

MONDAY, NOVEMBER 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.

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

DISCUSSION RE: NORTH FORK ZONING DISTRICT

Present at the November 3, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planning and Zoning Director Forrest Sanderson, Tom and Virginia Sluiter, Pat and Jon Cole, Ed Heger, and Clerk Eggum.

Sanderson advised that after the public hearing, the areas of concern the Commissioners must deal with are as follows: moving camper retreat centers, outdoor recreational facilities, RV camping public from their current permitted category to either prohibited or conditional uses. Sanderson noted that he was agreeable to the other issue that was raised at the hearing by Rich DeJana requesting that a change to the preamble on the definition portion to read that the definition of terms used in these regulations are to be the definitions as used in the Flathead County Zoning Regulations except for terms which have specific definitions set forth below and those definitions stated below shall only apply to this zoning district. Sanderson added that two points that came post the public hearing were questions raised on the outdoor recreation facility or dude ranch, we would be looking at the one structure per five acre standard if you were to put in outdoor recreation facility you would be looking at the same density for your cabins as you would under guest cabins or rental cabins for density purposes. The second one is the Home Ranch Store. We are all aware it was about a year ago Tom passed away and the family never got the Home Ranch Store opened this past year. Sanderson has received a letter from the family and their counsel which he will respond to advising them that so long as they maintain their licenses, they are grandfathered and they could reopen again seasonally even if these regulations are passed.

Chairman Watne asked for clarification as to Section 2.06.080. Sanderson responded that section is the conditional use standards that are reviewed when an application is submitted. As an example, if someone wants to open up a convenience store somewhere in the North Fork, those are the standards under conditional use that the Board of Adjustment would look at as they evaluate the request prior to either approving the permit or denying it and stating the reasons why. Commissioner Gipe stated that the concern has been expressed that conditional use doesn't qualify in that area because the criteria could never be met. Sanderson disagreed with that statement. The statement that was made at the public hearing was that if you look down the review criteria for conditional use, you have to have public facilities, public water, public sewer, if that were indeed the case, we would not have issued any conditional uses anywhere in Flathead County other than those that were served either by Lakeside Water and Sewer or Bigfork Water and Sewer. Through the last decade, the Board of Adjustments has issued countless conditional use permits on private wells/private septic. Sanderson believes they are misnamed as public facilities for impacts on the public infrastructure. It is how you provide those services. Water through an individual well, septic tank or drainfield or connection to a public infrastructure, those are the review items. Obviously if you wanted to propose a bed and breakfast and you didn't have a water supply that was suitable for public consumption, the Board of Adjustment is going to deny your request but if you have a well that is approved for public consumption by the Health Department or DEQ you have met that standard and you move on to the next one.

Commissioner Gipe referred to a speaker at the public hearing who has a private school in the area and questioned whether there were any concerns to be brought to the forefront. Sanderson replied that public schools are allowed as permitted uses and private schools would be a conditional use. He noted that this individual would be grandfathered in but if after implementation of any new zoning an individual desired to open a private school that would have to go through the conditional use permit process which is consistent with several other zoning districts. Sanderson noted that the same thing was done in Lakeside; the public school is a permitted, the private school application has to go before the Board of Adjustment.

Commissioner Hall sought Sanderson's recommendation as to the acreage issue. Sanderson responded that the current dude ranch definition is operated on a 160 acre tract of land or series of contiguous tracks owned or leased that total 160 acres or more. Or where the tract is described by deed as a quarter section it would be allowed even if the survey proved it to be less was a correction section for dude ranch operation. He noted that an individual could actually lease land to meet the 160 minimum. Commissioner Hall expressed concern as to the reasonableness of the 160 minimum. Sanderson advised that it was consistent with others.

Sanderson advised that the other density issue was the rental cabin definition number 4. When the initial proposal was submitted it was one rental cabin on ten acres and it was changed by the commissioners to five acres. Irregardless of ownership if you only owned five acres in the North Fork you could have your house and a rental cabin.

