

## MONDAY, OCTOBER 6, 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.

### **1:00 P.M. Commissioner Hall is to attend a meeting with B. J. Compton and Charlie Johnson**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on October 7, 2003.

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## TUESDAY, OCTOBER 7, 2003

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

### **7:00 A.M. Commissioner Gipe is to attend a Meeting with Mike Collins/Flathead Valley CDC**

#### **MONTHLY MEETING W/DONNA MADDUX, SUPERINTENDENT OF SCHOOLS**

Present at the October 7, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Superintendent of Schools Donna Maddux, Assistant Avery, and Clerk Eggum.

**This meeting did not take place.**

#### **MONTHLY MEETING W/NORM CALVERT, COMPUTER SERVICES**

Present at the October 7, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Computer Services Director Norm Calvert, Assistant Avery, and Clerk Eggum.

**This meeting did not take place.**

#### **CONSIDERATION OF LAKESHORE PERMIT: CHRISTENSEN**

Present at the October 7, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Tim Beck, Assistant Avery, and Clerk Eggum.

Beck reviewed Lake and Lakeshore Construction Permit filed by David A. Christensen on Flathead Lake to install a concrete retaining wall lakeward of the mean annual high water line. General discussion was held.

Commissioner Hall made a **motion** to approve Lakeshore Permit No. FLP-03-4b subject to 26 conditions and authorize the Chairman to sign. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

#### **CONSIDERATION OF POSITION OPENING: COUNTY ATTORNEY'S OFFICE**

Present at the October 7, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a letter from Sassi Forden, Office Manager for the County Attorney's Office requesting permission to open the Office Assistant III position created in the FY2004 budget approved last month and to open the Office Assistant II position in early November created by the anticipated resignation of Mary Lamb in January.

Commissioner Hall made a **motion** to approve the opening for an Office Assistant II and III on behalf of County Attorney's Office. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

#### **CONSIDERATION OF RELEASE OF COLLATEARL: SIA/IAVICOLI SUBDIVISION**

Present at the October 7, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a letter from Jeff H. Larsen, P.E., P.L.S. advising that the trenching item that needed to be completed as required by the Subdivision Improvement Agreement has been completed. Therefore, the requirements of the Subdivision Improvement Agreement have been met.

Commissioner Gipe made a **motion** to authorize the release of collateral for Iavicoli Subdivision. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

#### **AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: WHITEFISH AND LOST COON LAKES LAKESHORE REGULATIONS AMENDMENT**

Present at the October 7, 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, in accordance with Section 6.5 of the Whitefish and Lost Coon Lake and Lakeshore Protection Regulations, that the Board will hold a public hearing to consider proposed amendments to the Whitefish and Lost Coon Lake and Lakeshore Protection Regulations.

The amendments, proposed by the Whitefish Lakeshore Protection Committee, would generally revise portions of the regulations dealing with vegetation, including trees, in the lakeshore protection zone, swimming docks, trampolines, boat lifts, canopy covers, buoys and lines, and others. The proposed changes are on file and available 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 **12<sup>th</sup> day of November, 2003, at 9:30 o'clock, a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, 800 South Main, Kalispell, Montana. At the hearing the Board of Commissioners will give members of the public an opportunity to be heard regarding the proposed amendments to the Whitefish and Lost Coon Lake and Lakeshore Protection Regulations.

Dated this 7th 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 18, and October 25, 2003.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROBERSON ZONE CHANGE/HASKILL BASIN EAST ZONING DISTRICT**

Present at the October 7, 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 the a request by Chuck and Linda Roberson to change the zoning designation in a portion of the Haskill Basin Estates Zoning District from AG-20 (Agricultural) to SAG-5 (Suburban Agricultural).

The boundaries of the area proposed to be amended from AG-20 to SAG-5 are set forth on Exhibit A.

The proposed change would generally change the character of the zoning regulations applicable to the property from those intended to protect and preserve agricultural land for the performance of a wide range of agricultural functions, intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development, to regulations intended to protect and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development. The AG-20 classification has a minimum lot size of 20 acres; a change to SAG-5 would result in a minimum lot size of five acres.

The public hearing will be held on the **21st day of October, 2003, at 10:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, 800 South Main, Kalispell, Montana. At the public hearing, the Board of Commissioners will give members of the public an opportunity to be heard regarding the change proposed to the Haskill Basin Estates Zoning District.

DATED this 7th 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 11 and October 18, 2003.

**EXHIBIT A  
LINDA AND CHUCK ROBERSON  
ZONE CHANGE #FZC-03-35  
AG-20 TO SAG-5  
SEPTEMBER 18, 2003**

The property is located at 450 Timberdoodle Lane in the Haskill Basin area east of Whitefish and contains approximately 30 acres. The property is described as Tracts 1 and 2 of Certificate of Survey No. 5536, and

Tract 1 of Certificate of Survey No. 4520 all in Section 28, Township 31 North, Range 21 West, P.M., Flathead County, Montana.

**TAX REFUND REQUEST: GERKEY FAMILY TRUST**

Present at the October 7, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a letter from the Montana Department of Revenue advising that taxes were calculated on the incorrect square footage of Mr. Gerkey's dwelling. This error occurred due to the fact that they were unable to do an interior inspection of the house at the time that it was appraised. A portion to the lower area that was thought to be basement was, in fact, only a crawl space. This error has been corrected. The total refund amounts to \$1,379.29.

Commissioner Gipe made a **motion** to approve a refund in the amount of \$1,379.29. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**MEETING W/PATTY ARNOLD/TREASURER RE: QUARTERLY INVESTMENT REPORT AND TAX DEEDS**

Present at the October 7, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Treasurer Patty Arnold, Assistant Avery, and Clerk Eggum.

General discussion was held relative to the county's investments. Arnold presented the Commissioners with some tax write-off proposals for personal property taxes. A sheriff's sale, abandoned property, business gone or no one was there resulted in several accounts of uncollected taxes. A resolution striking these taxes is needed.

**MEETING W/SCOTT RUMSEY RE: QUIT CLAIM DEEDS (FOR SIGNATURE)**

Present at the October 7, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Scott Rumsey, Assistant Avery, and Clerk Eggum.

