

MONDAY, DECEMBER 1, 2003

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

Commissioner Hall is to Travel to Thompson Falls

MEETING W/BENNY BEE AND DENNIS BEE RE: MONEGAN ROAD

Present at the December 1, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, Road and Bridge Superintendent Charlie Johnson, Dennis D. Bee, Benny Bee, Assistant Avery, and Clerk Eggum.

Benny Bee noted that there were new subdivisions being created on **Monegan Road** where his AM tower site is located. It was his understanding that there were plans to pave the road. He noted that costs to him have increased over the last couple of years to about \$2,000.00 a year to maintain his equipment due to the dust created from the road. Johnson responded that they have discussed Monegan Road. He noted that when the 64/65 lot subdivision was created he recommended that the developer be required to pave a portion of the road that was impacted by the traffic from the subdivision. At that time he was told by the City and Tri-City Planning that the road would not be impacted as traffic would be going out the other direction. Bee noted that it appears as if all of the lots have been sold. Johnson understood that another phase was getting ready to move forward in that area. Commissioner Gipe stated that they would be talking roads in the next few months and they will keep this project in mind.

CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT: NORTHSTAR PROPERTIES ZONE CHANGE/EVERGREEN AND VICINITY ZONING DISTRICT

Present at the December 1, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioner Gipe, John Yatchak, Planner Johna Morrison, John Schwarz, Jim Christian, Andy Hyde, Jane Adams, Assistant Avery, and Clerk Eggum.

Chairman Watne advised that this was a continuation of the consideration of resolution of intent concerning the public hearing held November 18, 2003. Chairman Watne noted that there was opposition to the size of the lots.

Morrison reviewed the staff report again and advised that this was a zone change request from R-2 to R-5 from 20,000 square foot lots to 5,600 square foot lots. It is on 11 acres. There are similar zones and uses in the area. The lot sizes are the key concern. At the Planning Board public hearing two people spoke in favor of the proposal and three spoke in opposition. The zone change failed on a vote of seven to two and the board is recommending denial of the zone change. There was concern relative to children walking to school.

A letter was received via fax from Cal Scott and entered into the record:

Commissioner Gipe made a **motion** to deny the zone change request. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: RICHTER ZONE CHANGE/HOLT ZONING DISTRICT

Present at the December 1, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioner Gipe, Johna Morrison, Assistant Avery, and Clerk Eggum.

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

RESOLUTION NO. 533Y

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, after publication of legal notice, on the on the 29th day of September, 2003, concerning a proposal to change the zoning designation in a portion of the Holt Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural);

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

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

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(4), M.C.A., adopted a resolution of intention (Resolution No. 533 X, dated September 29, 2003) to change the zoning designation in a portion of the Holt Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on October 9 and October 16, 2003, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby adopts this resolution to change the zoning designation in a portion of the Holt Zoning District, as described on Exhibit A, from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural), as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 9327013500, in the Flathead County Clerk and Recorder's Office.

DATED this 1st day of December, 2003.

BOARD OF COUNTY COMMISSIONERS

Flathead County, Montana

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

By: _____
Gary D. Hall, Member

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

ATTEST:
Paula Robinson, Clerk

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

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

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

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

PUBLIC HEARING: WILKINSON ZONE CHANGE/HIGHWAY 93 NORTH ZONING DISTRICT

Present at the December 1, 2003 9:30 A.M. duly advertised public hearing were Chairman Watne, Commissioner Gipe, Planner Lindsay Morgan, Wally Wilkinson, Dawn Marquardt of Marquardt and Marquardt Surveying, Assistant Avery, and Clerk Eggum.

Morgan advised that this was a zone change request from Jack Wilkinson from AG-40 to SAG-10 use which provides for 10-acre minimum lot sizes. The property is located north of Kalispell, east of Whitefish Stage Road and immediately south of Tetrault Road and contains approximately 54 acres. They are surrounded on at least three sides with SAG-10 zoning. All 12 conditions required for a zone change have been met. The Planning Board unanimously approved the zone change.

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

Marquardt advised that she is representing the Wilkinsons. She noted that the property is surrounded on three sides by SAG-10 and it seems like a real logical move. She was surprised it wasn't done before now.

Wilkinson advised that his father owns the property and he was there representing his father. I want to voice my approval. We do know that it is surrounded on several sides by SAG-10 and it just seems logical that we go through this process and be able to achieve our goals that we would like to see achieved.

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

A letter faxed in from Caryn Miske was presented to the Commissioners for the record.