Chairman Watne questioned how Resolution #955ED addressed the dude ranch and non-family employee issues. Sanderson advised that camper retreat centers, outdoor recreation facilities, dude ranch and RV parks as a public use were all permitted. He added that if you put the dude ranch operation into the conditional use category you give the committee and the neighbors a chance to take a look at it through the Board of Adjustment and the same is true of public recreational vehicle parks under conditional use. Relative to the home owned business, up to five non-family employees is a permitted use, more than five is a conditional use.

Sanderson recommended that the Commissioners pass a resolution of intent moving camper retreat centers, outdoor recreation facilities; strike dude ranch and replace that with guest ranch and put recreational vehicle or camping public all four of those into conditional use and change the preamble to the definitions to read as Mr. DeJana proposed in his letter being particular to the district; then strike the definition of dude ranch because guest ranch already is defined in the existing county regulations. This would strike a balance, essentially meeting everybody half way. Chairman Watne confirmed that the other items addressed in 955ED would remain as was stated in Resolution No. 955ED. Sanderson noted that this is consistent with most of the County's other site specific zones. Nobody is getting all of what they want but it does address the needs.

Commissioner Hall agreed with the recommendation but was still concerned relative to the acreage issue. Sanderson read from Chapter 7 Definitions for Guest Ranch from the current Zoning Regulations: Guest Ranch – A centrally managed facility that provides full service lodging, dining or cooking facilities, and onsite recreational activities for overnight guests or members. A ranch resort shall include an organized program of activities such as hunting, fishing, nature study, arts, Nordic skiing, snowmobiling, boating, rafting, horseback riding, hiking, and pack trips. A guest ranch may also include corporate or religious retreats or conference facilities. Activities shall be provided on-site to the extent possible. Adjacent public lands and waterways may be used to supplement on-site activities if proper licenses and permits are obtained. Guest lodging within a ranch resort shall not be used for long-term residency beyond three (3) months. Hotels and motels are not considered guest ranches. All

ranches providing guest services shall contain or have a use agreement for at least 160 acres. Commissioner Hall questioned the reference to a quarter section which is 133 acres. Sanderson stated that if it is defined on a deed as a quarter section that it would be allowed. Commissioner Gipe stated that if you are going to have a dude ranch, you have to have sufficient acreage and agreed that amount should be in the vicinity of 160 acres. Chairman Watne commented that it could result in overuse if it were not that large of an area. Sanderson reiterated that 160 acres owned or leased or by description a quarter section of land is what he would recommend. He noted the reference to the quarter section of land by deed should be included in the definition. Sanderson added that the 160 acres could be owned or leased and if Forest Service land was contiguous to the property if the individual obtained a use permit from the Forest Service that property could be included in the 160 acres.

The Commissioners all agreed that they were prepared to move forward. Sanderson repeated his recommendation for the record and advised he would prepare the recommendations in an exhibit for attachment to a resolution for review by the Commissioners.

Commissioner Gipe confirmed that this would not change the employment of non-relatives requirement as contained in 955ED. He still expressed concern for the limit on non-relative employees. We are doing everything we can out here to grow jobs and then we are imposing a restriction if there is a job up there. Commissioner Gipe acknowledged the rigorous conditional use process. To restrict employment in the North Fork or anywhere else is something we have never done and Commissioner Gipe struggled with such an action. Sanderson addressed West Valley. Everywhere else but West Valley it is a home occupation and you are limited to one employee before you go and pay a visit to the Board of Adjustment. This is a lot less restrictive on the home based business or the home occupation then just about anywhere else in Flathead County with the exception of West Valley.

Chairman Watne questioned the affect on a gravel pit or the like. Sanderson explained that the gravel pit issue was dealt with as extractive industries which are a conditional use anywhere in the North Fork. It would not limit the number of employees but the hours and manner of operation would be looked at by the Board of Adjustment.