Rumsey advised that they were attempting to align Bower Road up with the right-of-way up where the county road was built. He presented three quitclaim deeds and two easements for signature and recording.

Commissioner Gipe made a **motion** to approve the Quitclaim Deed from Flathead County to Ted D. and Donna R. Boam for an interest in Bower Road and authorize the Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** to approve the Quitclaim Deed from Flathead County to Scott S. and Marsha Rumsey for an interest in Bower Road and authorize the Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** to approve the Quitclaim Deed from Flathead County to Steven L. Maas for an interest in Bower Road and authorize the Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**1:15 P.M. 911 Meeting at Justice Center**

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

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**WEDNESDAY, OCTOBER 8, 2003**

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

**8:30 A.M. Commissioner Watne and Assistant Avery are to attend a meeting with Earl Applekamp at Forest Service re: Cost Share Agreement**

**10:30 A.M. Commissioner Hall is to attend the Association of Realtors Growth Day Conference at the WestCoast Kalispell Center Hotel**

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

**1:30 P.M. Building Committee Meeting**

**2:00 P.M. Commissioner Hall is to attend the GPAC 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 9, 2003.

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**THURSDAY, OCTOBER 9, 2003**

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

**CONSIDERATION OF ADOPTION OF RESOLUTION: LIFT FIRE RESTRICTIONS**

Present at the October 9, 2003 8:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to adopt Resolution No. 1647. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**RESOLUTION NO. 1647**

**WHEREAS**, due to extremely dry conditions, the fire danger in Flathead County was in the very high to extreme category in July and August of 2003, requiring imposition of Stage I and Stage II fire restrictions in Flathead County;

**WHEREAS**, the Board of Commissioners adopted Resolution No. 1641 on September 11, 2003, rescinding Stage II Fire Restrictions and reimposing Stage I restrictions in Flathead County;

**WHEREAS**, the weather conditions in the County have in the past few weeks substantially decreased the fire danger in Flathead County; and

**WHEREAS**, the emergency conditions which existed in July and August have passed and the need for the emergency declaration has passed.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of Flathead County, Montana, that the fire restrictions imposed on September 11, 2003, are hereby rescinded and removed effective immediately.

**BE IT FURTHER RESOLVED**, that the state of emergency declared by the Board of Commissioners in July, 2003, is hereby terminated effective immediately.

DATED this 9<sup>th</sup> day of October, 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

**CONSIDERATION OF ADOPTION OF RESOLUTION: GAS TAX VOTE**

Present at the October 9, 2003 8:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to table consideration of resolution No. 1648. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**CONSIDERATION OF ADOPTION OF RESOLUTION: MILL LEVY/TRANSPORTATION FOR SENIOR AND DISABLED CITIZENS**

Present at the October 9, 2003 8:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, AOA Director Jim Atkinson, Deanna Thielman, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to adopt Resolution No. 1649. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**RESOLUTION NO. 1649**

**WHEREAS**, Section 7-14-111, M.C.A., authorizes counties to levy property taxes to fund special transportation services for senior citizens and persons with disabilities;

**WHEREAS**, Section 7-14-111, M.C.A., authorizes the use of the proceeds of any such levy to augment or subsidize provision of transportation for senior citizens and individuals with disabilities provided by public transportation providers;

**WHEREAS**, Section 15-10-425, M.C.A., authorizes the Board of Commissioners to impose a new mill levy and exceed the mill levy limit provided for in Section 15-10-420, M.C.A., by conducting an election as provided in Section 15-10-425;

**WHEREAS**, the specific purpose for the additional money will be to subsidize the transportation provided by the Area Agency on Aging, through Eagle Transit, to senior citizens and individuals with disabilities;

**WHEREAS**, the amount to be raised is \$148,360.09 and the approximate number of mills required is one; and

**WHEREAS**, the election will authorize the County to levy the additional millage in the future to raise the amount set forth above, and as modified by the provisions of Section 15-10-420, M.C.A.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of Flathead County, Montana, pursuant to Sections 15-10-425 and 7-14-111, M.C.A., that the following ballot issue shall be placed on the June 8, 2004, Primary Election ballot:

Shall the Board of Commissioners of Flathead County, Montana, be authorized to levy up to one additional mill per year to subsidize the provision of transportation services for senior citizens and persons with disabilities the Area Agency on Aging, through Eagle Transit.

- FOR authorizing the levy of up to one mill per year to subsidize the transportation provided by the Area Agency on Aging, through Eagle Transit, to senior citizens and persons with disabilities.
- AGAINST authorizing the levy of up to one mill per year to subsidize the transportation provided by the Area Agency on Aging, through Eagle Transit, to senior citizens and persons with disabilities.

DATED this 9<sup>th</sup> 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/Howard W. Gipe  
Howard W. Gipe, Member

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

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

**CONSIDERATION OF SIA EXTENSION: WYNDOVER HILL SUBDIVISION**

Present at the October 9, 2003 8:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a letter from Richard J. Swan, P.L.S. of TD&H requesting an extension of the Subdivision Improvement Agreement from September 30, 2003 to November 30, 2003.

Commissioner Hall made a **motion** to approve the extension request from September 30, 2003 to November 30, 2003. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**9:00 A.M. Commissioner Hall is to attend a Meeting with Janae Shmautz/Flathead Youth Shelter**

**MONTHLY MEETING w/RAEANN CAMPBELL, HUMAN RESOURCES**

Present at the October 9, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Human Resource Director Raeann Campbell, and Clerk Eggum.

General discussion was held relative to recent seminars attended.

**FINAL PLAT: ASSEMBLY OF GOD SUBDIVISION**

Present at the October 9, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Mark Crowley, Eugene R. Lamb, Brien Sullivan of F & H Land Surveying, and Clerk Eggum.

Crowley reviewed the final plat for Assembly of God Subdivision which is an application by Agnes C. Lamb Revocable Trust for final plat approval of a two lot residential subdivision along Karrow Avenue about one and one half miles southwest of Whitefish. Preliminary plat was approved on March 6, 2002 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 approve the Subdivision Improvement Agreement in the amount of \$6,000.00 for completion of the cul-de-sac. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

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

**MONTHLY MEETING W/FORREST SANDERSON, PLANNING AND ZONING OFFICE**

Present at the October 9, 2003 9:30 A.M. Meeting were Commissioners Gipe and Hall, Planning and Zoning Director Forrest Sanderson, and Clerk Eggum.