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

Commissioner Gipe made a **motion** to adopt Resolution No. 837AS. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

RESOLUTION NO. 837AS

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 1st day of December, 2003, concerning a proposal by Jack Wilkinson to change the zoning designation in a portion of the Highway 93 North Zoning District from AG-40 (Agricultural) to SAG-10 (Suburban Agricultural);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on November 18, and November 25, 2003;

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

WHEREAS, the Board of Commissioners reviewed the recommendations of the Flathead County Planning Board regarding the proposed change in the Highway 93 North Zoning District.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(4), M.C.A., hereby adopts this resolution of intention to change the zoning designation in a portion of the Highway 93 North Zoning District from AG-40 (Agricultural) to SAG-10 (Suburban Agricultural), that area being described on Exhibit "A" hereto.

BE IT FURTHER RESOLVED that notice of the passage of this resolution, stating the boundaries of the portion of the Highway 93 North Zoning District to be amended, the general character of the proposed designation for the area to be amended, that the regulations for said district are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication of thereof, the Board will receive written protests to the change to the Highway 93 North Zoning District, shall be published once a week for two weeks.

BE IT FURTHER RESOLVED, that written protests will be received from persons owning real property within the Highway 93 North Zoning District for a period of thirty (30) days after first publication of that notice, provided that, in order that only valid signatures are counted, the freeholders who file protests are either registered to vote in Flathead County or execute and acknowledge their protests before a notary public.

BE IT FURTHER RESOLVED that if forty per cent (40%) of the freeholders protest the proposed change in said district, then the change will not be adopted.

DATED this 1st day December, 2003.

COMMISSIONERS

BOARD OF COUNTY

Flathead County, Montana

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

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

By: _____
Gary D. Hall, Member

ATTEST:
Paula Robinson, Clerk

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

**EXHIBIT A
JACK WILKINSON
HIGHWAY 93 NORTH ZONING DISTRICT
AG-40 TO SAG-10
OCTOBER 15, 2003**

The property is located near Whitefish Stage Road along Tetrault Drive, and contains approximately 54 acres. The property is described as Tracts 5 and 6 of Certificate of Survey No. 4446; and Parcel A of Certificate of Survey No. 14385 all in Section 33, Township 30 North, Range 21 West, P.M., Flathead County, Montana.

Commissioner Gipe made a **motion** to authorize the publication of the Notice of Passage of Resolution of Intention Highway 93 North Zoning District and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

**NOTICE OF PASSAGE OF RESOLUTION OF INTENTION
HIGHWAY 93 NORTH ZONING DISTRICT**

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No. 837AS) on December 1, 2003, to change the zoning designation in a portion of the Highway 93 North Zoning District from AG-40 (Agricultural) to SAG-10 (Suburban Agricultural).

The boundaries of the area proposed to be amended from AG-40 to SAG-10 are set forth on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to the property from those intended to protect and preserve agricultural land for the performance of a wide range of agricultural functions, intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development, to regulations intended to protect and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development. The AG-40 classification has a minimum lot size of 40 acres; a change to SAG-10 would result in a minimum lot size of 10 acres.

The regulations defining the AG-40 and SAG-10 zoning classifications are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500.

For thirty (30) days after the first publication of this notice, the Board of Commissioners will receive written protests to the change proposed for a portion of the Highway 93 North Zoning District from persons owning real property within that District whose names appear on the last completed assessment roll of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

DATED this 1st day of December, 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 December 4, and December 11, 2003

**EXHIBIT A
JACK WILKINSON
HIGHWAY 93 NORTH ZONING DISTRICT
AG-40 TO SAG-10
OCTOBER 15, 2003**

The property is located near Whitefish Stage Road along Tetrault Drive, and contains approximately 54 acres. The property is described as Tracts 5 and 6 of Certificate of Survey No. 4446; and Parcel A of Certificate of Survey No. 14385 all in Section 33, Township 30 North, Range 21 West, P.M., Flathead County, Montana.

TAX REFUND REQUESTS: DIAMOND AUTO GLASS, MONTANA STONE FABRICATORS

Present at the December 1, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioner Gipe, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a tax refund request from Diamond Auto Glass Business which noted that equipment was erroneously reported as personal property.

Commissioner Gipe made a **motion** to approve the tax refund request for Diamond Auto Glass in the amount of \$45.99 for tax year 2003. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

Chairman Watne reviewed a tax refund request from Montana Stone Fabricators/Scott Nix Polisher which erroneously listed leased property from Northland Capital Financial Services LLC.

