DATED this 9th day of July, 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

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.

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 intention (Resolution No. 797CG) on July 9, 2003, 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.

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 Evergreen and Vicinity 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 9th day of July, 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 July 14 and July 21, 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.

CONSIDERATION OF LAKESHORE PERMIT: ERICKSON

Present at the July 9, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Planner Lindsay Morgan, and Clerk Eggum.

Morgan reviewed Lake and Lakeshore Construction Permit filed by Bruce Erickson on Whitefish Lake to install a rail system. The Whitefish Lakeshore Protection Committee approved the permit. General discussion was held.

Commissioner Hall made a **motion** to approve Lakeshore Permit #WLP-03-9a and authorize the Chairman to sign subject to 10 conditions. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

CONSIDERATION OF LAKESHORE PERMIT: BRISTER

Present at the July 9, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Planner Lindsay Morgan, and Clerk Eggum.

Morgan reviewed Lake and Lakeshore Construction Permit filed by Tara and Matt Brister on Whitefish Lake to remove two trees. The Whitefish Lakeshore Protection Committee made a motion to deny the permit. General discussion was held.

Commissioner Gipe made a **motion** to deny Lakeshore Permit #WLP-03-19 and authorize the Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

CONSIDERATION OF LAKESHORE PERMIT: SCOGGINS

Present at the July 9, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Planner Lindsay Morgan, and Clerk Eggum.

Morgan reviewed Lake and Lakeshore Construction Permit filed by Kirk Scoggins on Whitefish Lake to replace an existing boat rail system and winch. The Whitefish Lakeshore Protection Committee approved the permit. General discussion was held.

Commissioner Hall made a **motion** to approve Lakeshore Permit #WLP-03-21 and authorize the Chairman to sign subject to nine conditions. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

MEETING WITH DIRK VISSER/ALLEGIANCE RE: COUNTY HEALTH INSURANCE

Present at the July 9, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Dirk Visser, Human Resource Officer Raeann Campbell, Deputy County Attorney Jonathan Smith, and Clerk Eggum.

Visser came to thank the Commissioners for their business and to see if there were any questions or anything he could do to assist the county with their insurance needs. He advised that health care costs are a real problem and Allegiance is doing everything they can to try to monitor those costs and get the lowest net cost that was possible for Flathead County and the rest of its customers. He noted that they have a pretty good relationship with the providers in the valley. He stated the company's objective is to serve Flathead County. General discussion was held.

CONSIDERATION OF EXTENSION REQUEST: SUBDIVISION NO. 212

Present at the July 9, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, and Clerk Eggum.

Chairman Watne reviewed a letter from Tom Sands of Sands Surveying who requested a 60-day extension on behalf of his client.

Commissioner Gipe made a **motion** to approve a 60-day extension to September 9, 2003 for Subdivision No. 212. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

11:00 A.M. - County Attorney Meeting @ County Attorney's Office.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 10, 2003.

THURSDAY, JULY 10, 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.

MONTHLY MEETING W/FORREST SANDERSON, PLANNING AND ZONING OFFICE

Present at the July 10, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planning and Zoning Director Forrest Sanderson, and Clerk Eggum.

General discussion was held relative to North Fork zoning hearing; Spruce Park; Flood Plain Administrator; statistics; budget; purchase of vehicle; comp time program.

Commissioner Gipe made a **motion** to deny use of comp time for non-exempt employees of the Planning and Zoning Office. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

AUTHORIZATION TO PUBLIS NOTICE OF PUBLIC HEARING: BUDGET/FY03-04

Present at the July 10, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Gipe and Clerk Eggum.

Commissioner Gipe made a **motion** to continue this matter. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

CONSIDERATION OF FIVE-YEAR PLAN/FLATHEAD COUNTY MUSEUM BOARD

Present at the July 10, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, and Clerk Eggum.

Chairman Watne reviewed a letter from the Flathead County Museum Board, Ed Gilliland, President advising the Commissioners of the adoption of a five-year plan designed to structure a function museum in five years time without significantly impacting the county budget in any one year. It outlined maintenance items which will need to be addressed in order of priority.

Commissioner Gipe made a **motion** not to support the plan at this time. Chairman Watne **seconded** the motion. **Aye** - Watne, and Gipe. Motion carried unanimously.

CONSIDERATION OF POSITION REPLACEMENT REQUEST: LIBRARY ASSISTANT

Present at the July 10, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, and Clerk Eggum.

Chairman Watne reviewed a letter from Dorothy Laird advising that a resignation has left a position of Library Technical Assistant I in the Technical Processes Department. Stephanie Peace has been filling the position on a temporary basis and plan to move her to the status of permanent part-time. Thus leaving an opening for a Library Assistant for 10-hour per week minimum wage position.

Commissioner Gipe made a **motion** to approve the opening for a Library Assistant. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

BOARD APPOINTMENTS: AOA, BIG MOUNTAIN FIRE AND RESCUE, LAKESIDE COMMUNITY COUNCIL, HEALTH INSURANCE COMMITTEE

Present at the July 10, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioner Gipe, and Clerk Eggum.