Commissioner Hall confirmed that this did not deal with any of the zoning on the setbacks.

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

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

RESOLUTION NO. 955FN

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 9th day of October, 2003, to consider changes to the text of the Flathead County Zoning Regulations proposed by North Fork Land Use Advisory Committee which would amend Section 3.40.020 and would add new Sections 3.40.030, 3.40.040 and 3.40.050, to restrict uses in the North Fork zoning classification to define permitted and conditional uses, as well as defining certain terms as used in the North Fork zoning classification;

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205, M.C.A., on September 23 and September 30, 2003;

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

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

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., hereby adopts this resolution of intention to amend Section 3.40.020 and would add new Sections 3.40.030, 3.40.040 and 3.40.050, to restrict uses in the North Fork zoning classification to defined permitted and conditional uses, as well as defining certain terms as used in the North Fork zoning classification, as set forth on Exhibit A hereto.

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

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

BE IT FURTHER RESOLVED, that if forty percent of the free-holders protest the adoption of the proposed change, the change will not be adopted.

DATED this 3rd day of November, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

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

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

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

EXHIBIT 'A'

3.40.020 Permitted Uses:

1. Agriculture/Timber Operations
2. Bed and Breakfast or Hostel
3. Church
4. Community Center Buildings
5. Community Residential Facility, Class One
6. Dwellings, Single-Family (Includes Accessory Structures per Section 5.01.020(1) Flathead County Zoning Regulations)
7. Guest Cabins
8. Post Office
9. Public School
10. Public Utilities
11. Recreational Vehicle or Camping (private)
12. Residential Business
13. Rental Cabins

3.40.030 Conditional uses

1. Camp or Retreat Center
2. Coin-Operated Laundry
3. Convenience Store
4. Extractive Industries
5. Gift/Souvenir Shop
6. Guest Ranch
7. Residential Business With More Than Five Employees
8. Private School
9. Public Showers
10. Outdoor Recreation Facility (Rental Cabins are limited to 1 per 5 acres)
11. Recreational Vehicle or Camping (public)
12. Restaurant
13. Tavern

3.40.040 Development Standards

1. Minimum lot size: No lot or tract smaller than 20 acres can be created.
2. Setbacks of new buildings from public road ways and waterways:
 - a. River, stream or lake (lakes over 20 ac.): 150 ft. from high water line
 - b. North Fork Road: 150 ft. from R/W line
 - c. Other public roads: 100 ft. from R/W line
3. Any existing lot or tract which cannot meet these setbacks because of size or topographic limitations will be given a variance.
4. On-Site Signs: There are no restrictions on signs advertising a business or activity on the property it is located.
5. Off-site signs: Signs which advertise anything not on the property they are located (billboards, etc.) are prohibited except that directional signs (signs which state the name of the business and/or use with directional information and being a maximum size of 4 square feet, located on private property) are allowed.
6. Grandfathered (non-conforming) uses: Any lot, building or sign that legally exists at the time of adoption of these regulations and does not meet the above standards is legally protected and may continue to be used. In addition, if a building that exists at time of adoption of these regulations does not meet the setbacks, the owner is free to expand, modify or rebuild it.
7. Cellular towers - Administrative Conditional Use Permit (see Section 2.06.045)

3.40.050 Definitions:

The definitions of terms used in these regulations are to be those used in the Flathead County Zoning Regulations except for terms which have a specific definition set forth below. Those definitions stated below shall only apply to this Zoning District.

