

MONDAY, SEPTEMBER 29, 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.

Commissioner Hall is to attend an RC&D Meeting in Libby

9:00 A.M. Commissioner Gipe is to attend the MDOT Meeting at the Kalispell MDOT Office

PUBLIC HEARING: REICHNER ZONE CHANGE/HOLT ZONING DISTRICT

Present at the September 29, 2003 10:00 A.M. duly advertised public hearing were Chairman Watne, Commissioner Gipe, Tom Sands and Erica Wirtala of Sands Surveying, Scott Reichner, Assistant Avery, and Clerk Eggum.

Riley reviewed the zone change request advising that this was a request by Scott Reichner for a zone change in the Holt Zoning District from SAG-10 Suburban Agricultural use which provides for 10-acre minimum lot size to SAG-5 Suburban Agricultural use which provides for a five acre minimum lot size. The Bigfork Land Use Advisory Committee and the Flathead County Planning Board voted unanimously to approve the zone change request. The 12 criteria have been met.

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

Wirtala advised that the zone change request is in compliance with the Bigfork Master Plan. Several people on the Bigfork Land Use Advisory Committee had requested that it be zoned for a denser requirement such as an R-1 or an RC-1. Reichner would prefer to use the property as a buffer between some of the more intense uses and some of the less intense SAG-10 that surrounds the area.

No one else 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 Gipe made a **motion** to adopt Staff Report FZC-03-31. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

Commissioner Gipe made a **motion** to adopt Resolution No. 533X. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

RESOLUTION NO. 533X

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 29th day of September, 2003, concerning a proposal by Scott Reichner to change the zoning designation in a portion of the Holt 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 September 8 and September 15, 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 Holt 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 Holt Zoning District from SAG-10 (Suburban Agricultural) and 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 Holt 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 Holt 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 Holt 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 Holt Zoning District protest the proposed change in said district, then the change will not be adopted.

DATED this 29th day of September, 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

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

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION
HOLT 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. 533X) on September 29, 2003, to change the zoning designation in a portion of the Holt 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, 800 South Main, 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 portions of the Holt 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 29th day of September, 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 October 9, and October 16, 2003.

EXHIBIT A
SCOTT REICHNER ZONE CHANGE
HOLT ZONING DISTRICT
SAG-10 TO SAG-5
AUGUST 13, 2003

A Zone Change Request in the Holt Zoning District by Scott Reichner from SAG-10 Suburban Agricultural use which provides for a 10-acre minimum lot size to SAG-5 Suburban Agricultural use which provides for a 5-acre minimum lot size. The property contains approximately 80 acres and is located along Chapman Hill Road near Bigfork.

The property is described as: The NE1/4 of the SE1/4 of Section 23, and the NW1/4 of the SW1/4 of Section 24, Township 27 North, Range 20 West, and that part of the SW1/4 of the SW1/4 of said Section 24, Township 27 North, Range 20 West described as follows, to-wit: Commencing at a point on the North boundary line of said SW1/4 of the SW1/4 of said Section 24, which point is 803.2 feet Easterly from the Northwest corner of said subdivision; thence along the NW boundary of the county road leading from Creston to Bigfork as the same existed in 1911, south 51°07' West 249.2 feet; thence with said boundary of said road South 14°54' West 272 feet; thence with said boundary of said road South 19°29' West 775.8 feet; thence with said boundary of said road South 23°14' West, 159 feet; thence South 89°14' West, 217 feet more or less to the West boundary of said subdivision; thence South thirty feet to the Southwest corner of said subdivision; thence Easterly to the Southeast corner of said subdivision; thence Northerly to the Northeast corner of said subdivision; thence Northerly to the Northeast corner of said subdivision; thence Westerly to the Point of Beginning, P.M., Flathead County, Montana.

CONSIDERATION OF LAKESHORE PERMIT: AVERILL

Present at the September 29, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioner Gipe, Dan Averill, Planner Tim Beck, Assistant Avery, and Clerk Eggum.

Beck reviewed Lake and Lakeshore Construction Permit filed by Dan Averill on Flathead Lake to repile/restack rocks of an existing rock breakwater structure extending into Flathead Lake and install a C-shaped piling dock. Beck advised that the state should be contacted relative to the breakwater structure. He noted that in order to receive approval of the dock, the applicant would be required to complete an application for a minor variance as the dock is four feet longer than permitted by the regulations. General discussion was held.

Commissioner Gipe made a **motion** to table the request until a minor variance application was filed. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

MEETING WITH TIM BECK/PLANNING AND ZONING OFFICE RE: WILLIAMS LAKEHSORE

Present at the September 29, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planner Tim Beck, Richard DeJana, Doug Williams, Planning and Zoning Director Forrest Sanderson, and Clerk Eggum.

Beck advised that he had prepared a response to DeJana's letter to the commissioners regarding specifics relative to a denial of a lakeshore permit requested by Williams earlier in the year. Sanderson stated that the letter would require more definition. He stated he would have the letter reviewed by the County Attorney's Office and then resubmit to the Commissioners for review and approval.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD NAMING/LONE JUNIPER LANE

Present at the September 29, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Gipe and Hall, Assistant Avery, and Clerk Eggum.

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

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road open to the use of the public as Lone Juniper Lane.

The road generally runs north and south in the Northeast Quarter of the Northwest Quarter of Section 12, Township 30 North, Range 21 West, P.M.M., Flathead County, Montana

The public hearing will be held on the **14th day of October, 2003, at 10:00 A.M.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of **Lone Juniper Lane**.

This notice shall be mailed to each landowner who has access off of the proposed Lone Juniper Lane, who has an address assignment on the proposed Lone Juniper Lane, or who owns property along the proposed Lone Juniper Lane.

Dated this 29th day of September, 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 October 2, 2003 and October 9, 2003.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD NAMING/KIENAS PINE LANE

Present at the September 29, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Gipe, Assistant Avery, and Clerk Eggum.

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

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road open to the use of the public as Kienas Pine Road.

The road generally runs northerly and easterly through Government Lot 1, the Northeast Quarter of the Northwest Quarter, and the Northwest Quarter of the Northeast Quarter of Section 7, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana

The public hearing will be held on the **14th day of October, 2003, at 10:00 A.M.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of **Kienas Pine Road**.

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

Dated this 29th day of September, 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 October 2, 2003 and October 9, 2003.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD NAMING/KIENAS LANE

Present at the September 29, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Gipe, Assistant Avery, and Clerk Eggum.

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

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road open to the use of the public as Kienas Lane.

The road generally runs northwesterly through Government Lot 1 in Section 7, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana

The public hearing will be held on the **14th day of October, 2003, at 10:00 A.M.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of **Kienas Lane**.

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

Dated this 29th day of September, 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 October 2, 2003 and October 9, 2003.

MEETING W/CHARLIE JOHNSON, ROAD DEPARTMENT

Present at the September 29, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, Rhonda Byars, Kathleen Sudan, Road Superintendent Charlie Johnson, Assistant Avery, and Clerk Eggum.

Sudan advised that she and Byars were there to discuss **Hoffman Draw**. She recalled having read in the paper two years ago that Hoffman Draw was supposedly on the fast track for paving. This past summer they started Hoffman Draw. Right now we are still waiting for power lines to be moved. It is at a standstill. You can even hardly drive up the road because there is nothing even left to grade. When the road is graded, two hours later there is nothing left because it is all back to wherever it already was. The bad corner on Hoffman Draw, the first corner that you hit, I was taking my son to school Friday morning and when you drive on Hoffman Draw you know to hug the shoulder as far over as you can when you get to that corner and to slow down. If I had not slowed down I would have had an excavator in the front seat of my vehicle. When you are bringing a trailer around that corner on a gooseneck like that you have to go in the middle of the road to be able to get around the corner and somebody is going to get hurt. Johnson advised he had provided the same information in a phone call earlier this week. He had a meeting set up with Flathead Electric, marked all the poles with ribbons and paint and were told which ones to move. They wanted to have another meeting but Johnson ended up working on the fires so the meeting had to be cancelled. Johnson is in the process of rescheduling that meeting. Johnson noted that as far as he is concerned Hoffman Draw is one of the roads that they have to get finished. He added that he is also working on **Managhan, Garland** and a railroad crossing at **Lupfer** that he is hoping to finish. He concluded that as quick as they can get back to working on Hoffman Draw they will.

Watne questioned whether there were still right-of-way problems on the road. Johnson responded that there are up above Kathleen's house. He advised that right now he is focused on that piece up to where Kathleen and Marv live. Johnson was hoping to get that portion reconstructed and then will continue to deal with the right-of-way issues on up above. There is a garage and there are two wells that he is aware of that are in the right-of-way. It is going to take a considerable amount of time to work through those issues. The first portion of the road is relatively straight and within the right-of-way although eight to 14 poles have to be moved. Johnson noted that it has been difficult trying to get the poles moved. The property has been surveyed twice. Survey stakes keep getting removed. The poles they want moved have been marked. Flathead Electric seems to have some confusion. Somewhere along the line communication has broken down. Johnson advised that he is attempting to set up a meeting to get the matter resolved. Johnson confirmed that he will pave what he gets rebuilt. He noted that he has gone through one whole winter with Managhan and will still be hard pressed to get it done this year. He anticipates getting the rebuilding done and doing the paving next year. Haskill Basin has also been put off. He noted that they lost two months this summer because of the fires. Johnson noted once he gets Garland done his next project is to continue with Managhan. Johnson noted they are going to run out of paving weather real quick. If they can get Managhan done, they can move up to Hoffman Draw if they don't end up with some other project. After that, he could start Haskill Basin maybe early next spring.