General discussion was held relative to planning board meeting; road standards; lawsuits coming; violations; emergency work done on North Fork; trails update.

**PUBLIC HEARING: NORTH FORK ZONING DISTRICT (TILL NOON)**

Present at the October 9, 2003 10:00 A.M. duly advertised public hearing were Chairman Watne, Commissioners Gipe and Hall, Jerry Wernick, Cecily R. McNeil, Dough Adams, Barbara Klemnow, Gary Hembd, Sr., Michele Landenberg Hembd, Ed Heger, Gerry Stearns, Pat Cole, Jon Cole, Donna Marx, Ed Langton, Randy Kenyen, Rich DeJana, Christina M. Lawrence, Bradley Buhmiller, Rachel Potter, Oliver Heister, Tom Marx, John Frederick, Richard E. Wackrow, Al Benavides, Louise Benavides, Matthew Hohnberger, Molly Shepherd, and Clerk Eggum.

Sanderson reviewed the request to reconsider text amendments to the North Fork Zoning District classification of the Flathead County Zoning Regulations. The Planning Board encouraged the County Commissioners to use Resolution 955ED as the baseline for approval using all previous testimony and letters submitted as they make a decision on the North Fork text amendment.

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

**Tom Marx** advised that his family has owned 160 acres of land by Trail Creek since the late 40s. I have been involved in this procedure. For two years I was on the Land Use Planning Board on the North Fork. I was very much involved in getting the information from my neighbors, from our co-landowners and I have confidence that was done as well as we possibly could. We had help from folks on the county level to make sure we did it. This has been a long long process. It has changed. It has evolved as we got new information. We made changes to the plan until finally we presented to some of you a while ago and now here we are again. It was basically approved with some recommendations to change. I would like to suggest that the person that was most responsible for making the suggestions to change the zoning proposal is no longer part of the board. The ideas that he had, the people of Flathead County decided we needed some different ideas. I suggest that we don't want to be carrying some of those ideas forward so I would encourage the Commissioners to approve the plan as submitted by the North Fork Land Use Advisory folks and to dismiss the recommendations or changes that former Commissioner Williams had made to them specifically getting rid of the RV parks and the change from one size to the other. We, the majority of the folks who are up there, want it like we sent it to you or we wouldn't have sent it to you that way. Please approve as it was sent and not make the changes that former Commissioner Williams had suggested a year or so ago.

**Jon Cole** advised that he was a full time North Fork resident and currently the Chairman of the North Fork Land Use Advisory Committee. I would just like to present what our committee decided on September 6, 2003 regarding the changes made last year by the Commissioners. Basically, this is addressing Resolution #955ED including the July 24, 2002 amendment made by the Board of Commissioners. Basically with eight of our 11 committee members present on September the 6<sup>th</sup> there was a unanimous vote in favor of the following amendments made by the Commissioners last year and I will read them for the benefit of the audience. The first one is under permitted use changing residential business from one non-family member to five. More than five non-family employees would be a conditional use that our committee agreed with. Under rental cabin changing the density requirement from one rental cabin for each contiguous acre to each five contiguous acres. Also under dude ranch definition adding that the 160 acre requirement may be met by acreage owned or leased and also a permit may be obtained to use contiguous public lands to meet the requirement. Lastly we also agreed with the change adding accessory structures as a permitted use to a single family dwelling. Also by a unanimous vote our committee requests the County Commissioners to revisit and reconsider the following commission amendments from August, 2002: The camp or retreat center, the outdoor recreational facility and the recreational vehicle or camping public. The reason our committee has requested the County Commissioners to revisit those three categories is as follows: The original zoning amendment proposal addressed only traditional and existing business uses in the North Fork to both preserve the character of the area and to prevent any monopoly of business enterprise. The above three mentioned categories are neither traditional use nor existing business uses in the North Fork. Secondly, our committee had no opportunity to discuss these three categories in advance of their add-on to the zoning proposal after the Commissioners' first round of changes which we agreed to and they were never part of public landowner discussion for inclusion in a zoning proposal. In additional, our committee would like to point out the fact that each of these three categories are listed under conditional use standards on page 161 and 162 of the Flathead County Zoning Regulations. With outdoor recreational facility and recreational vehicle parks and campgrounds listed as subcategories under camp or retreat center so those first two were actually taken out of the subcategory of camp or retreat center. I can find no zoning district in Flathead County that lists either a camp or retreat center, public RV or camping or outdoor recreation facility and listed as a permitted use by the zoning book. They are conditional use categories. In summary, our committee does not support the inclusion of the three above named permitted uses as part of the proposed North Fork zoning amendment based on the above-mentioned facts. However, in the event the Board of Commissioners decides to include these three uses as amendments to the North Fork zoning, then we ask they be considered as conditional uses rather than permitted uses.

**Doug Adams** stated that as Flathead County residents we're all aware of the unprecedented growth around us. The Flathead Valley has been discovered. We also know that much more growth is anticipated. With this growth comes the responsibility to plan and direct. Issues like new subdivisions, septic systems, and the new mall are demanding a lot of attention and effort. We need to consider how and where this growth will occur. As a North Fork landowner, I suggest that the growth not occur there. In 1998 when I first bought land there, one of the things that sold me on the area was the pristine wilderness of it all. Very little commercialization and widely spaced residential areas are attractive to many of us. As a North Fork landowner, I've had the opportunity to participate in surveys concerning land uses, zoning, and road paving. I welcomed the chance to voice my opinions. I think that the people behind the surveys honestly tried to find out how all of the owners felt on the issues. It seems quite obvious to me that the majority of people in the North Fork who will be affected by your decision today support the zoning proposal before you. I'm aware that it's not a unanimous feeling, but you weren't elected unanimously, and neither was I. Still, thanks to the wishes of the majority you now have the authority to honor the request of your constituents in the North Fork. I can't stress enough that your decision will affect the Northforkers, not many of the other people who may care enough to express an opinion but are not going to be affected by this. The results of the survey were questioned, and when the surveys were sent out a second time the results were the same. It's dragged on so long that I don't remember the statistics, but I'm sure you have that information. The results speak for themselves. The people of the North Fork are saying loud and clear: Please listen to us. Please respect us. Please let us have a say in our community, and a voice in our destiny. If you were in our shoes wouldn't you ask, or demand, the same right? Numerous people have gone back to the drawing board time and time again to address the concerns of other Northforkers and of the planning board. People have been diligent to show up meeting after meeting to say what they think. Most importantly, you have the opinions of the whole North Fork in those surveys. The numbers don't lie. Just ask Arnold Schwarzenegger or Gray Davis. The people in the North Fork have voted. It's up to you to ratify those votes or to ignore them. A decision to ignore them will show these Flathead County residents that they don't count. A decision to support them will show that you care about where and how Flathead County grows, and that you truly respect everyone. I'm asking you to vote in favor of the people who will be affected most. I'm asking you to vote for the plan that was submitted by the North Fork landowners. Thank you.