Commissioner Gipe made a **motion** to approve the tax refund request for Montana Stone Fabricators in the amount of \$1,539.45 for tax year 2003. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

PUBLIC HEARING: TRONSTAD ZONE CHANGE/HIGHWAY 93 NORTH ZONING DISTRICT

Present at the December 1, 2003 10:00 A.M. duly advertised public hearing were Chairman Watne, Commissioner Gipe, Planning and Zoning Director Forrest Sanderson, Robin Street, Erica Wirtala of Sands Surveying, Al Tronstad, Mike Tronstad, Assistant Avery, and Clerk Eggum.

Sanderson advised that this was a zone change request by Alvin and Mavis Tronstad, Robert and Shelley Tronstad, Steven C. Street, Robin and Joyce Street, Ruth E. and Lester D. Hutton Living Trusts, Lorraine R. Jones, Lewis L. Hutton, and Sharon R. Goodrich from SAG-10 use which provides for 10-acre minimum lot size to SAG-5 use which provides for a 5-acre minimum lot size. The Planning Board conducted a public hearing on the proposal. They reviewed the statutory criteria found at 76-2-203 of the Montana Code and Section 2.08.040 of the county zoning regulations. They adopted those statutory criteria and findings of fact. They recommended approval. They also entered into the record copies of the following which are also being presented for the record today: (While these exhibits are not reflected in these minutes they are maintained in the office of the Clerk and Recorder for the public record)

Kalispell City-County Planning Jurisdiction Master Plan Map
Master Plan Map Flathead County, Montana
Bigfork Area Land Use Plan
The Ponds Zoning District
Lower Side Zoning District
Highway 93 North Zoning District
Bigfork Zoning District and Vicinity
Whitefish City County Master Plan Map
Blanchard Lake Zoning District
Resolution No. 837A
Section 2.08 of the Flathead County Zoning Regulations

Sanderson continued that the Flathead County Master Plan and the Bigfork Area Master Plan points out zoning anywhere from AG-80s down to SAG-5. That is proven by looking at several of the county's zoning districts and how they would sit: The Ponds Zoning District south of Kalispell agricultural master plan SAG-5 sole zone for that district; the Lower Side Zoning District on the Kalispell area plan several thousands of acres that are zoned SAG-5 again documenting consistency with the plan. What can be seen in the Highway 93 North area in the post FRDO era is moving the growth corridor between Kalispell and Whitefish away from the agricultural 40 and 20 down in the growth area in Kalispell change from the AG-40 down to SAG-5. Sanderson pointed out the recent zone changes in that area. There are also a few other minor changes that are being processed near the Kalispell Rose Crossing area and the intersection with the Evergreen District. You are seeing transition where you would expect it; near the City of Kalispell along U. S. 93 between the two cities. At the hearings, the 93 North Neighbors said to the Planning Board that they would not object to a change to SAG-10. Well we

had a change to SAG-10 and they have lumped that into the list of things they are complaining about in Highway 93 North. The last major zoning district is Bigfork and again tens of thousands of acres in the SAG-5 zoning district. In fact all of the area around Echo Lake is SAG-5. Again proving the fact that SAG-5 and the agricultural master plan are consistent. The only differentiation comes in the Whitefish City County Area. The Whitefish City-County area down in the Blanchard Lake Zoning District actually provides for differentiation between the large lot agricultural 20-40-80 and the suburban agricultural 5-10. That is followed up showing that it has and can be done with the Blanchard Lake Zoning District whereby along US Highway 93 you have SAG-5 and other zones assigned consistently. What this proves is we could plan for tiers of agricultural zoning, we have done it, we have just chosen not to out in rural Flathead County. It was consistent throughout decades. It is consistent today. The actual resolution that created the Highway 93 North Zoning District, Resolution 837A whereby all owners at the time or subsequent purchasers were put on notice that the Commissioners could change the regulations. The final lines of the resolution state: *Be it further resolved that the Flathead County Comprehensive Zoning Regulations (contained in Permanent File #16137 Flathead County Clerk and Recorder's Office) shall govern the zoning district.* Section 2.08 of the Flathead County Zoning Regulations specifically outlines the process for amendment. That defeats the argument that Ms. Miske persists at raising that you can't make changes. They were told it could happen. We spelled out the process by which change would occur. Everybody was put on notice and we have followed the procedure to the letter. I fail to see any merit to her objection other than they don't like to see change in the Highway 93 North area.