1. GUEST CABINS: A detached structure being an accessory to a single-family dwelling, which may or may not have cooking facilities and/or bathroom facilities. If a guest cabin is rented, it shall be deemed as a rental cabin and subject to density requirements placed upon rental cabins in this zoning district.
2. RECREATIONAL VEHICLE AND CAMPING (PRIVATE, USE): The placement of a recreational vehicle or tent on a parcel of land that may or may not contain an existing residence for the private, non-commercial use of the landowner or a guest.
3. RENTAL CABIN: Rental cabins may be built at a density of one for each five acres of contiguous property owned. For example, a person owning 20 acres can have four rental cabins in addition to the main residence. One rental cabin is allowed per tract of record regardless of acreage (Lots less than 5.0 acres in size). Standards are the same as those outlined for a guest cabin. A deed restriction shall be placed on qualifying

property by a landowner when two or more rental cabins are built and placed in service.

The purpose of the deed restriction is to inform future owners of the property of the rental cabin density allocation that has been used or to provide an additional mechanism to insure compliance with the rental cabin density in the event of subdivision of the parent tract.

4. RESIDENTIAL BUSINESS: Any use conducted entirely within the dwelling, accessory buildings or outbuildings and carried on by a landowner, members of the landowner's immediate family and up to five non-family employees.
5. RESIDENTIAL BUSINESS WITH MORE THAN FIVE EMPLOYEES: A Residential Business that employs more than five non-family member for its operation.

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

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intent (Resolution No. 955FN) on November 3, 2003, to adopt proposed amendments to the text of the Flathead County Zoning Regulations.

The proposed amendments amend Section 3.40.020 and would add new Sections 3.40.030, 3.40.040 and 3.40.050, to restrict uses in the North Fork zoning classification to defined permitted and conditional uses, as well as defining certain terms as used in the North Fork zoning classification.

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

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

Dated this 3rd day of November, 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 November 6, 2003 and November 13, 2003.

CONSIDERATION OF LAKESHORE PERMIT: PETRICK

Present at the November 3, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Planner Johna Morrison, and Clerk Eggum.

Morrison reviewed Lake and Lakeshore Construction Permit filed by Ray and Lynn Petrick on Ashley Lake to remove four dead trees; install a four foot wide stone steps/stairway and install and I-shaped floating dock. General discussion was held.

Commissioner Gipe made a **motion** to approve Lakeshore Permit #FLP-03-95 and authorize the Chairman to sign subject to 30 conditions. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall, and Gipe. Motion carried unanimously.

CONSIDERATION OF LAKESHORE PERMIT: EISENLOHR

Present at the November 3, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Planner Johna Morrison, Bill Eisenlohr, and Clerk Eggum.

Morrison reviewed Lake and Lakeshore Construction Permit filed by Bill Eisenlohr on Flathead Lake to install an additional breakwater wing to an existing crib dock, remove an existing boat shelter and replace with a new boat shelter. A variance is requested because of the size. General discussion was held.

Commissioner Gipe made a **motion** to approve Lakeshore Permit #FLV-03-08 and authorize the Chairman to sign subject to 32 conditions. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall, and Gipe. Motion carried unanimously.

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

Present at the November 3, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, and Clerk Eggum.

Commissioner Hall made a **motion** to authorize the publication of 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 Northstar Properties 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 for residential development with more density, and 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 **18th day of November 2003, at 10:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the Evergreen and Vicinity Zoning District.

DATED this 3rd day of November, 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 November 6 and November 13, 2003.

**EXHIBIT A
NORTHSTAR PROPERTIES ZONE CHANGE
EVERGREEN AND VICINITY ZONING DISTRICT
R-2 TO R-5
OCTOBER 8, 2003**

The property described as Parcel 1 of Certificate of Survey No. 15040 and Tract 2: A portion of an abandoned road more particularly described as follows: Commencing at the Northeast corner of Lot 5 of Parkdale, according to the map or plat thereof on file and of record with the office of the Clerk and Recorder of Flathead County, Montana; thence North 30 feet to the Point of Beginning; thence continuing North 30 feet to the Northerly right-of-way of said abandoned road; thence South 77°53' West 460.5 feet; thence South 30 feet to the center right-of-way; thence North 77°53' East 460.5 feet to the Point of Beginning in Section 5, Township 28 North, Range 21 West, P.M., Flathead County, Montana.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: WGTS, L.L.P. ZONE CHANGE/BIGFORK ZONING DISTRICT

Present at the November 3, 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 WGTS, LLP, to change the zoning designation in a portion of the Bigfork Area Zoning District from R-1 (Suburban Residential) with a PUD overlay to RC-1 (Residential Cluster).