Byars questioned whether Managhan or Haskill Basin have had quite a few accidents? Johnson responded that they have but neither one of the roads has shown up on the safety studies. So many accidents are not reported. The people drive off in the ditch and the neighbor helps them get out of the ditch. In order for an accident to get on the list, they have to be responded to by the Highway Patrol. Byars confirmed that Hoffman Draw also has not shown up on the safety list. Johnson noted that the state and his office look for clusters of accidents. Hoffman Draw may have some accidents here and there but they don't have any real defined clusters of accidents. Byars stated that the first corner of Hoffman Draw has had three accidents and a state patrol car got hit on that corner. Johnson reiterated that it hasn't shown up on the traffic studies. Johnson noted that the hairpin at the top of the hill is within the right-of-way so there was little that could be done to alleviate that problem. Byars appreciated the fact that trees had been cut down which made a little bit of difference. Byars also noted that there is not even a speed limit sign on that road. People just scream up that road and other people like us we know you drive defensively on that road.

Chairman Watne stated that he believes all county gravel roads are 35 MPH. Johnson noted that the majority of the people speeding on that road are the residents.

Sudan advised that they are picking up so much more traffic because now **VonDerHeide** is connected to Hoffman. There are five new homes up there that she is aware of. Johnson acknowledged that the new Conrad Subdivision is located in that area.

Discussion was again held regarding the right-of-way issues further up Hoffman Draw. Byars questioned how it was possible to allow those types of things to happen in the right-of-way. Johnson responded that probably no one knew where the right-of-way was and just went ahead and built without getting it surveyed. He noted that when people come to the office about building; he always suggests that the property be surveyed. Nobody wants to spend the \$500.00 for a survey. Over half of the time, people don't even get permits for driveways from the Road Department. This has become a real issue. 10 or 15 years ago it wasn't a real problem. Johnson concluded that he would contact Flathead Electric to get the poles moved. Byars confirmed that the road would not be paved this year. She requested that the road at least be graded and some gravel put on the road. Johnson responded that he is in the process of building roads and the trucks will be hauling gravel to the roads for building but agreed to get it bladed. Chairman Watne stated that you don't want more rock than dirt because it will just sit there and washboard up. Byars noted that when the rains it turns into a muddy mess and you just start sliding like you are on ice because it is mud.

Sudan confirmed that Hoffman Draw had not been forgotten. Johnson noted that the list just keeps growing. Chairman Watne added that there are some roads that have been on the list for 30 years but they just keep getting bumped.

Johnson distributed the Environmental Assessment RFP for the Conrad Connector for the Commissioner's review and approval.

Johnson then provided the Commissioners with a document wherein Northwestern Energy wants an easement along Willow Glen on that county property where the bus barn is located. They are redoing all of the lines through there and they would like to have a written easement, 10 feet off the edge of the right-of-way. Commissioner Gipe stated he had mixed feelings about the easement. Johnson noted that the Road Department by statute allows them to put their lines in the right-of-way but questioned the need for an easement. Commissioner Gipe advised Johnson to deny the request.

Johnson advised that they had started on **Haskill Basin** just before the fires started. He doesn't want another road torn up to go into the winter with but has been receiving calls demanding work continue. He noted that it would be next spring before he continues with work on Haskill Basin because he has Managhan, Hoffman Draw and Garland. A contract was signed with the state to complete the railroad crossing for Lupfer and that has to be done.

Johnson advised that paving on **Auction Road** was finished last week and they are currently working on Garland and Lupfer.

Johnson advised that **Martin Camp** which is just past Lupfer, there is a bridge that crosses the river there. Johnson requested permission to pave 700 feet off the highway down across the bridge as they are eating the edges off of the bridge. While he is working on Lupfer and in the area he wanted to get that done at the same time. There is probably another mile that goes back into Martin Camp that they do not anticipate doing; he just wants to get paved passed the bridge.

Johnson noted that gravel roads have become the hotbed issue in the county. He noted that some of the members of the Planning Board think the residents should be told it was like that when they moved out there. 90% of the phone calls the Road Department gets are related to gravel roads. Johnson again asked the Commissioners for their support on the proposed changes to the subdivision regulation to help get roads paved.

Commissioner Gipe stated he didn't know any other way. It is something that is going on every day and it is not going to get any better.

Avery questioned whether the 2% gas tax had been put on the ballot. Johnson stated that he did not think any one issue would solve the problem. Avery agreed stating that it is going to be a variety of things over time that will help but you will never be able to catch up. Johnson stated that he feels the frustration of the people. I can't argue with anybody when they come in here asking for paving because every road you drive down is just a total dust bowl and the traffic is increasing and the majority of the people are moving to the urban areas. They all want their 20 or 50 acres.

PRELIMINARY PLAT: BLUE SKY ESTATES

Present at the September 29, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planner Johna Morrison, Richard Swan of Thomas Dean and Hoskins, and Clerk Eggum.

Morrison reviewed the preliminary plat for Blue Sky Estates Subdivision filed by Edward and Elaine Sarkinen. Blue Sky Estates Subdivision proposes to create a four lot subdivision on approximately 20.11 acres. The property is located in the Lower Valley Side area approximately eight road miles south of Kalispell. Staff recommends approval of the Preliminary Plat.

Commissioner Gipe made a **motion** to adopt Staff Report #FSR-03-32 as Findings of Fact. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

Commissioner Gipe made a **motion** to approve the Preliminary Plat for Blue Sky Estates Subdivision subject to nine conditions. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

CONSIDERATION OF ADOPTION OF RESOLUTION: DIRECT COUNTY TREASURER TO TAKE TAX DEEDS 1992-1998

Present at the September 29, 2003 11:45 A.M. Meeting were Chairman Watne, Commissioner Gipe, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to adopt Resolution #1643. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

RESOLUTION NO. 1643

WHEREAS, Flathead County assessed taxes on the properties listed on Exhibit "A" attached hereto;

WHEREAS, taxes on the properties listed on Exhibit "A" have been delinquent from between 1992 and 1998;

WHEREAS, the Flathead County Clerk and Recorder gave notice to interested parties, pursuant to Section 15-18-212, M.C.A., that a tax deed to the properties could be taken if all delinquencies were not paid on or before either July 21, 2003; and

WHEREAS, the taxes on the property listed on Exhibit "A" attached hereto have not been paid and remain delinquent.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby directs the County Treasurer to issue a tax deed to Flathead County for each of the properties listed on Exhibit "A" hereto.

Dated this 29th day of September, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

By: _____
Gary D. Hall, Member

ATTEST:
Paula Robinson, Clerk

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

Exhibit A

<u>Assessor No.</u>	<u>Description</u>
0352346	Tract 6 in Lots 2 & 3, 5-27-19
0981307	Tract 2DC in Lot 1, 1-28-22
0977623	Tract 3B in NE4SW4, SE4NW4 32-28-22
0757689	Tract 5BA in NE4NE4, 26-27-20
0153350	Tract 1 in SW4NE4, 28-27-22
0977675	Tract 1N in NW4SW4NW4, 35-31-22
0268250	Tract 2 in E2SE4, 34-30-21
0960500	Tract 1 in Lot 2 & 3 & SW4SW4, 21-26-20
0980259	Tract 10 in S2N2, 18-30-20
0000096	Tract 4E in S2SW4, 33-28-21
0982986	Tract 8 in W2 of Lot 5, 16-30-20
0330100	Tract 4BA in NW4SW4, 34-27-19
0000730	River Terrace Estates Ph 1, Green Belt, 18-30-20 River Terrace Estates Ph 1, Vegetative Buffer, 18-30-20
0292577	Tract 3J in SE4SE4, 1-28-20
0978514	Sunrise Bay, Blue Lake Homeowners Park, 6-27-19
0973500	Tract F in Eagle Bend Amd Sub Amd, 26-27-20

CONSIDERATION OF ADOPTION OF RESOLUTION ON INTENT: WOLFORD DEVELOPMENT AMENDMENT/FLATHEAD COUNTY MASTER PLAN

Present at the September 29, 2003 11:45 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planner Johna Morrison, Planning and Zoning Director Forrest Sanderson, Erica Wirtala, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to adopt Resolution #1644. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

RESOLUTION NO. 1644

WHEREAS, Wolford Development, Inc., has requested a revision to the Flathead County Master Plan, proposing to replace the Stillwater Neighborhood Plan, an addendum to the Flathead County Master Plan, with the Stillwater Destination Resort Neighborhood Plan, which would change the designation of approximately 481 acres of land located North of Reserve Drive and East of U.S. Highway 93, from a mixture of agricultural, high-density residential, residential and commercial to Open Space/Agricultural, Mixed Use and Commercial land use designations, to allow for the development of a large-scale retail, commercial, office and residential development;

WHEREAS, the Flathead County Planning Board, after holding a duly-noticed public hearing and considering public comment, has recommended approval of 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, by the Board of Commissioners of Flathead County, Montana, pursuant to Section 76-1-604, M.C.A., that it intends to consider the revision of the Flathead County Master Plan by replacing the Stillwater Neighborhood Plan, an addendum to the Flathead County Master Plan, with the Stillwater Destination Resort Neighborhood Plan, changing the designation of approximately 481 acres of land located North of Reserve Drive and East of U.S. Highway 93, and consisting of Assessor Tracts 2C, 2D and 6A in Section 19, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana, and Assessor Tracts 1B, 1, 1G, 1C, 1F, 1E, 2C, 2CA, 4 and 3 in Section 30, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana, from a mixture of agricultural, high-density residential, residential and commercial to Open Space/Agricultural, Mixed Use and Commercial land use designations, to allow for the development of a large-scale retail, commercial, office and residential development.

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 October 31, 2003. The Board will consider whether to pass a final resolution adopting the proposed amendment to the Flathead County Master Plan on or after that date.

DATED this 29th day of September, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

By: _____
Gary D. Hall, Member

ATTEST:
Paula Robinson, Clerk

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

Commissioner Gipe made a **motion** to authorize the publication of the Notice of Passage of Resolution of Intention Flathead County Master Plan 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
FLATHEAD COUNTY MASTER PLAN**

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it passed a Resolution of Intention (Resolution No. 1644) on September 29, 2003, to consider a revision to the Flathead County Master Plan proposed by Wolford Development, Inc., and recommended by the Flathead County Planning Board.