**Heger** advised that he is now only a half time resident. The first two speakers said it very well. What I would add is the last three amendments that were made you sit back and think about it, the biggest concern that most Northforkers have is a large scale development that would change the character of the place significantly, not just for the residents but for visitors. If you look at those three amendments, it opens the door for that kind of activity. I would much prefer you

eliminate those amendments and if you really feel you must include them, please make them conditional use so that the community would have a chance to have input if something like that would occur.

**Wackrow** advised that he has been a permanent resident of the North Fork since 1996, and a property owner since 1990. I served on the North Fork Land Use Advisory Committee from August 1999 to September 2003. I unconditionally concur with the September 6, 2003 decision of the committee to accept changes made by the Flathead County Board of Commissioners to our proposed zoning amendment on August 5, 2002. These changes, all listed under Permitted Uses, were: Increasing the maximum number of employees for a family business from one to five; Reducing the density requirement for rental cabins from one per 10 acres to one per five acres; Allowing rented or leased land to be used to meet the 160-acre requirement to operate a dude ranch; and adding accessory buildings to the Permitted Uses list. As soon as possible after the August 5, 2002, meeting of the Commissioners, I, as chairman, canvassed North Fork Land Use Advisory Committee members regarding these changes and we agreed to accept them. Also, I wholeheartedly agree with the committee's opinion that the addition of camp or retreat center, outdoor recreation facility and recreational vehicle or camping (public or private) violates the intent of the proposed zoning amendment crafted by the committee and endorsed by the North Fork community, and is inconsistent with Flathead County Zoning Regulations. Section 4.03.030 of the Flathead County Zoning Regulations, under "Conditional Use Standards," states that "a camp or retreat center designation [which includes outdoor recreation facility and RV park] shall be restricted to the AG, SAG and R-1 designations." The North Fork Zoning District is not designated as AG, SAG or R-1. And camp or retreat center, outdoor recreational facility and RV park were not included as either permitted or conditional uses in the proposed zoning amendment the committee presented to the county last year. Finally, unlike the changes made at the August 5, 2002, commissioners' meeting, the committee was not allowed a similar opportunity to consider additions made to the Permitted Uses list on August 12, for example, camp or retreat center, outdoor recreation facility and RV park. As a matter of both procedure and fairness, I ask that the commissioners either eliminate these uses from the Permitted Uses list, or move them to the Conditional Use list. In closing, I would like to thank the North Fork Land Use Advisory Committee for its continuing efforts to establish fair and reasonable zoning for the North Fork, and gratefully acknowledge each committee member's unflagging loyalty to the community.

**Kenyen** advised that he has been a landowner on the Moose Creek Road for approximately 15 years in the North Fork. Rather than take up a lot of valuable time I would just like to state that I thoroughly agree with the four previous speakers on the hopeful elimination of the three amendments or at least moving them over to a conditional use as oppose to a permitted use. I think this process has been fair and I think the wishes of the people of the North Fork have been made quite clear and I hope you take into consideration our self-determination.

**Stearns** advised that she is a resident on Moose Creek Road also. People move to the North Fork for beauty, peace, quiet and privacy. Without commercial zoning, all of these could disappear and property values could plummet. Would any of you gentlemen even consider paying top dollar for a piece of land or property in an area in which anything at all could be put in next to you? A busy RV park with TVs and radios blasting any time of the day or night or even a paint ball military course or park whatever they call them. This would mean hundreds of additional vehicles, vans, trucks on the North Fork Road which is already very expensive to maintain. The point is, anything is possible and unless the three items that have been mentioned are made conditional or eliminated instead of permitted uses, you as a landowner would not even know what was planned until you heard the first radio blasting. A quiet religious retreat is one thing but a paint ball course is something else entirely. I urge you to pass this amendment to make the three items conditional or better yet eliminate them completely.

**McNeil** advised that she lives and votes in this county. My husband and I have been North Fork summer residents and landowners since about 1960. We are founding members and have been long time officers of the North Fork Compact, which was, I am told, Flathead County's first land use planning advocacy group beginning in about 1969 as I recall. The Compact is a land covenant with about thirty landowner members owning about 1200 acres of North Fork land. We have always advocated a conservative land use policy for the North Fork: careful planning and low density of residences; only the most vital commercial development, and that at a minimum. A delegate from the compact is a member of the North Fork Land Use Planning Committee. I sometimes sit in or delegate if I can go. I am here to ask the Commissioners to accept the original land use plan which the Northforkers submitted. It is my considered judgment that the RV parks and the outdoor recreational facilities as proposed in the amendments to Section 3.40.020 are totally inconsistent with the main thrust of about twenty years of planning on the North Fork. They are, I believe, unsuitable because of the heavier density of the proposed units, which means increased pollution of all sorts as well as increased traffic and degradation of the natural values of the area. I believe rental cabin acreage should not be five but ten acres per unit. I do not believe that RV users will drive 60 miles to a facility to dump wastewater, or that all rental cabins will comply with sanitary requirements of this county. Please return to the original plan, without the three amendments or put on conditional use. Thank you.