The boundaries of the area proposed to be amended from R-1, with a PUD overlay, to RC-1 are set forth on Exhibit "A".

The proposed change would change the character of the zoning regulations applicable to the property from providing for a residential district for estate type development in rural areas, away from concentrated urban development, or in areas where it is desirable to permit only low density development, e.g., extreme topography, areas adjacent to flood plains, airport runway alignment extension, etc. to providing for a residential theme in a rural environment in order to encourage a master planned community with a central recreational focus, and generally requiring a full range of public services, such as public water supplies and sewage treatment, to serve the district, with a gross density for units to be clustered at one (1) unit per acre. Although minimum lot area would decrease to 2,500 square feet, allowed density would remain at one unit per acre.

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

The public hearing will be held on the **18th 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, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the Bigfork Area Zoning District.

DATED this 3rd day of November, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

Paula Robinson, Clerk

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

Publish on November 6 and November 13, 2003.

**EXHIBIT A
WGTS, LLC ZONE CHANGE
BIGFORK ZONING DISTRICT
R-1 PUB TO RC-1
OCTOBER 8, 2003**

The property is described as Parcel A of Certificate of Survey No. 13994 in Section 26, Township 27 North, Range 20 West, P.M., Flathead County, Montana.

DOCUMENT FOR SIGNATURE: FEMA PDM GRANT/OES

Present at the November 3, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, OES Director Alan Marble, and Clerk Eggum.

Marble presented a letter to Montana DES advising that Flathead County has appointed Marble as the applicant's agent with regard to Hazard Mitigation Grant proposals and projects together with a commitment for a Pre-Disaster Mitigation Plan for Flathead County.

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

FINAL PLAT: TRAILS END

Present at the November 3, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planner Lindsay Morgan, Jane Eby of Eby and Associates, Inc., Ernest Motichka, and Clerk Eggum.

Morgan reviewed the final plat for Trails End Subdivision which is an application by Ernest F. Motichka. This will create a three-lot subdivision along Middle Road and Fairview Crossroads approximately five and one-half miles northeast of Kalispell. The property is approximately 61.307 acres in size. Preliminary plat was waived on April 1, 2003 subject to five 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-03-29 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 Trails End Subdivision. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall, and Gipe. Motion carried unanimously.

FINAL PLAT: ROTH BOY SUBDIVISION

Present at the November 3, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planner Lindsay Morgan, Joe Kaufmann, and Clerk Eggum.

Morgan reviewed the final plat for Roth Boy Subdivision which is an application by Waunita Roth. This will create a one-lot with remainder minor subdivision along Montford Road approximately six miles east of Kalispell. The subject property is 14.32 acres in size. Preliminary plat was waived on June 17, 2003 subject to eight 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-03-30. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

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

MEETING WITH CHRIS KUKULSKI/CITY OF KALISPELL RE: WASTEWATER TREATMENT PLAN UPDATE

Present at the November 3, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, James C. Hansz, Chris Kukulski, and Clerk Eggum.

Hansz presented the Commissioners with a Kalispell AWWTP 2003 Performance chart, Facilities Plan 2000 Map Study Area, Map of Potential Future Utility Service Area. Kukulski provided the Commissioners with a zoning and annexations map from September 16, 2003. General discussion was held relative to the City's wastewater treatment operations and plan.

CONSIDERATION OF RELEASE OF COLLATERAL: PIONEER BUSINESS PARK

Present at the November 3, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, and Clerk Eggum.