The proposed revision involves replacing the Stillwater Neighborhood Plan, an addendum to the Flathead County Master Plan, with the Stillwater Destination Resort Neighborhood Plan, which would change the designation of approximately 481 acres of land located North of Reserve Drive and East of U.S. Highway 93, from a mixture of agricultural, high-density residential, residential and commercial to Open Space/Agricultural, Mixed Use and Commercial land use designations, to allow for the development of a large-scale retail, commercial, office and residential development. 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 County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, where they may be examined by the public.

The Board of Commissioners hereby also gives notice that it will receive and consider written comment from the public concerning that amendment received prior to October 31, 2003, and will consider whether to pass a final resolution revising the Flathead County Master Plan on or after October 31, 2003.

DATED this 29th day of September, 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 October 2 and October 9, 2003.

CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT: WINTER SPORTS, ET AL., AMENDMENT/WHITEFISH CITY-COUNTY MASTER PLAN

Present at the September 29, 2003 11:45 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planner Johna Morrison, Planning and Zoning Director Forrest Sanderson, Erica Wirtala, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to adopt Resolution #677L. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

RESOLUTION NO. 677L

WHEREAS, Elk Highlands, Inc., Alex Brishka, Winter Sports, Inc., and F.H. Stoltze Land & Lumber have proposed an amendment to the Whitefish City-County Master Plan which would add the "Big Mountain West Neighborhood Plan " to that Master Plan, changing the designation of approximately 466 acres from timberland to resort commercial;

WHEREAS, the Whitefish City-County Planning Board, after holding duly-noticed public hearings and considering public comment, has recommended that the Board of Commissioners and the Whitefish City Council adopt that amendment to the Whitefish City-County Master Plan; and

WHEREAS, the Board of Commissioners has reviewed the proposed amendment to the Whitefish City-County Master Plan and agrees that the amendment to the Whitefish City-County Master Plan should be considered for adoption.

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Flathead County, Montana, pursuant to Section 76-1-604, M.C.A., that it intends to consider an amendment to the Whitefish City-County Master Plan, as recommended by the Whitefish City-County Planning Board, which would add the "Big Mountain West Neighborhood Plan " to that Master Plan, changing the designation of approximately 466 acres, located West of the Big Mountain Zoning District and Northeast of Whitefish Lake, from timberland to resort commercial.

BE IT FURTHER RESOLVED that the Board of Commissioners will receive and consider written comment from the public concerning that amendment received prior to October 31, 2003, and will consider whether to pass a final resolution revising the Whitefish City-County Master Plan on or after October 31, 2003

DATED this 29th day of September, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

By: _____
Gary D. Hall, Member

ATTEST:
Paula Robinson, Clerk

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

Commissioner Gipe made a **motion** to authorize the publication of the Notice of Passage of Resolution of Intention Whitefish City-County Master Plan 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 WHITEFISH CITY-COUNTY MASTER PLAN

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it passed a Resolution of Intention (Resolution No. 677L) on September 29, 2003, to consider a revision to the Whitefish City-County Master Plan proposed by Elk Highlands, Inc., Alex Brishka, Winter Sports, Inc., and F.H. Stoltze Land & Lumber, and recommended by the Whitefish City-County Planning Board.

The proposed revision would add the "Big Mountain West Neighborhood Plan" to that Master Plan, changing the designation of approximately 466 acres from timberland to resort commercial. Documents related to the proposal are on file at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, where they may be examined by the public.

The Board of Commissioners hereby also gives notice that it will receive and consider written comment from the public concerning that amendment received prior to October 31, 2003, and will consider whether to pass a final resolution revising the Flathead County Master Plan on or after October 31, 2003.

DATED this 29th day of September, 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 October 2 and October 9, 2003.

7:00 P.M. Fifth Monday Meeting at Columbia Falls Council Chambers

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on September 30, 2003.

TUESDAY, SEPTEMBER 30, 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/PAULA ROBINSON/CLERK AND RECORDER AND BILL O'BRIEN/DNRC

Present at the September 30, 2003 8:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Bill O'Brien, OES Director Alan Marble, Clerk and Recorder Paula Robinson, Assistant Avery, and Clerk Eggum.

Robinson advised that the Commissioners need to designate two individuals within the county to work with O'Brien and the Forrest Service to review all the expenditures, equipment and all county resources utilized for the fire. Those resources need to be discussed on a resource by resource basis to decide which column it should fall into for payment. O'Brien advised that they were just trying to get a conceptual feel of a split on the costs before going to a real detailed dollar and cents feel. Robinson noted that they are going to approach the project on a fire by fire basis. They are going to start with the Wedge. Robinson suggested that it be a Commissioner adding that she would be willing to assist in whatever capacity needed. Marble had requested that he be a resource only. Robinson noted that as soon as a determination as to what actually is the county's and Forest Service's responsibility, a statement can be submitted to the Forest Service and the county's portion to FEMA and get some money rolling in from both directions.

O'Brien advised that the spread sheet just shows the major items of equipment and that would need to be expanded once it was decided what a particular piece of equipment whether Forest Service or County, support staff, the crew, transportation for the crew, other things that would just kind of fall into place. There has to be a sorting process. If the two people from the county and Earl Applekamp designated from the Forest Service could meet one on one and try and work through this then we could try and keep the process on track and come up with a decision on this matrix spread sheet and then we can do the dollar and cents based on that. O'Brien noted that there would have to be some give and take and he was just trying to facilitate the process. It is really between the Forest Service and the County. This process does take some time. Whatever the county does decide what part is county responsibility then O'Brien could go ahead and process that from a FEMA standpoint. We will be doing multiple versions of the paperwork anyway. If there are items in the gray area that don't get settled for a month or two, that can be picked up on another version.

Chairman Watne agreed to be one of the county's representatives and Robinson as the other.

Chairman Watne expressed concern for contract engines that have not been paid for 60 to 90 days and are unable to make payroll and wondered how they could get paid. Robinson advised that the Commissioners could approve an advance and then she could pay those resources. Avery advised that a resolution would need to be developed authorizing an interfund loan on a temporary basis. An interest rate needs to be set from zero up. Discussion was held relative to the interest rate and the Commissioners agreed to decide on an interest rate once a resolution is prepared.

Commissioner Hall requested that Avery stay closely involved with this project.

FIRST READING OF ANIMAL CONTROL ORDINANCE AMENDMENT

Present at the September 30, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Animal Control Director Richard Stockdale, Assistant Avery, and Clerk Eggum.

Chairman Watne read the Proposed Amendments to Ordinance No. 3, Animal Control.

Commissioner Hall made a **motion** to approve the first reading of the Animal Control Ordinance Amendment. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

PROPOSED AMENDMENTS TO ORDINANCE NO. 3
Animal Control

WHEREAS, the Board of Commissioners of Flathead County, Montana, is authorized, pursuant to Sections 7-5-102 through 7-5-107, and Sections 7-23-2108 and 7-23-2109, M.C.A., to adopt an ordinance to regulate, restrain and control dogs in Flathead County;

WHEREAS, the Board of Commissioners adopted Ordinance No. 3, on August 19, 1987 and has made amendments to it thereafter; and

WHEREAS, the Board of Commissioners has determined that the following amendments to the Animal Control Ordinance are needed.

NOW, THEREFORE, BE IT RESOLVED that, effective 30 days after the second and final adoption of the following amendments, the following amendments to Ordinance No. 3 shall be in force and effect in Flathead County.

1. Section 1(F), remove the definition of "Cruelty" and renumber the remaining definitions.
2. Section 2, make the following change to the third sentence: "Section 4 12 of this Ordinance."
3. Amend Section 4(C), to read as follows: "Any person violating any of the provisions of this section shall, upon conviction, be fined not more than five hundred dollars (\$500.00).

BE IT FURTHER RESOLVED that following passage of the foregoing amendments on second reading, Ordinance No. 3 shall be updated to include those amendments.

DATED this 30th day of September, 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

PUBLIC HEARING: ROAD NAMING/SPLENDID VIEW DRIVE

Present at the September 30, 2003 9:30 A.M. duly advertised public hearing were Chairman Watne, Commissioners Gipe and Hall, Matt Hammett, Lesli Schreiner, Assistant Avery, and Clerk Eggum.

Hammett advised that he has lived on the road for quite some time and did not understand the process. He questioned whether the County would be assuming ownership responsibilities. Schreiner responded that she could not speak on behalf of the Road Department but she presumed they would not be taking over maintenance of the road. Chairman Watne agreed noting that they Road Department was not taking any more roads at this point. Hammett questioned whether addresses would be changing. Schreiner advised that they would not be changing any addresses on this road. Hammett questioned since the road is not a public road, can it be blocked. Schreiner advised that owners of easement rights would have to be identified. She noted that this was a private attorney question.

Chairman Watne opened the public hearing to anyone wishing to speak in favor of the road naming.

A letter was submitted in support of the road naming.

No one rising to speak, Chairman Watne asked for anyone wishing to speak in opposition to the road naming. No one rising to speak, Chairman Watne closed the public hearing.

Commissioner Hall made a **motion** to adopt Resolution No. 1645. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

RESOLUTION NO. 1645

WHEREAS, Flathead County has proposed to extend the name of that a private road generally passing north and south off of Montana Highway 35 in Section 16, Township 28 North, Range 20 West, P.M.M., Flathead County, Montana, extending off of the existing Splendid View Drive generally passing east and west.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on September 30, 2003, concerning the proposal, after publication and mailing of notice thereof on September 16, 2003 and September 23, 2003; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named Splendid View Drive.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally passing north and south off of Montana Highway 35 in Section 16, Township 28 North, Range 20 West, P.M.M., Flathead County, Montana, extending off of the existing Splendid View Drive generally passing east and west, should be, and it hereby is, named Splendid View Drive.

BE IT FURTHER RESOLVED that the naming of Splendid View Drive shall be effective on September 30, 2003.