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

Wirtala advised that she works for Sands Surveying. This specifically deals with 698 acres that is included within the proposed zone change. The area is contiguous. It is owned by approximately eight different landowners in the area and they are asking for a zone change to go from SAG-10 to SAG-5. We feel that is consistent with the lot sizes in the immediate vicinity. The property is very close to the Ponderosa area and we feel that it will be a good fit. There are no immediate plans for subdivisions in the near future; however, the landowners felt this was a good opportunity, a good time to pursue this zone change. There are several people in the area that could foresee some need for funds later on and would like to propose the zone change maybe just a minor lot split in the years to come to pay for some medical expenses or college expenses. We felt that this was a good proposal to bring forward. It got a unanimous vote at the Planning Board meeting. I had one gentleman that came into my office. He had some questions about it. He owns 3-G and he subsequently has signed on for a zone change as well. You will probably see that in the next month or so. He is coming up to the Planning Board December 10th. That proposal would also be a good fit and incorporate into this zone change.

Street advised that part of his land is involved in this project. I don't like 10-acre zone. When we went into the 93 Zone we agreed to go in that way because we were going to be in a zone and there is nothing wrong with a zone as long as there is some ability to change that zone and make it workable. We find that the 10-acre tracts out there are eight acres of weeds. If we don't take care of them for the neighbors, we get weeds in our property. We would like to see it made into a smaller zone. We feel that it is the best use of the land and better for the land and for that area out there to have smaller tracts. Sooner or later that land out there is going to be developed. It is nothing I like to see because that land has been in my family for about 120 years. They came here in 1883. But it is going to happen. If it is going to happen, let's do it right and do it that is best for the land for the future.

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

A letter from Caryn Miske was faxed and presented for the record:

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

Commissioner Gipe made a **motion** to adopt Staff Report #FCZ-03-40 as findings of fact. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

Commissioner Gipe made a **motion** to adopt Resolution No. 837AU. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

RESOLUTION NO. 837AU

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 1st day of December, 2003, concerning a proposal by Alvin and Mavis Tronstad, Robert and Shelley Tronstad, Michael and Victoria Tronstad, Steven C. Street, Robin and Joyce Street, Ruth E. and Lester D. Hutton Living Trusts, Lorraine R. Jones, Lewis L. Hutton, and Sharon R. Goodrich to change the zoning designation in a portion of the Highway 93 North Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on November 18 and November 25, 2003;

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

WHEREAS, the Board of Commissioners reviewed the recommendations of the Flathead County Planning Board regarding the proposed change in the Highway 93 North Zoning District.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(4), M.C.A., hereby adopts this resolution of intention to change the zoning designation in a portion of the Highway 93 North Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural), that area being described on Exhibit "A" hereto.

BE IT FURTHER RESOLVED that notice of the passage of this resolution, stating the boundaries of the portion of the Highway 93 North Zoning District to be amended, the general character of the proposed designation for the area to be amended, that the regulations for said district are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication of thereof, the Board will receive written protests to the change to the Highway 93 North Zoning District, shall be published once a week for two weeks.

BE IT FURTHER RESOLVED, that written protests will be received from persons owning real property within the Highway 93 North Zoning District for a period of thirty (30) days after first publication of that notice, provided that, in order that only valid signatures are counted, the freeholders who file protests are either registered to vote in Flathead County or execute and acknowledge their protests before a notary public.

BE IT FURTHER RESOLVED that if forty per cent (40%) of the freeholders protest the proposed change in said district, then the change will not be adopted.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

By: _____
Gary D. Hall, Member

ATTEST:
Paula Robinson, Clerk

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

EXHIBIT A
TRONSTAD, STREET, HUTTON TRUST, JONES, HUTTON, AND GOODRICH
HIGHWAY 93 NORTH ZONING DISTRICT
SAG-10 TO SAG-5
OCTOBER 15, 2003

The property is described as:

Tract 1:

The South Half of the South Half (S1/2S1/2) of Section 17, Township 29 North, Range 21 West, M.P.M., Flathead County, Montana.