Commissioner Gipe made a **motion** to approve release of collateral on behalf of Pioneer Business Park. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: MDOT CONTRACT #04-50-0007, AMENDMENT #1/EAGLE TRANSIT

Present at the November 3, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, and Clerk Eggum.

Chairman Watne reviewed the Contract Amendment #1 Montana Department of Transportation, Transportation Planning Division Transit Section Contract #04-50-0007.

Commissioner Gipe made a **motion** to approve Contract #04-50-0007 and authorize the Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 4, 2003.

TUESDAY, NOVEMBER 4, 2003

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

MONTHLY MEETING W/DONNA MADDUX, SUPERINTENDENT OF SCHOOLS

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

General discussion was held relative to mall proposal; tax base; state changes to school funding; impact fees.

MONTHLY MEETING W/NORM CALVERT, COMPUTER SERVICES

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

General discussion was held relative to tax bills; JADE people here next week to start conversion; mall proposal.

CONSIDERATION OF PRINTING BIDS: SHERIFF'S OFFICE

Present at the November 4, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to award the bid to Wright Impressions for 15 sets of 500 business cards in the amount of \$225.00 on behalf of the Sheriff's Office. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: DPHHS #04-07-4-61-016-0

Present at the November 4, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed Task Order 04-07-4-61-016-0 To Flathead County Unified Government Master Contract (Public Health Emergency, Preparedness and Response Program and the Communicable Disease Control and Prevention Bureau for the purpose to enhance local public health capacity to respond to emergent situations, through planning, assessment, and development of critical capacities in the areas of epidemiology and surveillance, information technology, communication, training and education.

Commissioner Hall made a **motion** to approve the Task Order 04-07-4-61-016-0 To Flathead County Unified Government Master Contract (Public Health Emergency, Preparedness and Response Program and the Communicable Disease Control and Prevention Bureau and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

TAX REFUND REQUEST: ROCKY MOUNTAIN CONTRACTORS

Present at the November 4, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed the application wherein a duplicate taxation of the same pieces of heavy equipment was reported to the DOR by both the lessee and leasing company.

Commissioner Hall made a **motion** to approve the refund request in the amount of \$1,881.43. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONSIDERATION OF BUDGET REQUEST: GIS

Present at the November 4, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a request from Tom Reynolds requesting reimbursement for refreshments purchased for an open house on 19th of November to celebrate world wide GIS Day. General discussion was held. The matter was continued until Avery could review the resolution relative to reimbursement of refreshments.

DOCUMENT FOR SIGNATURE: OFFICE OF PUBLIC ASSISTANCE COMMUNITY OPERATING PLAN AND ANNUAL AGREEMENT/2003-2004

Present at the November 4, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eggum.

In order to comply with the provisions of SB339 and to facilitate ongoing communication with the Flathead County Commissioners, the Administration of Public Assistance Programs document was submitted for the Commissioners' consideration and approval

Commissioner Hall made a **motion** to approve the Administration of Public Assistance Programs. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

BOARD APPOINTMENT: AIRPORT AUTHORITY BOARD

Present at the November 4, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to appoint Dennis S. Beams to the Airport Authority Board to complete the term of Wayne Jensen who recently resigned. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

MONTHLY MEETING w/RAEANN CAMPBELL, HUMAN RESOURCES

Present at the November 4, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Human Resource Director Raeann Campbell, Assistant Avery and Clerk Eggum.

General discussion was held relative to year to date incidents and accidents by department report; Safety Committee job safety analysis; EAP usage; insurance claims/accounts balances; policy manual; United Way Campaign.

11:00 A.M. Chairman Watne and Commissioner Hall are to attend an on-site viewing of West Reserve w/Bob Shirliff

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

2:00 P.M. Commissioner Hall is to attend a Field Trip to Island Unit re: Fuel Reduction Project (till 5)

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

WEDNESDAY, NOVEMBER 5, 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/LINDSAY WEST

Present at the November 5, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioner Hall, Lindsay West, Assistant Avery, and Clerk Eggum.