Dated this 30th day of September, 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
Deputy

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: RESIDENTIAL AND PUD MIXED USE TEXT AMENDMENT/FLATHEAD COUNTY ZONING REGULATIONS

Present at the September 30, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planning and Zoning Director Forrest Sanderson, Planner Mark Crowley, Assistant Avery, and Clerk Eggum.

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

RESOLUTION NO. 955 FM

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 7th day of August, 2003, concerning a proposal to change the text of the Flathead County Zoning Regulations modifying the various use allocations and performance standards for residential and mixed use residential planned unit development, for example, by decreasing the percentage of commercial use in residential mixed use developments from 30 to 25 percent in developments over five acres in size, allowing for more commercial uses in such developments and eliminating open space requirements in such developments;

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

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed amendment;

WHEREAS, based upon that recommendation and the testimony of the public, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 955 FL dated August 7, 2003) to change the zoning regulations amending the various use allocations and performance standards for residential and mixed use residential planned unit development, for example, by decreasing the percentage of commercial use in residential mixed use developments from 30 to 25 percent in developments over five acres in size, allowing for more commercial uses in such developments and eliminating open space requirements in such developments; and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on August 12 and August 19, 2003, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Flathead County Zoning Regulations modifying the various use allocations and performance standards for residential and mixed use residential planned unit development, for example, by decreasing the percentage of commercial use in residential mixed use developments from 30 to 25 percent in developments over five acres in size, allowing for more commercial uses in such developments and eliminating open space requirements in such developments, as set forth on Exhibit A hereto.

DATED this 30th day of September, 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'

Flathead County Planning Board
June 11, 2003

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

1. Location of PUD:

A PUD district shall be located in an area where public and private facilities and services are available or are to become available by the time development reaches the stage where they will be required.

2. Land Area Requirement:

The minimum land area required for a change to or designation as a PUD shall be two acres and shall be under single ownership. In determining whether minimum area requirements for a PUD district have been met, computations shall include the entire area within the boundaries of the district proposed, including the area of streets. Lands in such districts may be divided into streets, but shall be so located, dimensioned and arranged as to permit unified planning and development, to meet all requirements for PUD districts, and to provide adequate protection for uses within the district and in surrounding areas.

3. Establishment of PUD Districts:

The following locational criteria shall govern the type of planned unit developments that may be reviewed and approved by the County Commissioners

A. Residential PUD Districts:

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

B. Commercial PUD Districts:

A commercial PUD district may be established in B-2 through B-5 districts.

C. Industrial PUD Districts:

An industrial PUD may be established in I-1, **I-1H** and I-2 districts.

D. Marina PUD Districts:

A marina PUD district may be established in ~~the following districts:~~ R-4, R-5, RC-1, RA-1, B-2, B-3, CVR, I-1, I-1H, I-2, P and LS districts.

E. Mixed Use PUD Districts:

Based upon a site plan review, and after establishing compatibility with the adjoining land uses and determining that the adverse environmental impacts shall only be minimal, the County Commissioners may allow a Mixed Use PUD in any district which qualifies for a residential, Commercial, or Industrial PUD.

4. Use Regulations:

The following regulations shall apply to permitted uses and densities in various types of Planned Unit Developments.

A. Residential PUD District:

Within a Residential PUD District, the uses and structures permitted **or conditionally permitted** in the underlying R-1 through R-5 or RA-1 districts shall be allowed. Residential dwelling unit densities within a proposed Residential PUD District shall be as follows:

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

Commercial uses may be allowed in a Residential PUD District, provided:

1. Such establishments and their parking areas shall not occupy more than a maximum of ~~ten percent (10%)~~ **thirty percent (30%)** ~~twenty (20%)~~ of the land area of the planned unit development district with a gross area 5.0 acres or more. For those under 5.0 acres in area, the permissible gross commercial area shall be subject to negotiation (up to a maximum of ~~40%~~ **25%** ~~15%~~ of the total area of the PUD) with the Planning Board and the County Commissioners;
2. ~~Such establishments shall be limited to trade and service facilities such as stores, coin-operated laundry and dry cleaning establishments, beauty shops and barber shops. However, service stations and repair garages shall not be permitted:~~ **Industrial and non-compatible commercial uses are not permitted. Commercial uses that may be permitted include all uses permitted in B, BR, CCC AND CVR districts (refer to Sections 3.16 to 3.26);**
3. Such establishments shall be so located, designed and operated as to serve primarily the needs of persons within the **immediate vicinity of the** district ~~and not persons residing elsewhere;~~
4. No building ~~may be used for a convenience commercial establishment~~ **may be opened until before sixty percent (60%)** ~~forty percent (40%)~~ ~~fifty-one percent (51%)~~ of the dwelling units contemplated in the development plan have been constructed.
5. The acreage proposed for commercial use and its parking shall be excluded from the gross acreage when computing total allowable dwelling units.
6. ~~In SAG-5 and SAG-10 districts, open space shall equal at least 50% of the property included in the PUD; in AG-20 districts, open space shall equal at least 60% of the property included in the PUD.~~

B. Commercial PUD District:

The uses permitted in a Commercial PUD District shall be the same as those allowed as permitted or conditional uses in the district associated with the PUD created. For example, in a B-3 PUD all uses allowed a permitted or conditional uses in B-3 district shall be allowed.

C. Industrial PUD District:

The uses permitted in an Industrial PUD District shall be the same as those allowed as permitted or conditional uses in the district associated with the PUD district created. For example, in an I-1 PUD District, all uses allowed as permitted or conditional uses in an I-1 district, shall be allowed.

D. Marina PUD District.

The uses permitted in a Marina PUD district shall be the same as those allowed as permitted or conditional uses in the district associated with the PUD created. The underlying development standards in the district shall not be varied by the PUD process.

A Marina PUD will require the submittal of an environmental assessment and may be evaluated in accordance with the design guidelines of the Maryland Clean Marina Guide Book, 1998.

A marina development may be regulated by any or all of the following programs: Floodplain, Lakeshore Protection, US Army Corps of Engineers (404 program), and the Flathead County Conservation District (310 program).

E. Mixed Use PUD District:

Commercial/Industrial Mixed Use

A Mixed Use Commercial/Industrial PUD may be located in any district which qualifies for a Commercial or Industrial PUD.

The Uses appropriate to a ~~Commercial/Industrial~~ Mixed Use PUD located in any district which qualifies for a Commercial or Industrial PUD shall be determined by the County Commissioners on the basis of (a) their compatibility with the surrounding land uses, and (b) their compatibility with one another.

F. Residential Mixed Use

A Mixed Use PUD proposed in a residential district (refer to Section 3-30-030 **3.31.030(3)(A)**) may be permitted with both residential and commercial uses as per the following criteria:

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

1. The minimum land area for a Mixed use PUD in a residential district is twenty (20) acres;
2. The predominant land use character of the district must be residential;
3. The residential uses appropriate to a Mixed use PUD in a residential district are as permitted **shall be the same as those allowed as permitted or conditional uses** in a Residential PUD;
4. The maximum permissible building height is 35 feet;
5. Commercial uses shall not exceed **35%** ~~50%~~ of **the** gross floor area in the PUD;
6. The maximum permissible ground coverage including all roads, buildings and other areas of impervious coverage must be less than 70%;
7. Industrial and non-compatible commercial uses are not permitted. Commercial uses that may be permitted include all uses permitted in B, BR, CCC AND CVR districts (refer to Sections 3.16 to 3.26); ~~with the following exceptions, which will not be permitted: Automobile commercial parking enterprises; automobile sales; automobile rental agency offices; automobile service stations except those with pump services only; boat sales; care washing and waxing in conjunction with an automobile service station; food processing plant; motels and motor hotels; plumbing and heating materials; retail sales and service; wholesale and "jobbing" establishments.~~
8. Vehicular access to all uses and/or activities of the Mixed Use PUD shall be limited to the internal road system of the Mixed Use PUD. ~~Frontage of uses on a perimeter road/highway system shall be prohibited.~~
9. ~~Such commercial establishments shall be architecturally harmonious and compatible with the associated residential uses and primarily serve the needs of the persons residing in the district and those in the immediate vicinity; and;~~

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: TIMMONS ZONE CHANGE/BLANCHARD LAKE ZONING DISTRICT

Present at the September 30, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planning and Zoning Director Forrest Sanderson, Planner Mark Crowley, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to adopt Resolution No. 966K. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

RESOLUTION NO. 966K

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 11th day of August, 2003, concerning a proposal to change the zoning designation in a portion of the Blanchard Lake Area Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural);

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 Blanchard Lake Area Zoning District;

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 966J) on August 11, 2003, to change the zoning designation in a portion of the Blanchard Lake Area Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on August 14 and August 21, 2003, and the Board of Commissioners did not receive written protests from forty percent (40%) of the freeholders within the Blanchard Lake 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 amends the Blanchard Lake Area Zoning District to change the zoning designation for the area described on Exhibit A attached hereto, from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural), as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 93270 13500, in the Flathead County Clerk and Recorder's Office.

DATED this 30th day of September, 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 Clerk

**EXHIBIT A
PATRICK TIMMONS
REQUEST FOR ZONE CHANGE FROM SAG-10 TO SAG – 5
LEGAL DESCRIPTION
JUNE 19, 2003**

Location and Legal Description of Property:

The property proposed for rezoning is located on the west side of Highway 93 North off of Blanchard Lake Road. It totals 19.19 acres.