**Wernick** advised that he lives at Red Meadow Drive area. We have lived there full time for over 20 years and have operated a family business for over 20 years. I have two concerns, one is I am afraid that in trying to stop too much development we may unnecessarily burden family business and I have had that concern during this whole process. The move to allow employees for a family business I think is important. I think that a person wherever they are ought to be able to do on their own property what they would like as long as it doesn't unduly affect all their neighbors. Many people that live in the North Fork don't run a private business. Their money comes elsewhere. But those of us who have in the past I think recognize the need for young people who move into the valley our own children be able to do that. On the other hand, I don't think the North Fork can at this point support large scale commercial development. The county I think as Commissioners you need to recognize that if we allow something that will bring hundreds of people to a business then we are going to have to have a different road. We are going to have to have different infrastructure and the county is going to have to put the money into what it would take to maintain that because of safety concerns. I am asking you to find a compromise between the two sides that are in the North Fork, a just compromise that will protect an individuals' right to run a family business provided they live there, they own it, and they operate it themselves and not allow large scale development to bring in all kinds of other people and we have distant landowners and the profit goes elsewhere.

**Frederick** advised he lives in Polebrige. I own 50 acres in the North Fork. I have lived there since 1980. The original zoning plan submitted by the Northforkers is the best. It is what Northforkers asked for. Second best is the County Commissioners' plan last year provided that the recreational vehicle parks, retreat centers, outdoor recreation facilities were deleted or at least put into conditional use category. Thank you.

**Shepherd** advised that she has owned 80 acres near Trail Creek for 15 years. I support the commercial zoning regulations proposed by the Land Use Advisory Committee because they are in the best interests of the North Fork now and in the future. I oppose the amendments made by the Commissioners in August, 2002 permitting camps or retreat

centers, outdoor recreational facilities and public RVs or camping. The process that the North Fork Land Use Advisory Committee followed was fair, inclusive and provided abundant notice to property owners working in good faith and with respect for their neighbors. Committee members hammered out a set of proposed regulations that a substantial majority of North Fork property owners support. The proposed regulations reflect compromise, safeguarding many of the North Fork's unique and irreplaceable values while imposing some reasonable limitations on commercial uses. These limitations are consistent with the protections given to ownership of private property by the Fifth Amendment of the United States Constitution and by Article II, Sections 3, 17 and 29 of the Montana Constitution. I am troubled that some of the opponents of the proposed regulations including members of the Planning Board have mischaracterized them. The regulations are not and should not be considered an attack on private property rights. Limitations on the right to use private property are as old as the concept of property ownership. For hundreds of years, long before the term zoning was coined, our ancestors prohibited or restricted uses of private property that were not compatible with particular surroundings or neighborhoods or communities. Zoning is not sinister and the proposed regulations are not the result of a conspiracy to deprive North Fork property owners of their rights. The question is or should be whether Northforkers are willing to accept some reasonable limitations on commercial uses of their property in order to preserve something they value more. That something is the rustic and pristine but fragile character of the North Fork. The fires this summer underscored that fragility and increased our obligations to the land and to one another. Under Montana law, the character of a place must be considered in determining what uses are appropriate there. It is a legitimate and time honored means of promoting the public health, safety, morals and general welfare as you gentlemen are called upon to do. Please leave your children, grandchildren and their children a legacy of your stewardship by passing a resolution of intention to adopt the proposed North Fork zoning regulations.

**Donna Marx** advised that their family has had 160 acres since 1949. I talked about this before. I have gone to years of meetings and it has been such an exercise in democracy; so many meeting, first the committee meetings and those were open to everyone. Notice was given. My husband was on the committee for a couple of years and he worked so hard to make the survey fair so people could express themselves. When they counted the votes, they had people from different viewpoints view the counting of the votes so that there wouldn't be any discrepancies. There were so many meetings at Sonderson Hall and this is just a small display of the people who could get there but just all spectrums packing the hall, standing room only and the majority was always to protect the North Fork. Development in itself is not bad and I commend you for the development you have done in your areas. It is just that the North Fork is a very unique area. I feel it is hard to keep coming to meetings. You wonder if you are not if you can't hire a lawyer, if you can't do mass mailings, if democracy will still work and I think it will. I think you will listen to the everyday grass roots kind of people who have been attending meetings, after meetings, with your help and guidance to do things in the right way. I agree with everything that Molly just said that it is under the U. S. Constitution and the Montana Constitution to pay attention to the area and I speak to that part of you that still keeps your idealism. I hope you make trips up to the North Fork. We lost our homestead cabin with this fire and some other buildings and we were able with the great fire fighters to save one of our cabins. We still love it and we still want it to work to have one place where Montana is still Montana, not bright lights and traffic and commercialism. Another hard thing about attending all of those meeting is you speak first and then if somebody raises something that you think isn't true or fair you don't have an opportunity to speak to that. I trust you and I thank you for your hard work and listening to us. I support it as proposed by the Land Use Committee.

**Potter** advised that she is a part time resident of the North Fork up on Teepee Lake and has been recreating up there for nearly 30 years. I would like to urge you to pass the plan as proposed by the Northforkers without the three uses. I also believe that those uses should be listed under conditional because Northforkers have said loud and clearly that we don't want those things up the North Fork, campers, retreat centers, RV, we don't need to go through this again if they are listed as conditional uses. One of the things that I was shocked the last planning meeting, people on the Planning Board and other saying this issue had divided Northforkers and with all due respect to by neighbors that I do disagree with if anything, this issue has really brought us together. We are a very diverse group up there and many of the people that are strong proponents of this plan as we would like you to pass it and I don't agree probably on anything else, land management, politics, anything else but by gosh we agree on this so strongly. The compromises have been made. This plan has been changed over and over. People's concerns have been brought in. The compromises have already been made. Yesterday, I was talking to Jim Cross and he said how can you keep going back. Where do you get the energy to keep trying to get this passed. I said because it so incredibly important. The North Fork is so important and to keep it at least some type. It is going to grow. It is going to change but to keep some kinds of rational bounds on that growth is so important and there is such a strong group of people that we have no choice. It is important and it is also kind of incomprehensible that we can't get this passed. It is so important. There is such broad support for it. I just really hope I can go home tonight. It has been hard explaining this to my 10 year old daughter over the years. I have tried to show her other people's opinions and why they have those opinions and how the democratic process works. I would dearly love to go home tonight and tell her at the dinner table that yes democracy works. This is what Northforkers want and this is what we are going to get.