West expressed her opinion relative to building of a mall in Flathead County.

DISCUSSION RE: STRUCTURAL INTEGRITY/COURTHOUSE BUILDING

Present at the November 5, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a letter from Clerk and Recorder Robinson requesting the Commissioners employ a person or firm to prepare a structural integrity study of the old courthouse.

Commissioner Hall made a **motion** to approve an assessment for structural integrity of the old Courthouse building. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONSIDERATION OF GIS BUDGET REQUEST

Present at the November 5, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eggum.

Reynolds was requesting reimbursement for purchase of refreshments for a GIS open house to be held on the 19th of November. Avery noted that the resolution to allow such reimbursement is only for required meetings. Chairman Watne cautioned not to step outside of county policy. General discussion was held.

PRELIMINARY PLAT: EAGLE DEVELOPMENT PHASE II

Present at the November 5, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Johna Morrison, Dawn Marquardt and Debbie Shoemaker of Marquardt and Marquardt Surveying, Mel Allen, Assistant Avery, and Clerk Eggum.

Morrison reviewed the preliminary plat for Eagle Development Phase II Subdivision filed by Montana Eagle Development. The applicant proposes to create a 27 lot single-family residential subdivision on approximately 140 acres. The property is located approximately one-half mile south of Lakeside along Highway 93 across the highway from Angel Point. Staff recommends approval of the Preliminary Plat.

Commissioner Gipe was seated.

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

Marquardt requested that it be designated as a gated community. She noted that it was discussed at the Planning Board meeting but they advised it was up to the Commissioners to allow such a request. Commissioner Hall stated that he was prepared to approve such a request today without viewing the property.

Commissioner Gipe made a **motion** to deny the request for a gated community. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the Preliminary Plat of the Eagle Development Phase II Subdivision subject to 14 conditions. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

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

Present at the November 5, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Harry Brown, Ryan Overbeek, Clint Wolford, Michael Fraser, Ken Kalvig, Greg Stevens, Mel Allen, Roger Fricke, Jerry Reynolds, Bob Herron, Sharon DeMooster, Clarice Ryan, Megan Morris, Jean Agather, Kristian Jackola, Jeff Claridge, Jerry O'Neil, Sheriff Jim Dupont, AOA Director Jim Atkinson, Road and Bridge Superintendent Charlie Johnson, Assistant Avery, and Clerk Eggum.

Commissioner Hall explained that before the Board for consideration today was a final resolution for a master plan amendment. This was not an approval of the mall. He expressed appreciation for the over 4,400 passionate comments received from all over the area. He summarized a disclaimer relative to the validity of all the signatures. He noted that several of the letters encouraged a public vote of the plan change.

Commissioner Gipe thanked Clerk Eggum for all of her work in reviewing the correspondence and preparing a calculation of the comments. He displayed a clipping from the Daily Inter Lake of October 26th wherein the Columbia Falls and Kalispell Chamber of Commerce, Flathead Business and Industry Association, Evergreen Business and Property Owners Association, Kalispell Business Owners Association and Jobs Now all support the plan change along with over 600 individual names. He speculated if you could get an accurate count it would probably end up about 50-50. He noted that this change was also supported by the other elected officials from Flathead County.

Commissioner Hall reviewed the resolutions: One an approval of the plan change and another one putting the approval before a public vote. Chairman Watne and Commissioner Gipe stated they would not support putting the plan change on the ballot. Commissioner Hall cited the over 4,000 comments providing a good feel of where the community stands relative to the issue. He agreed that putting the matter on the ballot at this time was not appropriate.