The property is further described as the S1/2 of the SE1/4 of the NE1/4 of Section 11, Township 30 North, Range 22 West, P.M., Flathead County, Montana. Excepting therefrom that portion conveyed to Flathead County by Deed recorded October 9, 1968, in Book 501, Page 297, as Document No. 7230, records of Flathead County, Montana.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: WHITEFISH HILLS FOREST LLC ZONE CHANGE/BLANCHARD LAKE ZONING DISTRICT

Present at the September 30, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planning and Zoning Director Forrest Sanderson, Planner Mark Crowley, Tom Sands of Sands Surveying, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to adopt Resolution No. 966I. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

RESOLUTION NO. 966I

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 6th day of August, 2003, concerning a proposal to change the zoning designation in a portion of the Blanchard Lake Area Zoning District from AG-40 (Agricultural) to AG-20 (Agricultural);

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 Blanchard Lake Area Zoning District;

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 966H) on August 6, 2003, to change the zoning designation in a portion of the Blanchard Lake Area Zoning District from AG-40 (Agricultural) to AG-20 (Agricultural); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on August 11 and August 18, 2003, and the Board of Commissioners did not receive written protests from forty percent (40%) of the freeholders within the Blanchard Lake 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 amends the Blanchard Lake Area Zoning District to change the zoning designation for the area described on Exhibit A attached hereto, from AG-40 (Agricultural) to AG-20 (Agricultural), as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 93270 13500, in the Flathead County Clerk and Recorder's Office.

DATED this 30th day of September, 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 Clerk

EXHIBIT A
WHITEFISH HILLS FOREST, LLC
WITHIN BLANCHARD LAKE ZONING DISTRICT
STAFF REPORT #FZC-03-25
JUNE 26, 2003

Location and Legal Description of Property

The properties proposed for rezoning are located on the west side of Highway 93 North, northwest of Happy Valley. They total 80 acres.

The properties can be described as Tract 2 of Certificate of Survey No. 11725 and the SE1/4 of the SE1/4 of Section 22, Township 30 North, Range 22 West, P.M., Flathead County, Montana. Excepting therefrom the County Road as described in Deed recorded in Book 164, Page 201, records of Flathead County, Montana.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: LEWIS FAMILY TRUST ZONE CHANGE/BIGFORK ZONING DISTRICT

Present at the September 30, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planning and Zoning Director Forrest Sanderson, Planner Mark Crowley, Assistant Avery, and Clerk Eggum.

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

RESOLUTION NO. 956AS

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, after the publication of legal notice, on the 11th day of August, 2003, concerning a proposal 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, the Board of Commissioners did hear public comment on the proposed zoning change at said hearing;

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Bigfork Area Zoning District;

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 956 AR, dated August 11, 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) and;

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on August 14 and August 21, 2003, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Bigfork Area Zoning District to change the zoning designation for the area described on Exhibit "A" hereto from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural), as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 93270 13500, in the Flathead County Clerk and Recorder's Office.

DATED this 30th day of September, 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
LEWIS FAMILY TRUST
BIGFORK ZONING DISTRICT
SAG-10 TO SAG-5
JULY 9, 2003

The property contains approximately 19.991 acres and is located at 320 Coverdell Road near Bigfork and is described as Tract 1 of Certificate of Survey No. 15294 in Section 13, Township 27 North, Range 20 West, P.M., Flathead County, Montana.

10:00 A.M. Commissioner Hall is to attend the Interagency Fire Recovery Meeting at Kalispell Chamber (till 1)

PUBLIC HEARING: ANNEXATION TO SOUTH KALISPELL FIRE DISTRICT/ULRICH

Present at the September 30, 2003 10:00 A.M. duly advertised public hearing were Chairman Watne, Commissioner Gipe, John A. Ulrich, and Clerk Eggum.

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

Ulrich advised that he was the owner of the property petitioned for annexation. 80 acres of that property was in the South Kalispell Fire District but the remaining 160 acres was unknown. He noted that he has been familiar with the South Kalispell Fire District ever since it was started and would prefer to have all of his property included in that district and erase any question about responsibility for fire protection.

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

Commissioner Gipe made a **motion** to approve the annexation of the petitioned properties into the South Kalispell Fire District. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

PRELIMINARY PLAT: PONDEROSA RIDGE

Present at the September 30, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planner Melinda Riley, George Darrow, Tom Sands of Sands Surveying, Tim Calaway, Scott Reichner, Assistant Avery, and Clerk Eggum.

Riley reviewed the preliminary plat for Ponderosa Ridge Subdivision filed by Scott Reichner. Ponderosa Ridge Subdivision proposes to create a 22 lot single-family residential subdivision on approximately 72 acres. This property is located along Chapman Hill Road near Bigfork. A variance was requested on the cul-de-sac road length. They are proposing 2396 feet in length. The Flathead County Subdivision Regulations Table 3, states that a loop or cul-de-sac road cannot be over 1000 feet long if it serves four or more lots. They are proposing individual well and septic systems but are still in the process of working through those issues. SAG-5 has not been completely approved yet, it doesn't comply with the Master Plan, it doesn't comply with Section 5.09 of the Residential Clustering Standards and the AG and SAG districts of the zoning regulations and it doesn't comply with Section 3.09 of the Street and Road Design Standards. All of these have been addressed in the conditions. Staff recommends approval of the Preliminary Plat.

Commissioner Gipe requested more information regarding the proposal for water and sewer services. Riley advised that state statute says if you are within 500 feet of municipal sewer services you are required to hook into those services. The property is adjacent to the Bigfork Water and Sewer District. The Bigfork Land Use Advisory Committee was concerned about sewer services also. They added a condition to require the lower lots hook up to Bigfork Water and Sewer District. Sands added if you are within 500 feet you are suppose hook up unless the cost is more than three times as much to hook up with a standard system. The developer has a bid from Carver Engineering of \$500,000.00 to bring sewer into the development. He noted that they are still working that out with the Water and Sewer District. Scott does not want to be on the sewer district. A water line is being brought in for the fire hydrant and he may bring water into a few lots when that is done. Sands stated that they are happy to leave the water and sewer requirement with the State Board of Health.

Sands noted that they were able to amend the design a little bit, shrink lot sizes to end up with exactly the amount of open space that is required. 60% of the 72 acres as open space is needed which comes out to 41.12 acres. With the open space and park they have designed, they end up with 43.13 acres of open space and park. Some lots were shrunk down trying to maintain building sites to one acre in size. On most of it we have an acre and half and the rest of them are half an acre that will either be on a sewer or an easement for septic systems will be obtained. Sands concluded that they don't have any problem with the conditions the way they are written.

Chairman Watne confirmed that the sewer line was in Eagle Bend. Commissioner Gipe confirmed that with the exception of the cul-de-sac and road length all of the other conditions could be met. Sands acknowledged that they did need a variance for the road length.

Commissioner Gipe made a **motion** to adopt Staff Report #FPP-03-25 as Findings of Fact. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

Commissioner Gipe made a **motion** to approve the variance to 3.9 of the Subdivision Regulations relative to road length. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

Commissioner Gipe stated that the Commissioners would like to see the property hooked up onto public sewer but expressed concern for the high cost of accomplishing such a hook-up.

Calaway advised that he was the Chairman of the Bigfork Land Use Advisory Committee. The Committee voted unanimously to require that the lower lots be put on the Bigfork Water and Sewer District. He expressed concern for the valuable watershed

affected by this development. Sands responded that they were willing to let the State Board of Health determine what is needed on the property.

Riley reviewed the condition the Bigfork Land Use Advisory Committee had added stating that the developer shall install municipal water and sewer services as per Bigfork Water and Sewer Services specifications on all lots located on the east side of Ponderosa Ridge Lots 18 through 22 and all lots located on Pine Meadows Court Lots 7 through 12 as they exist on the preliminary plat. The Flathead County Planning Board deleted that condition. Calaway noted the Planning Board vote was four to three.

Commissioner Gipe asked for the developer's opinion relative to the sewer. Reichner responded that the property contains 72 acres. There will be 43 acres of common area. We are trying to create a buffer between RC-1 zoning in Eagle Bend and SAG-10 zoning beyond. There is nine acres of road easement. It makes it very expensive to put in 22 lots on water and sewer. If we were doing 70 lots, we would be able to absorb those costs a lot easier. You can only demand so much price per lot. We have opted to keep the prices as low as possible by not wanting to hook into sewer and water but if we need to on a few of these lots, I guess we won't have a problem with that but I would like to see how it plays out with the state and see what the requirements are with the state. The other option would be to rezone it altogether to a RC-1 to absorb those costs. I don't want to do that with this property. What we would probably look at is just the golf course lots. The problem is that you have developmental costs coming back to Eagle Bend that is substantial.

Commissioner Gipe strongly recommended that they hook those lower lots up to the Bigfork Sewer. Chairman Watne cautioned that if it was not in a condition there was no power behind the recommendation. Sands noted that they understood Commissioner Gipe's recommendation. Commissioner Gipe reiterated that they would much rather have the subdivision on sewer. If they have any problem with it at all, it is possible to get it on the Bigfork Sewer. Chairman Watne questioned whether it would be a problem to have that condition on the plat. Reichner responded that he would rather not have it on there.

Darrow distributed a handout for the Commissioners' perusal and reviewed the same with the Commissioners.

The Flathead County Subdivision Regulations 3.8 ACCESS: The County Commissioners shall require multiple accesses into a subdivision in high hazard fire areas where the primary access road is over 1000 feet long and it serves 20 or more residential lots/dwelling units or space. The primary access road is 2,396 feet long. In Section 3.21 high fire hazard areas include heads of draws, excessive slopes, dense forest growth, or other hazardous wildfire components. Subdivisions proposed in areas subject to these high wildfire hazards as determined by the Montana Department of State Lands or the Forest Service the following standards shall apply. The Montana Department of State Lands has delivered the County Planning Board a letter making such designation.