EXCEPTING THEREFROM a tract of land in the Southwest Quarter of the Southwest Quarter of said Section 17, and more particularly described as follows:
Commencing at the Southwest Section corner of said Section 17; thence

North 00°07' West and along the Westerly boundary line of Section 17, a distance of 536.40 feet to a point; thence

North 89°56' East, and being parallel with the Southerly boundary line of Section 17, a distance of 30.00 feet to the true point of beginning of the tract of land begin described and also being on the Easterly right of way of a 60 foot County Road; thence

North 89°56' East, continuing along same line, a distance of 580.00 feet to a point; thence;

North 00°07' West and being parallel with the Westerly boundary line of Section 17, a distance of 240.00 feet to a point; thence

South 89°56' West, and being parallel with the Southerly boundary line of the tract of land being described, a distance of 205.00 feet to a point; thence

North 00°07' West and being parallel with the Westerly boundary of Section 17, a distance of 30.00 feet to a point; thence

South 89°56' West and being parallel with the Southerly boundary of the tract of land being described a distance of 375.00 feet to a point on said County Road right-of-way; thence South 00°07' East along said County Road right-of-way and being parallel with the Westerly boundary line of Section 17, a distance of 270.00 feet to the Place of Beginning.

Tract 2:

Parcel A of Certificate of Survey No. 4184 in Section 17, Township 29 North, Range 21 West, M.P.M., Flathead County, Montana.

Tract 3:

Tract 1 of Certificate of Survey No. 8856 in Sections 20 and 21, Township 29 North, Range 21 West, M.P.M., Flathead County, Montana.

Tract 4 and 5:

Tract 1 of Certificate of Survey No. 13706 in Section 20, Township 29 North, Range 21 West, M.P.M., Flathead County, Montana.

Tract 6:

Tract 2 of Certificate of Survey No. 14995 in Section 20, Township 29 North, Range 21 West, M.P.M., Flathead County, Montana.

Tract 7:

Shown as Tract 3 of Certificate of Survey No. 14996 in Section 20, Township 29 North, Range 21 West, M.P.M., Flathead County, Montana.

Tract 8:

A tract of land located in the Southwest Quarter of the Southeast Quarter of Section 20, Township 29 North, Range 21 West, M.P.M., Flathead County, Montana and more particularly described as follows:

Beginning at a point on the Section line which is 442.20 feet East of the Southwest corner of the Southeast Quarter of Section 20, Township 29 North, Range 21, West, M.P.M.; thence continuing North, a distance of 1320.00 feet to a point; thence East, a distance of 442.20 feet to a point; thence South, a distance of 1320.00 feet to the Section line; thence West on the Section line to the Point of Beginning.

Tract 9:

A tract of land in the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) of Section 20, Township 29 North, Range 21 West, M.P.M., Flathead County, Montana, more particularly described as follows:

Beginning at a point on the Section line which is 884.40 feet East of the Southwest Corner of the Southeast Quarter; thence

North, a distance of 1320 feet to appoint; thence East, a distance of 442.20 feet to a point; thence South, a distance of 1320 feet to a point; thence West, a distance of 442.20 feet to the Place of Beginning.

EXCEPTING THEREFROM all that portion of ROSE CROSSING, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

Tract 10:

Tract 1 of Certificate of Survey No. 14868 in Section 20, Township 29 North, Range 21 West, M.P.M., Flathead County, Montana.

Tract 11:

A tract of land situated in the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section 19, Township 29 North, Range 21 West, M.P.M., Flathead County, Montana, more particularly described as follows:

Beginning at the Northeast corner of Section 19, Township 29 North, Range 21 West, M.P.M., Flathead County, Montana; thence

South 00°26'32" East, along the East boundary of the NE1/4NE1/4 of said Section 19, which is also the centerline of a 60 foot declared County Road known as Whitefish Stage Road, a distance of 823.43 feet to a point; thence

North 89°55'44" West, a distance of 1322.66 feet to a point on the West boundary of said NE1/4NE1/4; thence

North 00°25'45" West along said West boundary a distance of 823.42 feet to a point on the North boundary of said NE1/4NE1/4; thence

South 89°55'44" East along said North boundary a distance of 1322.48 feet to the Place of Beginning.

Commissioner Gipe made a **motion** to authorize the publication of the Notice of Passage of Resolution of Intention Highway 93 North Zoning District and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION HIGHWAY 93 NORTH ZONING DISTRICT

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No. 837AU) on December 1, 2003, to change the zoning designation in a portion of the Highway 93 North Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural).

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

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

The regulations defining the SAG-10 and SAG-5 zoning classifications are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500.

For thirty (30) days after the first publication of this notice, the Board of Commissioners will receive written protests to the change proposed for a portion of the Highway 93 North Zoning District from persons owning real property within that District whose names appear on the last completed assessment roll of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

DATED this 1st day of December, 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 December 4, and December 11, 2003.