Commissioner Gipe made a **motion** to adopt Resolution #1644A. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

RESOLUTION NO. 1644A

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 Amended Stillwater 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 recommended that the Board of Commissioners adopt that amendment to the Flathead County Master Plan;

WHEREAS, the Board of Commissioners passed a resolution of intent (Resolution No. 1644) to consider the requested plan change on September 29, 2003 and gave notice that it would receive public comment received prior to October 31, 2003; and

WHEREAS, the Board of Commissioners has considered the information presented to it since the adoption of that resolution of intent.

NOW, THEREFORE, BE IT RESOLVED, pursuant to Section 76-1-604, M.C.A., by the Board of Commissioners of Flathead County, Montana, that it hereby adopts an amendment to the Flathead County Master Plan to replace the Stillwater Neighborhood Plan, an addendum to the Flathead County Master Plan, with the Amended Stillwater 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, and attached hereto as Exhibit A.

DATED this 5th day of November, 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/Robert W. Watne
Gary D. Hall, Member

ATTEST:
Paula Robinson, Clerk

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

CONSIDERATION OF PRINTING BIDS: AOA

Present at the November 5, 2003 10:15 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 Kalispell Copy Center for 10,000 adhesive labels in the amount of \$179.50 on behalf of the Agency on Aging. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to award the bid to Northstar Printing for 5,000 Service Registration Cards in the amount of \$130.00 on behalf of the Agency on Aging. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to award the bid to Wright Impressions for 500 business cards in the amount of \$19.95 on behalf of the Agency on Aging. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: FEDERAL STATEMENT OF WORK FOR MT DES

Present at the November 5, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, OES Director Alan Marble, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a Statement of Work for FFY2004 Flathead County Jurisdiction prepared by Marble.

Commissioner Gipe made a **motion** to approve the Statement of Work for FFY 2004 Flathead County Jurisdiction. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

MEETING WITH JED THOMAS/SAGE RESOURCES RE: BROWNS FIELD FUNDING

Present at the November 5, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

This meeting did not take place.

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

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

6:00 P.M. Chairman Watne is to attend a Planning Board Work Session on Roads at Commissioners Meeting Room

The Chairman and the Clerk and Recorder authorize the publication of the following notices:

PUBLIC NOTICE

The Board of Commissioners of Flathead County did this 5th day of November, 2003, approve payroll and claims for payment in the amount of \$2,753,928.09 for the period beginning October 1, 2003 and ending on October 31, 2003.

The full and complete claim list is available for public view in the Office of Clerk & Recorder, Flathead County Courthouse, Kalispell, Montana. Individual requests for personal copies will be accepted by the Clerk Recorder.

Dated this 5th day of November, 2003.

BOARD OF COMMISSIONERS
Flathead County, Montana

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

By: /s/Paula Robinson
Paula Robinson, Clerk

Publish November 12, 2003.

PUBLIC NOTICE

The Board of County Commissioners' proceedings for Flathead County for the period of October 1, 2003, and October 31, 2003, are now available for public review in the Office of the Clerk and Recorder, Flathead County Courthouse, Kalispell, Montana, and at the Flathead County Library, 247 First Avenue East, Kalispell, Montana.

Individual requests for personal copies will be accepted by the Flathead County Clerk and Recorder, Flathead County, Courthouse, Kalispell, Montana.

Dated this 5th day of November, 2003.

BOARD OF COMMISSIONERS
Flathead County, Montana

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

By: /s/Paula Robinson
Paula Robinson, Clerk

Publish November 12, 2003.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 6, 2003.

THURSDAY, NOVEMBER 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.

8:30 A.M. AOA TAB at Lutheran Home Cottage

8:30 A.M. Canvass 3 Cities and Water/Sewer Districts (till noon)

10:15 A.M. Commissioner Gipe is to speak at Kila School

5:00 P.M. Commissioner Hall is to attend the Flathead Forestry Project Meeting at MT Logging Association Building

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

FRIDAY, NOVEMBER 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.

No meetings scheduled

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