A water supply of sufficient volume for effective fire control shall be provided in accordance with the following standards: a minimum of 500 gallons per minute for lots one acre or larger. In the packet of information I provided for you, there is a plat that shows the proposed subdivision in red and the adjoining land that I happen to own outlined in blue and the land that I own 200 acres and of which approximately 160 acres is forest. The topographic map taken from the U.S. Geological Survey topographic sheet shows that this is a classic high fire area as is illustrated on the *Appetite for destruction*. This is an area in which the prevailing wind has come from the south across Flathead Lake and goes up these draws into the forested area. The forested area along Pine Needle Lane on the west edge contains homes. There is a home on the north edge of this forested area that fronts on state highway 82. There is a real fire hazard and there is considerable property at risk there and I think that that circumstance really would suggest that the two cul-de-sacs and hammerhead on the subdivision plat indicate that there should be a fire hydrant at the head of each of those cul-de-sacs and the hammerhead so that it would be possible to contain fires that start here. At present this subdivided land is used for farming purposes and horse pasture. There is one couple that lives on it. If you move in 22 households when there is open area in the middle and when that is not irrigated, when it is left open, becomes grass, grain crop or weeds or whatever, but without water, it becomes a prime source of fire which leads immediately into the fire chimney. The same thing happens with households that have children with bottle rockets, fire crackers and play with matches and all of the incidental things that happen in subdivisions families doing the normal family things. This is a classic fire hazard area. This matter has not been adequately addressed and since the subdivision regulations specify specific duties that stipulate that the county commissioners shall do, I would request that you do give it serious consideration.

Commissioner Gipe stated that it appears from the letter from the DNRC their concerns have all been answered except the lack of a second access. Sands interjected that they do have a secondary access to the south. He noted that the fire department has requested that the hydrant be located where it is noted on the plat.

Riley advised that the fire chief also attended the Bigfork Land Use meeting and a condition was added that the Developer shall install a fire hydrant as per the Bigfork Fire Department's specifications at the corner of Ponderosa Ridge Drive and Pine Meadows Court and he did seem happy with that. He also desired Ponderosa Ridge Road connect to Pine Needle Lane, the road to the west of this property but there is actually a property in the middle so they are not even contiguous not to mention the feasibility of the topography did not seem very likely that the roads could actually connect at some point. Sands stated that he believes the high fire area is addressed in condition #21. Riley agreed that 21 states that they either comply with 3.20 or 3.21 whichever DNRC deems.

Commissioner Gipe made a **motion** to approve the Preliminary Plat for Ponderosa Ridge Subdivision subject to 24 conditions. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

CONSIDERATION OF LAKESHORE PERMIT: McCLENAHAN

Present at the September 30, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planner Tim Beck, Assistant Avery, and Clerk Eggum.

Beck reviewed Lake and Lakeshore Construction Permit filed by Charles McCleanhan on Flathead Lake to reconstruct approximately 76 feet of existing wood retaining wall using wood or concrete. General discussion was held.

Commissioner Gipe made a **motion** to approve Lakeshore Permit #FLP-03-85 and authorize the Chairman to sign subject to 22 conditions. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: PERMITTED SIGNS TEXT AMENDMENT/FLATHEAD COUNTY ZONING REGULATIONS

Present at the September 30, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Gipe, and Clerk Eggum.

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

The proposed amendment would amend Sections 5.11.040(4)(D) and 5.11.040(5)(D) to correct a typographical error in those sections, to refer to Section 5.11.020(11) rather than Section 5.10.020(11) in order that those sections will read as follows: "One or a combination of the following three signs provided the singular or combined square footage does not exceed the allowed footage found in Section 5.11.020(11):".

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 the Flathead County Planning and Zoning Office, 1035 1st Avenue East, Kalispell, Montana.

The public hearing will be held on the **15th day of October, 2003, at 9:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change to the text of the Flathead County Zoning Regulations.

DATED this 30th day of September, 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 October 4 and October 11, 2003

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: STOLTE TEXT AMENDMENT/FLATHEAD COUNTY ZONING REGULATIONS

Present at the September 30, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Gipe, and Clerk Eggum.

Commissioner Gipe made a **motion** to authorize the publication of the Notice of Public Hearing and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. 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 change to the text of the Flathead County Zoning Regulations proposed by Traci & Caleb Stolte.

The proposed amendment would amend Sections 3.05.020, and 3.06.020 by adding Kennels as a permitted use in AG-40 and in AG-20 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 the Flathead County Planning and Zoning Office, 1035 1st Avenue East, Kalispell, Montana.

The public hearing will be held on the **15th day of October, 2003, at 10:00 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change to the text of the Flathead County Zoning Regulations.

DATED this 30th day of September, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By: /s/Robert W. Watne
Vickie M. Eggum, Deputy

Publish on October 4 and October 11, 2003.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: WINDWALKER EQUESTRIAN ESTATES ZONE CHANGE/WEST SIDE ZONING DISTRICT

Present at the September 30, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Gipe, and Clerk Eggum.

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

NOTICE OF PUBLIC HEARING
WEST SIDE ZONING DISTRICT

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Windwalker Equestrian Estates to change the zoning designation in a portion of the West Side 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" hereto.

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, 800 South Main, Kalispell, Montana in Permanent File No. 93270 13500.

The public hearing will be held on the **15th day of October, 2003, at 9:45 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the West Side Zoning District.

DATED this 30th day of September, 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 October 4 and October 11, 2003.

EXHIBIT A
WINDWALKER EQUESTRIAN ESTATES/ZONE CHANGE
WEST SIDE ZONING DISTRICT
SAG-10 TO SAG-5
SEPTEMBER 4, 2003

The property proposed for rezoning is located southwest of the junction of Four Mile Drive and Stillwater Road, just west of Kalispell. The property is described as Tract 1 of Certificate of Survey No. 12112 in Section 2, Township 28 North, Range 22 West, P.M., Flathead County, Montana.

FINAL PLAT: EAGLE'S CREST VISTAS

Present at the September 30, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planner Johna Morrison, Dawn Marquardt and Debbie Shoemaker of Marquardt and Marquardt Surveying, and Clerk Eggum.

Morrison reviewed the final plat for Eagle's Crest Vistas which is an application by Montana Eagle Development, LLC for approval of a five lot residential subdivision. Preliminary plat was granted on January 7, 2003 subject to 14 conditions. The property is located approximately one mile south of Lakeside off of U.S. Highway 93 across the highway from Peaceful Bay. The proposed subdivision contains 50.3 acres. All conditions have been met or otherwise addressed by the applicant. Staff recommends approval of the final plat.

Commissioner Gipe made a **motion** to approve Final Plat for Eagle's Crest Vistas. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

FINAL PLAT: EAGLE'S CREST RIDGE

Present at the September 30, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planner Johna Morrison, Dawn Marquardt and Debbie Shoemaker of Marquardt and Marquardt Surveying, and Clerk Eggum.

Morrison reviewed the final plat for Eagle's Crest Ridge which is an application by Montana Eagle Development, LLC for approval of a five lot residential subdivision. The property is located approximately one mile south of Lakeside off of U.S. Highway 93 across from Peaceful Bay. The proposed subdivision contains 53.7 acres. Preliminary plat was approved on January 7, 2003 subject to 14 conditions. All conditions have been met or otherwise addressed by the applicant. Staff recommends approval of the final plat.

Commissioner Gipe made a **motion** to approve Final Plat for Eagle's Crest Ridge. Commissioner Hall **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

FINAL PLAT: EAGLE'S CREST BLUFFS

Present at the September 30, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planner Johna Morrison, Dawn Marquardt and Debbie Shoemaker of Marquardt and Marquardt Surveying, and Clerk Eggum.

Morrison reviewed the final plat for Eagle's Crest Bluffs which is an application by Montana Eagle Development LLC for approval of a five lot residential subdivision. The property is located approximately one mile south of Lakeside off of U.S. Highway 93 across from Peaceful Bay. The proposed subdivision contains 67.6 acres. Preliminary plat was approved January 7, 2003 subject to 14 conditions. All conditions have been met or otherwise addressed by the applicant. Staff recommends approval of the final plat.

Commissioner Gipe made a **motion** to approve Final Plat for Eagle's Crest Bluffs. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

MEETING WITH NORM CALVERT/COMPUTER SERVICES RE. JADE SYSTEM

Present at the September 30, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, Computer Services Director Norm Calvert, Larry Johnson, Steve Rice, Vicki Saxby, Assistant Avery, and Clerk Eggum.

Calvert discussed sole source procurement of computer software and his recommendation that they purchase from JADE and the reasons for supporting the procurement method.

Commissioner Gipe made a **motion** to approve the Sole Source Procurement of Computer Software from JADE. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

CONSIDERATION OF POSITION OPENING: PLANNING AND ZONING OFFICE

Present at the September 30, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Planning and Zoning Director Forrest Sanderson, Planner Mark Crowley, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a letter from Forrest Sanderson advising that Melinda Riley had resigned and was requesting permission to open the Planner I position.

Commissioner Hall made a **motion** to approve the opening for a Planner I position on behalf of the Planning and Zoning Office. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on October 1, 2003.

WEDNESDAY, OCTOBER 1, 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: THE ASPENS

Present at the October 1, 2003 9:00 A.M. Meeting were Commissioners Gipe and Hall, Planner Johna Morrison, Dawn Marquardt of Marquardt and Marquardt Surveying, and Clerk Eggum.

Riley reviewed the final plat for The Aspens which is an application by Marc Milisavljevich for approval of a two lot subdivision. The property is located approximately eight miles northeast of Kalispell on Aspen Lane. The proposed subdivision contains 2.04 acres. Preliminary plat was approved on December 18, 2002 subject to 13 conditions. All conditions have been met or otherwise addressed by the applicant. Staff recommends approval of the final plat.

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

FINAL PLAT: ZEPHYR SUBDIVISION

Present at the October 1, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Johna Morrison, Rick Breckenridge and Peggy Mathiason of Montana Mapping Associates, Assistant Avery, and Clerk Eggum.

Morrison reviewed the final plat for Zephyr Subdivision which is an application by Mark A. Gillette for final plat approval of a one lot minor subdivision along Farm Road approximately eight miles southeast of Kalispell. The subject property is 5.03 acres in size and is located in an unzoned portion of Flathead County. Preliminary plat was waived on October 10, 2002 subject to six conditions. All conditions have been met or otherwise addressed by the applicant. Staff recommends approval of the final plat.