EXHIBIT A
TRONSTAD, STREET, HUTTON TRUST, JONES, HUTTON, AND GOODRICH
HIGHWAY 93 NORTH ZONING DISTRICT
SAG-10 TO SAG-5
OCTOBER 15, 2003

The property is described as:

Tract 1:

The South Half of the South Half (S1/2S1/2) of Section 17, Township 29 North, Range 21 West, M.P.M., Flathead County, Montana.

EXCEPTING THEREFROM a tract of land in the Southwest Quarter of the Southwest Quarter of said Section 17, and more particularly described as follows:

Commencing at the Southwest Section corner of said Section 17; thence

North 00°07' West and along the Westerly boundary line of Section 17, a distance of 536.40 feet to a point; thence

North 89°56' East, and being parallel with the Southerly boundary line of Section 17, a distance of 30.00 feet to the true point of beginning of the tract of land begin described and also being on the Easterly right of way of a 60 foot County Road; thence

North 89°56' East, continuing along same line, a distance of 580.00 feet to a point; thence;

North 00°07' West and being parallel with the Westerly boundary line of Section 17, a distance of 240.00 feet to a point; thence

South 89°56' West, and being parallel with the Southerly boundary line of the tract of land being described, a distance of 205.00 feet to a point; thence

North 00°07' West and being parallel with the Westerly boundary of Section 17, a distance of 30.00 feet to a point; thence

South 89°56' West and being parallel with the Southerly boundary of the tract of land being described a distance of 375.00 feet to a point on said County Road right-of-way; thence South 00°07' East along said County Road right-of-way and being parallel with the Westerly boundary line of Section 17, a distance of 270.00 feet to the Place of Beginning.

Tract 2:

Parcel A of Certificate of Survey No. 4184 in Section 17, Township 29 North, Range 21 West, M.P.M., Flathead County, Montana.

Tract 3:

Tract 1 of Certificate of Survey No. 8856 in Sections 20 and 21, Township 29 North, Range 21 West, M.P.M., Flathead County, Montana.

Tract 4 and 5:

Tract 1 of Certificate of Survey No. 13706 in Section 20, Township 29 North, Range 21 West, M.P.M., Flathead County, Montana.

Tract 6:

Tract 2 of Certificate of Survey No. 14995 in Section 20, Township 29 North, Range 21 West, M.P.M., Flathead County, Montana.

Tract 7:

Shown as Tract 3 of Certificate of Survey No. 14996 in Section 20, Township 29 North, Range 21 West, M.P.M., Flathead County, Montana.

Tract 8:

A tract of land located in the Southwest Quarter of the Southeast Quarter of Section 20, Township 29 North, Range 21 West, M.P.M., Flathead County, Montana and more particularly described as follows:

Beginning at a point on the Section line which is 442.20 feet East of the Southwest corner of the Southeast Quarter of Section 20, Township 29 North, Range 21, West, M.P.M.; thence continuing North, a distance of 1320.00 feet to a point; thence East, a distance of 442.20 feet to a point; thence South, a distance of 1320.00 feet to the Section line; thence West on the Section line to the Point of Beginning.

Tract 9:

A tract of land in the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) of Section 20, Township 29 North, Range 21 West, M.P.M., Flathead County, Montana, more particularly described as follows:

Beginning at a point on the Section line which is 884.40 feet East of the Southwest Corner of the Southeast Quarter; thence

North, a distance of 1320 feet to a point; thence East, a distance of 442.20 feet to a point; thence South, a distance of 1320 feet to a point; thence West, a distance of 442.20 feet to the Place of Beginning.

EXCEPTING THEREFROM all that portion of ROSE CROSSING, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

Tract 10:

Tract 1 of Certificate of Survey No. 14868 in Section 20, Township 29 North, Range 21 West, M.P.M., Flathead County, Montana.

Tract 11:

A tract of land situated in the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section 19, Township 29 North, Range 21 West, M.P.M., Flathead County, Montana, more particularly described as follows:

Beginning at the Northeast corner of Section 19, Township 29 North, Range 21 West, M.P.M., Flathead County, Montana; thence

South 00°26'32" East, along the East boundary of the NE1/4NE1/4 of said Section 19, which is also the centerline of a 60 foot declared County Road known as Whitefish Stage Road, a distance of 823.43 feet to a point; thence

North 89°55'44" West, a distance of 1322.66 feet to a point on the West boundary of said NE1/4NE1/4; thence

North 00°25'45" West along said West boundary a distance of 823.42 feet to a point on the North boundary of said NE1/4NE1/4; thence

South 89°55'44" East along said North boundary a distance of 1322.48 feet to the Place of Beginning.