**Pat Cole** advised that she is a full time resident on North Fork Road and would like to see the zoning proposal approved with the changes recommended by the Land Use Advisory Committee.

No one else rising to speak, Chairman Watne asked for anyone wishing to speak in opposition to the proposal.

**DeJana** advised that he represents the North Fork Alliance. I also represent Ed Langton. I wrote to you in July regarding this matter, basically encouraging you to look very hard at the resolution that was adopted previously. Pointing out what I saw were some problems in that. There are a couple of other problems that have come up today and in discussions I want to touch on. The two of you that were here before listening, you can see the North Fork people are starting to come together. I actually think the resolution you did before helped to bring them together. There are compromises. We pointed out problems with the need for accessory buildings and those kind of things which people said you didn't need to change and now they recognize it had to be changed. I am hoping to tell you some things I think need to be changed to make it good zoning. One of the problems we have with the North Fork zone, it was brought up by one of the individual proponents when he cross referenced other regulations in the county. This is a particularized zone. It is not one of our standard zones. That creates problems. It also creates good things. But I recommend to you that you try to keep the standardization as much as you can because at least you have a body of understanding. As you know dude ranch was originally suggested in the original plan you added the outdoor recreational facility and I know that concerns people. Whether you not keep that is important but it is important to know that that facility is defined under our regulations as a facility that provides recreational activities specialized in outdoor and natural resources, they are usually seasonal in nature and may include facilities such as dude ranches so you have repeated yourself the way you have written the regulation, cabin resorts, rafting, hiking, hunting, outfitters and guides. Such uses will not include waterslides, mazes, putt putt courses or other high traffic generating uses such as the paint balls and those kinds of things. It is a particularly good use for the North Fork regardless of whether my clients agree with me or not. It is a good usage. It fits.



The very definition in your regulation fits what the North Fork people have been talking about. I suggest you go to guest ranch rather than dude ranch. I don't think there is a significant change.

Tape ends

You actually have a paragraph that says these definitions apply to this zone. Otherwise the ones contained in our comprehensive zoning regulations apply. It is important because the title really doesn't do that. These are three things that I don't think are huge fights. These are things that are just common sense. But there are some concerns that as I have looked at it come up to me and one is the use of conditional uses. I don't want to see huge public water, sewer and streets in the North Fork. If you look at your zoning regulations 2.06.08 part C, a conditional use cannot be granted without the following public facilities: sewer; water; storm drainage; fire protection; police protection and streets. So what you are being asked to do when you are asked to move things into conditional uses is really make them non-uses. A conditional use could not be granted unless you wanted to create the public water and sewer that will create the demand and will necessitate ruining the North Fork by increasing the number of people. I recommend you look real hard at the old regulation you passed, 955ED as amended was a good regulation that needs some tweaking. The people here have talked about ways of tweaking it. I don't think they are totally aware that for example outdoor recreational really is much more compatible than their definition of a dude ranch. A guest ranch would probably take care of the dude ranch situation or just the outdoor recreational and would keep it an appropriate level of the North Fork. Thank you for your attention. I hope you will at least listen to the comments on cleaning it up to make sure that I don't have to file one of those suits.

**Klempnow** stated that she supports 955ED. I have been a part time resident of the North Fork since 1972. Basically, my kids grew up there. I am a little troubled when someone suggests a recreational vehicle park and these larger facilities that of necessity would call for a road and things like that. I think that section needs to be revisited so some of these things are allowed. Look at Big Creek. That turned into a teaching proposition that goes out and shows the fires, nature and so forth. There are other people that want to recreate outdoors in the summertime and they might want to go up the North Fork. We haven't really addressed that. Camping is an American activity and if I want to set aside a section of my property for camping, I should be allowed to do that or anyone else for that matter with some restrictions. So what if you have to put the port-a-potties up. If that is the way you want to do it. It is not very pretty. But isn't also the North Fork about sharing or it is it just oh I am up there I don't want to share, leave it my way. We all have a ton of guests. Somebody else's desires should be addressed. I think there we need to do a little bit more work. Other than that I do support 955ED.

**Lawrence** advised that she was following her mother in speaking. I am also standing here for my brother and sister who couldn't be here today. I guess I would say while it seems I would like to just genuinely believe from the bottom of my heart that the fear based decisions and drive that has been somehow established of mass commercialism coming to the North Fork is a real fear. What it would take for that fear to turn into a reality in the North Fork is so much money, planning, time, effort and energy that I am not sure it is possible. We all for example argue about whether the road should be paved or not paved and we never agree on that. We all agree we don't want a forest fire and we seem to work together well in those situations but we can't agree on the road issues. What I am trying to say with that is that we are all already so limited by the circumstances by which we live up there. I live in Whitefish because I can't make a living in the North Fork. But I am up the North Fork a lot visiting my parents and also at my own property. The things that limit us already are the fact that the power is 40 miles away. 99% of the people don't have a regular telephone line. Satellite phones work up there some of the time but not all of the time. We all pay for city services on our taxes but we don't get them. We are restricted by Forest Service decisions because a lot of our properties are surrounded by Forest Service. Sometimes Glacier National Park tries to step in and say that they want a piece of a North Fork. I always have this feeling in the North Fork as much as I truly truly love it that I am looking over my shoulder to see who is going to come after me next. I am for saying that we are not going to have any Motel 6s, Ritz Carlton's, big huge fancy hotels but I am against saying that somebody can tell me if I have six employees on my own family owned business or maybe I had to go together with somebody who owns the business with my family because I don't have enough money to go make a business with somebody and if somebody came to me said that I can't have that sixth employee because it doesn't fall under the rules and regulations I feel like you are taking away my property rights. I'm against that clause that says exactly how many employees I can and cannot have. I am against the acreage total on the dude ranch clause and it says I believe 160 acres at this point but I am also against the clause of the dude ranch. I believe that it needs to be redefined and that it is not finished yet. It is almost there but it is not finished yet and I do think that maybe the guest ranch wording should be better. I also feel a little bit like yes, lets pass these commercial zoning regulations as long as they are really truly representative of what everybody wants. It is fine to stand up here and say that we have had meetings, we have had fair hearings and everybody has had an opportunity to go but that is not exactly correct. There is no recent mailing about this new meeting to all 400 plus people who own in the North Fork. It was in the paper yes, there were some small attended meetings in the North Fork yes, but if I had to look at the property ownership list because I know it quite well because I am a real estate agent as my job I would say probably 70 to 75% do not live in the North Fork. They live somewhere else because you have to make your money somewhere else. I am 37 years old and I don't want to be turning 45 one day and realizing that I wanted to have a horse ranch for children who were handicapped and I can't have the number of employees. It is already going to cost me so much money to have my own septic systems if my ground which is often swampy even passes with the Health Department. I think we are almost there with this stuff but I don't think it is finished yet. I have said that all along but it seems like people actually listening to that are often challenged by folks who are no longer concerned about the income in their life and not necessarily people who are like me. I also want to make a point that I am against the conditional use clause in these zoning regulations from the fact that like I said we are a community of every walk of life lives up there with people with no money to people with lots of money everything in between people who live some times of the year somewhere else, people who live there full time. Everybody lives there. The true definition of community often gets lost already in the sense that you have to have so much money to even buy in the North Fork from the property values being as high as they are. So for me to have this day dream in the back of my head that this big huge shiny bright light hotel with the fancy sewer system is really going to be there, it hasn't been the reality for all of the years that I have been growing up there. I don't see how it can come so strongly that we can't take a little extra time to make sure that these regulations are really protecting everybody.