Commissioner Gipe made a **motion** to adopt Staff Report FWP-03-25 as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

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

MEETING WITH TOM RITZDORF RE: CRYSTAL SHORES, CONDITION #3

Present at the October 1, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Tom Ritzdorf, Assistant Avery, and Clerk Eggum.

Morrison reviewed Condition #3 which states "The developer upgrade that portion of North Ashley Lake Road within the subdivision to the minimum gravel standards for a primary access road as outlined in Section 3.9 of the Flathead County Subdivision Regulations." It says they will upgrade that portion of the North Ashley Lake Road; that is an impact fee. Also it says to the standards of a primary access road. This is not a primary access road by definition. A primary access road is defined in Section 3.9 as a privately owned maintained road extending from the subdivision proper to the nearest city, county, state or federally maintained road. So it doesn't even fit the definition of a primary access road, it is a county road. Commissioner Gipe agreed it was not a primary access road.

Chairman Watne speculated that the meaning was to upgrade the condition of the county road. Morrison questioned whether the Commissioners could ask them to upgrade a county road. Chairman Watne stated that they have in the past. Pretty much everything that has been done to the back side of that North Ashley Lake Road has been done by people putting in development. Commissioner Gipe agreed they completely rebuilt it and even moved it in a couple of places. Morrison questioned whether any of the other developers had upgraded this road already. Ritzdorf noted that this section was a long distance from Emerald Point. Discussion was held relative to the location of this property. Commissioner Gipe confirmed that the road goes through the subdivision. Ritzdorf advised that the road is 500 or 600 feet long. He received an estimated for upgrading of the road and the major expense is hauling in crushed gravel and that would be around \$10,000.00. He noted it is only a three lot subdivision on 22.90 acres.

Chairman Watne reiterated that two other major subdivisions were required to upgrade the county road because of the traffic that was going to be put on the road. Morrison agreed with a major subdivision it can be justified but it was difficult to justify with two extra lots. Commissioner Hall questioned whether he would be developing the other 20 eventually. Ritzdorf advised that right now, he plans to sell one of the lots and hold on to the other two. Morrison advised that the 20 acres cannot be further subdivided as they have used up all of their development potential according to Ashley Lake Land Use regulations.

Discussion was had relative to the poor condition of the road. Ritzdorf noted that the really bad sections are up past his property. Chairman Watne and the Commissioners agreed that a requirement such as that is not warranted on the two additional lots.

Commissioner Gipe made a **motion** to strike condition #3. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

DISCUSSION RE: LAKESIDE BIKE PATH

Present at the October 1, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Bill Eisenlohr, Muffie Thomson, Marc Liechti, Planning and Zoning Director Forrest Sanderson, Chuck, Mercord, Assistant Avery, and Clerk Eggum.

Commissioner Gipe reviewed the Commissioners' concerns related to the Lakeside Bike Path. The path comes up to the top of the hill this side of Lakeside. It was previously discussed and the Commissioners did not approve of crossing the highway or using Lakeside Boulevard. An application was submitted last week but did not get approved because of those concerns which were the same concerns two years ago. There needs to be something to come into Lakeside.

Eisenlohr reminded the Commissioners that a letter was written in April 9, 2001 by the Commissioners cutting the project by \$65,000.00. From a long time ago Lakeside Boulevard was removed from the path. Commissioner Gipe reiterated that the trail stops and traffic has the option to go Highway 93 or they drop down and use the lower road and that is unacceptable. Eisenlohr

reiterated that what he was saying is Lakeside Boulevard north is too dangerous to ride on and Highway 93 on the shoulder there where the fog line is off to the side which is pretty generous is also too dangerous to ride on. Eisenlohr expressed concern that the bike path was done because you can't get from one place to another by the Commissioners' ruling there is nothing left to do. Eisenlohr stated that because the Commissioners said Lakeside Boulevard north is too dangerous to ride on, he made it a point to ride on Lakeside Boulevard north once a week this summer. Not one person stopped him or questioned him. He noted he had absolutely no safety problems or issues.

Mercord requested the project be dealt with from Somers going south. His understanding is that the funding would not finish the whole project so it would have to be done in phases. Mercord proposed through phase one getting around the corner until you come out by the fish hatchery back on old 93 again until you get to Mission View Terrace.

Leichti confirmed that the letter they received from when Dale was still on the board the funding would only be for the first phase which was indicated at that point to go from Somers to basically along Highway 93 until we joined back up again with the old U.S. 93 and there was \$100,000.00 set aside for that project. Leichti said that is where their confusion came from, they understood the funding was already cut and would just be doing a phase one and looking at the boulevard later at some point.

Commissioner Hall stated that if that money was earmarked for phase one then we need to continue with phase one and get that part done and deal with that other part when we get to there.

Commissioner Hall suggested the group work with the Highway Department and widen the shoulder along 93 down into Lakeside and that should alleviate the Commissioners' concern for safety. Leichti noted that at one point they looked at the issue. The problem is right from the county road south in trying to join up with the old highway.

Mercord stated that it really didn't matter where the bike path ended because people are bicycling and walking on the edge of the highway and the county road now and nobody can really restrict that whether it is a bicycle, a pedestrian or whatever. Commissioner Hall agreed that you can't tell people where you are going to ride your bike.

Commissioner Gipe requested the Planning and Zoning office to prepare an application to get the first phase moving forward as long as we know we have enough money to do that. Sanderson advised that they will delete the southern portion from the application and bring it back in for Commissioner approval.

Commissioner Hall made a **motion** to approve the application for Phase I (Somers to South of Fish Hatchery) only. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Mercord questioned whether funding could be anticipated for the spring. Sanderson reviewed the process and advised that construction probably was not going to happen in 2004, most likely 2005. Mercord advised that they were going to continue the beach project and it just makes so much more sense if these two entities can work together.

Eisenlohr questioned whether there would be CTEP funding available in 05. Sanderson responded that it is a state option. So far the CTEP people are confident. It is not a guaranteed set aside as it had been in the past. It becomes essentially a state option to divert those monies. Thomson questioned when the local match would be required. She expressed concern as of the money they had raised people have died, dropped out and changed their minds. Things have happened because of the time frame already. She requested notification as to when the foundation would be required to come up with x number of dollars to see if the support is still there. Sanderson was unable to provide that information.

Mercord recalled that at one point in time, this particular project was the number one priority on the list of the planning board and commissioners. That was changed due to some discussions apparently with Dale Williams at that time and some confusion over not connecting with Somers. So it was dropped down. Money has been collected to meet the CTEP percentage of funding. Some of it was used to do some thing like the beach and that sort in changing that priority list we have kind of been put behind the power curve. He questioned whether the other entities have cash in the bank to meet their CTEP requirements. Sanderson responded that Farm to Market path was elevated to #1 that they have should have already moved the money as that trail will be under construction next June or July. He was unaware of the local match for the River Road project. He noted Lakeside was moved to #4 on the state list. Mercord stated that there is some heartburn connected to that so we are just trying to expedite the process to make a good situation better.

Eisenlohr stated that at one time they had \$173,417.00 in cash or pledged. Right now maybe we have a quarter because of the delay. As far as I am concerned myself particularly, a few of us went out and raised these funds, we got egg on our face too. Our chances of going back out and raising that much back again with the proposal that we might get a bike path is not good. Before we go out and raise funds, I think we need some commitment from the county before we make the effort again. We had the effort. We went out and made the effort. We had the commitments for this amount of money that is how much this community was behind this trail and you talk about a disheartened community at this point in time. You don't even hear the subject talked about any more. At one point that is about all you heard about. Mercord responded that they just made a resolution that was passed unanimously to get the first phase going. I don't want to get into things that will jeopardize the first phase because if we can get people using the path it may show us where the bike path ought to go and that is solved then too.

FINAL PLAT: ASHLEY CREEK RESERVE NO. 2, LOT 1

Present at the October 1, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Melinda Riley, Charles M. Doyle, Assistant Avery, and Clerk Eggum.

Riley reviewed the final plat for Ashley Creek Reserve No. 2 which is an application by James W. Dye for final plat approval of a three lot minor subdivision along Ashley Lake Road located approximately 18 road miles west of Kalispell. The subject property is approximately 65.241 acres in size and is located in an unzoned portion of Flathead County. Preliminary plat was waived on June 13, 2003 subject to nine conditions. All conditions have been met or otherwise addressed by the applicant. Staff recommends approval of the final plat.

Commissioner Gipe made a **motion** to adopt Staff Report FWP-03-23 as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to approve Final Plat for Ashley Creek Reserve No. 2. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Gipe and Hall. Motion carried unanimously.

CONSIDERATION OF PRINTING BIDS: COUNTY ATTORNEY'S OFFICE

Present at the October 1, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to award the bid to Eagle Flight Business Forms for 5,000 #10 window envelopes with return addresses in the amount of \$151.00 on behalf of the County Attorney's Office. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

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

1:15 P.M. Commissioner Hall is to attend the Youth Diversion Program Meeting w/Sheriff Jim Dupont

4:00 P.M. Commissioner Hall is to attend the GPAC Steering Committee Meeting at Kalispell Chamber

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on October 2, 2003.

THURSDAY, OCTOBER 2, 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.

8:30 A.M. AOA TAB @ Brendan House Conference Room

FINAL PLAT: SKY VIEW ESTATES

Present at the October 2, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Johna Morrison, Dawn Marquardt and Debbie Shoemaker of Marquardt and Marquardt Surveying, Assistant Avery, and Clerk Eggum.

Morrison reviewed the final plat for Sky View Estates Subdivision which is an application by Denny Weinberg for final plat approval of a five lot minor subdivision along Farm and Manning Roads, approximately eight miles southeast of Kalispell. The subject property is 25 acres in size and is located in an unzoned portion of Flathead County. Preliminary plat was waived on April 30, 2003 subject to seven conditions. All conditions have been met or otherwise addressed by the applicant. Staff recommends approval of the final plat.