Commissioner Hall is to attend the RC&D Meeting in Thompson Falls

DOCUMENT FOR SIGNATURE: MDOT CONTRACT #04-50-0038/EAGLE TRANSIT

Present at the December 1, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioner Gipe, Deanna Thielman, AOA Director Jim Atkinson, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed the Section 5311 Capital Contract between the State of Montana, Department of Transportation, Transportation Planning Division and Flathead Area IX Agency on Aging. The contract provides assistance for the Grantee for public transportation in non-urbanized areas. The contract is to purchase a passenger stop shelter with 80% federal share and 20% local share

Commissioner Gipe made a **motion** to approve Contract #04-50-0038 and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

FINAL PLAT: MEADOW LAKE ESTATES LOT 26

Present at the December 1, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planner Tim Beck, Erica Wirtala of Sands Surveying, Assistant Avery, and Clerk Eggum.

Beck reviewed the final plat for Amended Plat of Lot 26, Meadow Lake Estates Subdivision which is an application by Charlie Grenier for approval of a two lot minor subdivision abutting Golf Course Drive and Seminole Lane on the Meadow Lake Golf Course north of Columbia Falls. The subject property is 1.622 acres in size. Preliminary plat was waived on October 21, 2003 subject to seven 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-03-37 as Findings of Fact. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

Commissioner Gipe made a **motion** to approve Final Plat for Amended Plat of Lot 26, Meadow Lakes Estates Subdivision. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

5:30 P.M. The Commissioners were to attend a Meeting with the Whitefish City Council re: Whitefish Growth Policy and Jurisdictional Area at the Whitefish Council Chambers

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

TUESDAY, DECEMBER 2, 2003

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

MONTHLY MEETING W/NORM CALVERT, COMPUTER SERVICES

Present at the December 2, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioner Gipe, Computer Services Director Norm Calvert, Assistant Avery, and Clerk Eggum.

General discussion was held relative to status of JADE conversion project; budgeted item for converting sheriff's system; replacement machines ordered; purchase of equipment without consultation.

PUBLIC HEARING: ROAD NAMING/OVERLOOK RIDGE, OVERLOOK POINT, OVERLOOK TRAIL, BRAYER LANE, MOOSE CROSSING, APGAR VIEW

Present at the December 2, 2003 9:30 A.M. duly advertised public hearing were Chairman Watne, Commissioner Gipe, Larry Faloon, Terri Amici, Al Cutter, Shari Halloran, Ray Halloran, Road and Bridge Superintendent Charlie Johnson, Ted Gilbertson, Assistant Avery, and Clerk Eggum.

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

Shari Halloran stated that she was in favor of Apgar View and Moose Crossing.

Faloon stated he would like to speak in favor of Overlook Ridge.

Ray Halloran stated he would like to speak on favor of Apgar View and Moose Crossing.

Gilbertson stated he would like to speak in favor of Overlook Ridge, Overlook Trail and Overlook Point.

Johnson stated he would like to speak in favor of Brayer Lane.

Cutter stated he was in favor of Moose Crossing.

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

Amici stated that she was speaking about Moose Crossing and Moose Springs. We don't have a problem with Moose Crossing. We had a democratic vote where everyone of the property owners on the second road that is being proposed for Apgar View had a vote and for that democratic vote it came out to Moose Springs and I have an e-mail here Moose Springs won and there was one party that I know of that had concerns with Moose Springs and Moose Crossing being similar and as a result the Hallorans came around with another petition for Apgar View which was the second most popular but they didn't consult every property owner along that road so it wasn't a democratic process where they came up with Apgar View. Amici presented written comments from the Simmons, the Fletchers and the Smiths for the record. The Simmons and Fletchers aren't in town and they support Moose Crossing and they think that it should have been more of a democratic process where everyone got to vote if they favored Apgar View over Moose Springs and that never happened. So originally when everyone had input it was Moose Crossing and Moose Springs that won.

Shari Halloran agreed that was the process that had occurred. We did go above and beyond the road naming process and had petitioned all of the neighbors to put a vote in first to submit names; names people would like for the neighborhood and then we had a little voting process for which name we would choose and it did end up being Moose Crossing and Moose Springs. Through e-mails and conversations when the original Moose Springs was being circulated there was two or three families that objected because of the Moose and Moose name and the concern for emergency services. We had an emergency service call for my family where it was a 45 minute response because they got lost. That is how this whole road naming business came about in addition to all the fires up there this year. In light of that we felt that if any single family had a problem with or concern with confusion of there being two mooses that it would not be safe for their family and emergency services, that ought to be entertained. All of the residents who are currently residing up there not just owning property but the owners living up there were consulted about whether they would consider a different name. Apgar View appeared as having reasonable support for the 50% petition signing and that name was the one put on the petition and signed by in excess of the 50% required. There have been a lot of e-mails and conversation in the neighborhood about it not being a legitimate democratic process but our concern was to get the road named and to have the 50% in support to sign the petition. We would like to see Apgar View as the name that gets put on the road. There are only three dissenting parties that we know of out of 14 residents on that road.