**Hohnberger** advised that he has lived up in the North Fork for over 20 years, since he was six years old. I am here also to represent my family. My parents are presently gone for three weeks and I am here on their behalf as well. Regarding the 20-acre minimum and the setbacks, we had a very huge turnout of the fact that everybody agreed with that and I think it went very quickly and very smoothly through that entire process. I believe we are dealing with a completely different situation here right now. We are dealing with a lot of specific issues being addressed with property. Everyone, even those who I know of who are opposing the present zoning regulations still agree with and want to restrict the commercial, industrial environment that may be created in the North Fork. We want to keep it like it is. I was raised

there. My years up there are ever remembered and now that I live down here in Kalispell I plan to move up as soon as I can possibly make the money to afford the prices. What I see as the case is we have a division here. It is a division over particular issues that need to be definitely addressed. We do need to share the North Fork. I think sharing the North Fork with the people who can enjoy that on a very small limited basis that can enjoy the wilderness setting as it stands is what we need to find. If we don't find that, we are basically going to be restricting a lot of other people, other than those who have the money for ownership. I have talked to a lot of other people. The concern I have is for a lot of the out-of-state people. They don't get the newspaper ads. They don't get a lot of the information about what is transpiring with these meetings. In my dealings consistently with people who own property out-of-state who are selling it or buying it do not have the information of what has transpired. They know what the zoning is trying to be passed but that has been a 15-year process and they believe it is something that people are working on but it is not actually going to happen. Because of that fact, they have not been able to give their direct opinion. They do agree with the concepts of creating no commercial but they don't have any awareness of the fact of what is specifically going to be involved especially with all of the revisions at the last minute that have transpired. I do agree with creating and dealing with no commercial up there but I do think we need to revisit particularly the issues of the recreational ability. Secondly, they have 160 acres in there as a cut off figure but there are a lot of correction sections up there and if the homesteads were created "160" but their survey is coming in at about 155 to 159 acres. By putting a conditional use on 160 or giving it permitted on 160, you are still eliminating that potential because of the acreages that are there. There are only a few parcels up there that are over actually 160 acres that were original homestead sections.

**Lawrence** advised that Alan Jacobsen couldn't be here today but had asked her note that he is against this zoning regulation and he also wrote a letter to that effect.

**Langton** advised that he has property on North Fork Road and also on Red Meadow and North Fork Road. I first bought my property on Red Meadow and North Fork Road which consists of I think about 179 acres or so. It is approximately 156 at the intersection and approximately 22 acres down on the river. My dream was to build a home there. I do a lot of community service work in Mississippi where I am from. I thought about building a camp or retreat center something that would be environmentally compatible one day but I had no immediate plans to do so. I could prove that I had no immediate plans. I have talked to a planner and so forth about building a home on that bench. After I had purchased that property, the first thing that occurred they came out with the subdivision regulations for 20-acre minimums. I was concerned at that time. I said I don't understand we are in the wilderness with wilderness property why do we have to start controlling. I know how things go. I am in the banking business and I know how when you start having things like that developed, there is more control, more control, and more requirements to meet this and that. I am saying my goodness why in a wilderness area. Out of trying to be community spirited, I backed the proposal by sending a letter to the commissioners with reservations but I was told by many people that this is it that is all they are going to do. There is not going to be anything else and then bam we get the survey. It didn't say we are going to have new zoning based on this survey. Less than 50% response was received to the survey and then each category response would have resulted in maybe a 26 - 27% response. The zoning began after that survey. Being in the banking business I see a lot of mistakes people make. One of the first things was that they were going to take the Polebridge Townsite as the commercial corridor. We keep hearing commercial commercial but these regulations went past commercial they also involved residential uses so it is not just a commercial zoning regulation it is also residential. If you had like me 179 acres, I would have to go to the Polebridge Townsite if I wanted a rental cabin. I know there is good intent. People are passionate about this but I said a lot of this is ill advised and it has proved to be ill advised. It is in the 100 year flood plane. It has residential restrictive covenants in the Polebridge subdivision. How can you make that commercial when it just can't be? It can't meet septic requirements and so forth. When I first approached and tried to sit down and had a letter of suggestion, I was ostracized, I was criticized. It has not been a pleasant experience for me. I might add that even of late, on the goggle website it pops up North Fork Planning reach county commissioners. Landowners should send letters of support to Howard Gipe, Chairman Flathead County and it gives an attachment with the North Fork Preservation Association and says that despite well-organized efforts by the opposition spearheaded by an out-of-state developer:

That is not a fair shot. I am not an out-of-state developer. I am a property owner that is concerned about my property rights being taken away. There have been many stories that I am going to build this commercial development and so forth. That is a lie. I am standing here publicly telling you that is a lie. I don't have any of those intentions. I bought up in the North Fork for the same reasons that others bought in the North Fork, for its beauty. I am very environmentally conscious. I am a big hiker. I have hiked all over Glacier National Park. I do not want to ruin the North Fork. There needs to be some serious deliberation because when we pass regulations like this, we don't think about all the ramifications involved. It is an emotional passionate type thing. So in that process what we did to assist all of the people against the zoning, we formed the North Fork Alliance. It was not something that we went out and did a big campaign to get it but a lot of people that were against it put their name on the list as against zoning period. There are a little over 50 people on the list. I don't see any reason for the zoning. Tom Ladenberg was part of that group. John Michelotti, Keith Longton and myself were officers of that North Fork Alliance. We were opposed to the zoning and we then began to do critical research to give you facts, not fiction. To give you deliberations on facts instead of emotional fear factor type things. That letter that was sent to the Flathead County Planning Board was May 3, 2002 goes into great detail. Specific statistics such as there are only 11 private property owners with 160 acres or more; 120 acres to 160 acres – 12; 80 acres to 120 acres – 17. At this time they are saying 446 property owners. Now there was one time they had 20,000 private acres owned. The government has bought up until it is down to 15,000 and out of that 15,000, I am told our research indicates 13,353 with 2500 acres in conservation easements. That leaves about 10,800 acres or 2.03% - 2 to 3% privately owned. So we are taking that 2 x 6 to hit a fly to kill it. We have not got that much private property up there and additionally after the fire a lot of that has been decimated. The other very interesting thing here is that there are 291 property owners that own less than 20 acres. Gentlemen that is 67%+ of the 446 property owners. So 67% of the property owners couldn't even buy a parcel up there now if it was the 20 acre minimum requirement. Many of those same individuals couldn't have afforded to buy. 20 acres now are running \$150,000 - \$175,000. So your local guy can't afford to buy a site up there that is 20 acres. After the process began and you had the 1998 subdivision requirements that required the 20-acre minimum and also said that you must have a variance for the 150 setback. That is a huge setback but that is the one we've got. In those regulations it said a variance will be granted if you cannot build past that 150. I being one in the banking business that wants to do things by the book but I have learned since then that there is a philosophy that you ask forgiveness instead of permission. But I didn't want to do that. I wanted to do it in accordance with the regulations and I said that is what I am faced with so now because I want to put my storage building and guest cabins within that 150 feet I need to file an application. That for me was a grueling and expensive process and I felt like a moose calf surrounded by a pack of wolves. Mind you, I had no one call me up to ask me what my problem was. Not one person came to my property to view it and look it over, but fought me tooth and nail on the issue and at great expense trial and tribulation. I finally succeeded but it was only because I found some very old information where the intent was it would be granted. That is when Mr. Sanderson recommended that they had to grant me the variance. If I

had not found that I wouldn't had been granted it. The point I am making about that is there have been two violations of it with the philosophy of ask forgiveness not permission. Those two violations have been reported; not by me, by others. No action has been taken. So once again, we are at this situation of conditional use permits. If you don't think the calf is going to be surrounded by the wolves on any of these conditional uses, you have another thought coming because you will see the passion is there to keep people out of the North Fork to not have any more density, any more people, any more requirements. That is basically the main impetus of this. In over 15 years, the only commercial development is, if you want to call it that, Tom Ladenberg's store, the Home Ranch Bottom. As Tina said and others, and you as Commissioners, you know what is required, if you have a permitted use, you still have to have a state permit. You have to meet a lot of other requirements. If you are going to be an outfitter, you have to have a permit. There are all kinds of checks and balances for these types of things. I beseech you to not make conditional uses out of the permitted and even some of the conditional ought to be moved up because it is just a private school, an outdoor recreation facility and things of that sort. You are not going to see McDonald's and Walmart or any destination resorts come up there with a pot holed road, no water, no sewer, no fire protection which Mr. DeJana already explained to you. It is just by your own regulations it requires those things to be able to make it through the gauntlet of conditional uses. I do appreciate very much your process a cat with nine lives couldn't have survived. Things are going to progress forward and that is the way our country works. I pray that you do protect our private property rights. They are being affected. They will be affected. I think it is ludicrous to say that they are not. They are. To protect the people that may not fall in that less than 20 acre category, I pray that you do the guest ranch, the outdoor recreation facility and camp and retreat center. I think those are compatible. The definitions fit them. Don and Sue Sullivan were diametrically opposed. They were on the other end of the spectrum, during the fires. I had the opportunity to meet with them personally. We became friends. They understood my perspective and understood why I felt the way I did and out of that meeting we both came to agree. We went to see Jon Cole, Pat Cole, Ed Heger and others to try to see if we could not broker a peace accord of sorts to mutually agree and to come to you as commissioners and say pass 955ED that was a reasonable compromise between all the parties. The North Fork Alliance and many of us do not feel like zoning is needed. If it is a political hot potato and needs to be passed, please don't go more restrictive than what it is. He and I were in agreement to come to you with a compromise. I then called as many as I could of the North Fork Alliance to see if we could compromise. Obviously we could not. We pray that you don't go past that resolution you passed last year and I appreciate very much you listening to my comments.

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

Commissioner Gipe made a **motion** to view the information presented today and table the matter until a later date. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall stated that the process has been a real education for him personally. He advised that he has studied all the past correspondence. He thanked all of those for their tireless efforts realizing that it has been a sacrifice for many. The fires brought a lot of that community together. Whatever decision after hearing and discussing testimony the commission makes it is hoped that the residents would stay together and continue to work together as a community.

**2:00 P.M. Commissioner Hall is to attend the AOA Board Meeting at Kalispell Senior Center**

**7:00 P.M. Commissioner Gipe is to participate in the Highway 2 Association Conference Call**

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

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

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## **FRIDAY, OCTOBER 10, 2003**

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

**No meetings scheduled**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on October 13, 2003.

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