Commissioner Hall made a **motion** to adopt Staff Report FWP-03-26 as Findings of Fact. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

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

FINAL PLAT: WILLOW BEND

Present at the October 2, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Johna Morrison, Dawn Marquardt and Debbie Shoemaker of Marquardt and Marquardt Surveying, Assistant Avery and Clerk Eggum.

Morrison reviewed the final plat for Willow Bend Subdivision which is an application by Doug Skoczek for final plat approval of four residential lots off Foys Lake Road. Preliminary plat was granted on June 24, 2003 subject to 12 conditions. All conditions have been met or otherwise addressed by the applicant. Staff recommends approval of the final plat.

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

FINAL PLAT: SUBDIVISION NO. 230

Present at the October 2, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Johna Morrison, Tom Sands of Sands Surveying, Assistant Avery, and Clerk Eggum.

Morrison reviewed the final plat for Subdivision #230 which is an application by Gary Ohs for final plat approval of a one lot minor subdivision along Highway 93, approximately two miles south of Kalispell. The subject property is one acre in size and is located in I-1, Lower Side Zoning District. Preliminary plat was waived on October 25, 2002 subject to six conditions. All conditions have been met or otherwise addressed by the applicant. Staff recommends approval of the final plat.

Commissioner Gipe made a **motion** to adopt Staff Report FWP-03-27 as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to approve Final Plat for Subdivision No. 230. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Gipe and Hall. Motion carried unanimously.

CONSIDERATION OF RELEASE OF COLLATERAL: SUBDIVISION NO. 169

Present at the October 2, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Larsen Engineering advised that the Commissioners accept the railroad crossing as completed and all other requirements have been fulfilled.

Commissioner Gipe made a **motion** to approve release of collateral for Subdivision No. 169. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: CHRISTENSEN AND HAGERMAN ZONE CHANGE/EVERGREEN AND VICINITY ZONING DISTRICT

Present at the October 2, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

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

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by John & Alice Christensen and Cody Hagerman to change the zoning designation on property located 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.

The public hearing will be held on the **21st day of October 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 Evergreen and Vicinity Zoning District.

DATED this 2nd day of October, 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 October 7 and October 14, 2003.

**EXHIBIT A
JOHN AND ALICE CHRISTENSEN/CODY HAGERMAN
ZONE CHANGE FROM R-2 TO R-5
EVERGREEN AND VICINITY ZONING DISTRICT
SEPTEMBER 4, 2003**

The property is located in the Evergreen and Vicinity Zoning District on Terry Road just southwest of the Flathead Electric building. The subject properties may be described as Lots 1 – 8, Block 2 Tiegen's Acres a platted subdivision in Section 33, Township 29 North, Range 21 West, P.M., all in Flathead County, Montana.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: WINTER SPORTS, E AL., ZONE CHANGE/BIG MOUNTAIN WEST ZONING DISTRICT

Present at the October 2, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

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

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Alex Brishka, Winter Sports, Inc., Stoltze Land & Lumber, and Elk Highlands, Inc., to create a new zoning district to be known as the "Big Mountain West Zoning District" and to zone the property in the proposed district BR-4 (Resort Business).

The boundaries of the proposed Big Mountain West Zoning District are set forth on Exhibit "A."

The BR-4 district is intended for resort purposes and to provide for the development of medium and high density resort uses, including hotels, motels, resort condominiums and other similar uses oriented towards tourism and resort businesses, and may also provide meeting rooms, convention facilities, bars, lounges and restaurants, and retail and commercial uses intended primarily for the guests of the facilities.

The regulations defining the BR-4 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 **20th day of October, 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 Big Mountain West Zoning District.

DATED this 2nd day of October, 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 October 7 and October 14, 2003.

**EXHIBIT A
BIG MOUNTAIN WEST
UNZONED TO BR-4
SEPTEMBER 16, 2003**

The property is described as Tracts 1, 5, and 6 of Certificate of Survey 15439; Tracts 1 and 2 of Certificate of Survey 15520; Tract 1 of Certificate of Survey 15516; Government Lot 2 and the SW1/4 of the NE1/4 of Section 3, Township 31 North, Range 22 West; Tract 1 in the SE1/4 of the NE1/4 of the S1/2 of the S1/2 of Government Lot 1 and Tract 2 in the SW1/4 of the NW1/4 and the S1/2 of the S1/2 of Government Lot 2 of Section 2, Township 31 North, Range 22 West; and Tract 1 of Certificate of Survey 14892 P.M., Flathead County, Montana.

COS REVIEW: ZOHRER

Present at the October 2, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planning and Zoning Director, Dawn Marquardt and Debbie Shoemaker of Marquardt and Marquardt Surveying, Sheila Zohrer, Assistant Avery, and Clerk Eggum.

Sanderson reviewed the chain of title. Looking at this entire chain from this 20 acre tract this transfer would be creating the fifth lot in 16 months. Sanderson recommended denial as a pattern of development. The use of exemption is consistent with the law, five lots in 16 months using the family transfer exemption is too much.

Marquardt advised that it was 45 acres to start with. When the property was purchased, it was their plan for the parents to keep 20 acres and have 25 acres in two separate parcels for their children. While they were going through the health department review on the family transfer, the dad got sick and just after they did the family transfers, he died. The two middle tracts were sold because of concern for making the payments. Zohrer bought them in the summer of 2003. The Zohrers are not involved in any way with the previous owners.

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

CONSIDERATION OF ADOPTION OF RESOLUTION: ACTIVE FOREST MANAGEMENT

Present at the October 2, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to adopt Resolution No. 1646. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

RESOLUTION NO. 1646

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF FLATHEAD COUNTY, MONTANA,
REQUESTING ACTIVE FOREST MANAGEMENT IN THE STATE AND NATIONAL PUBLIC LANDS IN
FLATHEAD COUNTY.

WHEREAS, the Board of Commissioners has legitimate concern about the threat of forest fires, both existing and potential, in Flathead County;

WHEREAS, the citizens of Flathead County are affected by compromised health, economic loss, lack of ability to use recreational areas, and general displeasure due to the wildfires that raged on public lands for most of the summer of 2003; and

WHEREAS, the citizens of Flathead County recognize that the death of animals, the loss of animal habitat, the loss of plants and trees and their environmental benefit, the potential for erosion into lakes and streams, and the huge economic burden that falls on taxpayers as a result of wildfires on public lands.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Flathead County, Montana, as follows:

- 1: That all the recitals set forth above are hereby adopted as findings of Fact.
- 2: The Board of Commissioners of Flathead County, Montana hereby urges our State and Federal Forest agencies to pursue to the strongest possible extent the following management practices, which shall include, but not be limited to:

- a. An active management strategy as opposed to passive management.
 - b. Environmentally responsible logging of trees and clearing of deadfall as a preventative method.
 - c. Aggressive firefighting and containment immediately upon commencement of any wildfire.
 - d. Controlled burns when advised by forest managers.
 - e. Quick and efficient logging operations in all burned areas following a wildfire in order to minimize damage to a valuable natural resource (lumber), to provide jobs in our local timber industry, and to allow the public to return to recreational activities as soon as possible.
- 3: The Board of Commissioners of Flathead County shall send a copy of this resolution to all state and federal forest agency directors.
- 4: This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF FLATHEAD COUNTY, MONTANA, ON THIS 2nd DAY OF OCTOBER, 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

ATTEST:
Paula Robinson, Clerk

By /s/ Gary D. Hall
Howard W. Gipe, Member

By /s/ Vickie M. Eggum
Deputy

CONSIDERATION OF RELEASE OF COLLATERAL: HAILEY'S RUN

Present at the October 2, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Chairman Watne advised that all work has been completed.

Commissioner Hall made a **motion** to approve release of collateral for Hailey's Run Subdivision. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: ANDERSON ZONE CHANGE/LOWER SIDE ZONING DISTRICT

Present at the October 2, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

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

RESOLUTION NO. 957AO

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, after publication of legal notice, on the 12th day of August, 2003, to consider a request to change the zoning designation in a portion of the Lower Side Zoning District from AG-80 (Agricultural) to SAG-5 (Suburban Agricultural);

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

WHEREAS, the Board of Commissioners reviewed the recommendations of the Flathead County Planning Board regarding the proposed change in the Lower Side Zoning District;

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 957AN, dated August 12, 2003) to change the zoning designation in a portion of the Lower Side Zoning District from AG-80 (Agricultural) to SAG-5 (Suburban Agricultural); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on August 28 and September 4, 2003, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Lower Side Zoning District to change the zoning designation for the area described on Exhibit "A" hereto, from AG-80 to SAG-5, as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 93270 13500, in the Flathead County Clerk and Recorder's Office.

DATED this 2nd day October, 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
ANDERSON ZONE CHANGE
LOWER SIDE ZONING DISTRICT
AG-80 TO SAG-5
JULY 9, 2003**

The property is described as Tract 2 of Certificate of Survey No. 6628 in Section 28, Township 28 North, Range 21 West, P.M., Flathead County, Montana

FINAL PLAT: STRONG ESTATES

Present at the October 2, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Herb Strong, Paul Badgley, Planning and Zoning Director Forrest Sanderson, Assistant Avery, and Clerk Eggum.

Sanderson reviewed the final plat for Strong Estates which is an application by Herb Strong for final plat approval of a five lot residential subdivision with a remainder. The property is located two miles southwest of Columbia Falls approximate one-half mile west of Highway 2 East. Preliminary plat was granted on February 27, 2003 subject to 14 conditions. All conditions have been met or otherwise addressed by the applicant. Staff recommends approval of the final plat.

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

CONSIDERATION OF EQUI-VEST REQUEST: J. WILKINSON

Present at the October 2, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a letter from Equi-Vest advising that the signature of Jane Wilkinson's employer was required to authorize the withholding of income tax on the contributions of Jane Wilkinson's Equitable distribution.

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

3:00 P.M. Commissioner Hall is to attend a Meeting w/DNRC at the Forest Service

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on October 3, 2003.

FRIDAY, October 3, 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 October 6, 2003.