Commissioner Gipe made a **motion** to appoint Mary Turk to the AOA Advisory Board. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

Commissioner Gipe made a **motion** to appoint Glen Nye to the Big Mountain Fire District. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

Commissioner Gipe made a **motion** to appoint Rick Clark to the Lakeside Community Council. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

Commissioner Gipe made a **motion** to appoint Char Terry, Jonathan Smith, Raeann Campell and Corey Pilsch to the Insurance Committee. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

PUBLIC HEARING: LAPP, ET AL, ZONE CHANGE/WEST SIDE ZONING DISTRICT

Present at the July 10, 2003 10:00 A.M. duly advertised public hearing were Chairman Watne, Commissioner Gipe, Planning and Zoning Director Forrest Sanderson, Russell Purdy, and Clerk Eggum.

Sanderson advised that this was a zone change request from AG-80, Agricultural, to R-2 Residential, within the West Side Zoning District located at the intersection of Stillwater Road and Three Mile Drive west of Kalispell and contains approximately 133.98 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 in opposition to the zone change. No one else rising to speak, Chairman Watne closed the public hearing.

Commissioner Gipe made a **motion** to adopt Staff Report #FZC-03-03 as findings of fact. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

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

RESOLUTION NO. 678AD

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 10th day of July, 2003, concerning a proposal 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);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on June 28 and July 5, 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 Westside 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 Westside Zoning District from AG-80 (Agricultural) 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 Westside 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 Westside 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 Westside 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 Westside Zoning District protest the proposed change in said district, then the change will not be adopted.

DATED this 10th day of July, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By: _____
Gary D. Hall, Member

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

ATTEST:
Paula Robinson, Clerk

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

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.

Commissioner Gipe made a **motion** to authorize the publication of 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. 955FJ) on July 9, 2003, to adopt proposed amendments to the text of the Flathead County Zoning Regulations.

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 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 1st 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 9th day of July, 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 14 and July 21, 2003.

CONSIDERATION OF TEMPORARY ROAD CLOSURE: ADAMS STREET/LAKESIDE COMMUNITY FAIR

Present at the July 10, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioner Gipe, and Clerk Eggum.

Chairman Watne reviewed a letter from Pat J. Rigdon, President of the Lakeside Community Club requesting that Adams Street to the Lakeside School be closed from 9:00 A.M. to 5:00 P.M. on the 19th day of July for the Lakeside Community Fair.

Commissioner Gipe made a **motion** to approve the closure of Adams Street to the Lakeside School on July 19th from 9:00 A.M. to 5:00 P.M. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

CONSIDERATION OF HEALTH PROMOTION FUNDS: AOA

Present at the July 10, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioner Gipe, and Clerk Eggum.

Chairman Watne reviewed a letter requesting approval of spending the Health Promotion Funds received from the Older Americans Act.

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

DOCUMENT FOR SIGNATURE: MONTANA DEPARTMENT OF AGRICULTURE LETTER OF AGREEMENT/WEED AND PARKS

Present at the July 10, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioner Gipe, and Clerk Eggum.

Chairman Watne reviewed the Letter of Agreement Noxious Weed Seed Free Forage Program between Montana Department of Agriculture and Flathead County Weed District

Commissioner Gipe made a **motion** to approve the Letter Agreement and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: DEQ CONTRACT #504010/ENVIRONMENTAL HEALTH

Present at the July 10, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioner Gipe, and Clerk Eggum.

Chairman Watne reviewed the contracts with DEQ for inspection and testing of small public water supply systems to ensure that public health and safety is protected.

Commissioner Gipe made a **motion** to approve the Agreement between Flathead County and the Montana Department of Environmental Quality and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

Commissioner Hall was seated.

Chairman Watne excused himself.

FINAL PLAT: STONE SUBDIVISION

Present at the July 10, 2003 10:30 A.M. Meeting were Commissioners Gipe and Hall, Planner Mark Crowley, Debbie Shoemaker of Marquardt and Marquardt Surveying, and Clerk Eggum.

Crowley reviewed the Staff Report regarding the application filed by Scott Baker for Stone Subdivision which creates a minor subdivision along Big Mountain Road approximately two miles north of Whitefish. The subject project is 6.31 acres in size. Preliminary plat approval was waived on July 31, 2002 subject to six conditions. Crowley indicated that all conditions had been met or otherwise addressed. Staff recommends approval of the final plat.

Commissioner Hall made a **motion** to adopt Staff Report FWP-03-06 as Findings of Fact. Commissioner Gipe **seconded** the motion. **Aye** – Gipe and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve Final Plat for Stone Subdivision. Commissioner Gipe **seconded** the motion. **Aye** – Gipe and Hall. Motion carried by quorum.

MEETING WITH DNRC RE: OPERATING PLAN

Present at the July 10, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Ted Mead, Jon Dahlberg, Greg Poncin, Marvin Berg, OES Director Alan Marble, Gary Mahugh, Rodney Dresbach, Les Schlegel, Bob Kienas, and Clerk Eggum.

Dahlberg sent a letter to the Commissioners requesting appointment of an individual to work with DNRC to reach an agreement on a workable Operating Plan for wildfire suppression in Flathead County. Discussion was held relative to previous problems in trying to reach an agreement; in fire suppression efforts and agencies working together.

Chairman Watne requested the parties work together in an effort to enter into an Operating Plan and advise the Commissioners of their progress within 30 days.

12:00 P.M. Commissioner Hall is to attend the Republican Central Committee Meeting at Perkins

2:00 P.M. AOA Board Meeting at Kalispell Senior Center

4:00 P.M. Affordable Housing Conference and Fair at the Hampton Inn

7:30 P.M. Fair Board Meeting at Fair Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 11, 2003.

FRIDAY, JULY 11, 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 July 14, 2003.