Amici responded that it was she, the Smiths the Fletchers, Don and Winnie and The Simmonds who supported Moose Springs. We only get to do this once and we feel that everyone should have input into it. Even though people aren't living up there right now they are planning to or will eventually be up there. I think it should be everyone included. Amici questioned the process of determining percentages because some property owners own more than one parcel of land.

Ray Halloran countered that the Smiths were the party that refused to sign the Moose Springs petition.

Amici responded that after the Smiths signed on the petition for Apgar View the next day they sent her an e-mail saying they supported Moose Springs and they thought that the process was too rushed and they thought it should be a democratic process where everyone is involved. Amici reiterated that the Smiths changed their mind and it is in writing.

Chairman Watne noted that relative to the Apgar View petition there are 11 properties that access and of these 11 properties seven have signed for it representing 64%.

Amici questioned the validity of the petition because she has 45% of the people saying that they do support Moose Springs and the Hallorans had told her that they didn't care they just wanted it to be named. So if the Hallorans were to sign along with the support that I have in e-mail here it would be over half for Moose Springs.

Shari Halloran asked for an explanation of the road naming process.

Yerian responded that any road can be named with a name being pulled out of a hat as long it is not a duplicate or any similar sounding name to another one in the county. Moose Springs would be acceptable. We would prefer Apgar View just because there is a larger difference.

Amici reiterated that if the majority of the people wanted Moose Springs and had a vote and that is the one that won are the residents determining the road name or is it the county.

Yerian responded that she would probably let 911 determine that because they are the ones to respond to emergencies.

Shari Halloran stated that time on that process is the concern. It took us this long to get to this point and having already had an emergency call up at our house, we don't want any more time to lapse before we get the road named.

Amici suggested that it be named and switched later.

Shari Halloran was agreeable to such a proposal but noted that she as well as other residents would still be concerned about the similarity of Moose and a Moose.

Amici stated that she understood the Hallorans didn't care what the name was.

Shari Halloran agreed that she didn't care if it was named Blue Moon Road but when it became clear that it was a Moose and a Moose a problem with it being a safety issue arose.

Amici didn't really see how in all of Kalispell you have First Avenue and First Street West First Street East there is no confusion there where it is so similar. Amici stated that she didn't really care. No one really wants to start world war three over it we just want to have a democratic process where the Simmonds and Fletchers they weren't even asked about changing to Apgar View no input from them at all. They just kind of feel left in the dark.

Johnson explained that he was one of the crafters of the petitioning process with 911. The way the petition process was originally set up it had to be 100% in order to name a road and we knew we would get into these kinds of arguments. Consequently the petition process was lowered down to the percentage that it was to alleviate some of these disagreements.

Originally they discussed the county just naming the roads which would result in some unhappy people as well. The point is to get the road named for safety concerns.

Shari Halloran stated the she felt the 64% is worked out as much as this neighborhood is going to be worked out. She noted that the Simmonds are in disagreement with the process and not the name.

Ray Halloran noted that they took the second place name from the neighborhood vote.

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

Commissioner Gipe agreed that the double Moose leaves room for confusion. He noted the petition requirement is 50% and it has 64% in favor of Apgar View.

Commissioner Gipe made a **motion** to adopt Resolution No. 1664. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

RESOLUTION NO. 1664

WHEREAS, Flathead County has proposed to name a private road generally running southerly and westerly off of Foys Canyon Road, located in Section 6, Township 27 North, Range 21 West, M.P.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on December 2, 2003, concerning the proposal, after publication and mailing of notice thereof on November 18, 2003 and November 25, 2003; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named Overlook Ridge.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running southerly and westerly off of Foys Canyon Road, in Section 6, Township 27 North, Range 21 West, M.P.M., Flathead County, Montana, should be, and it hereby is, named Overlook Ridge.

BE IT FURTHER RESOLVED that the naming of Overlook Ridge shall be effective on December 2, 2003.

Dated this 2nd day of December, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

By: _____
Gary D. Hall, Member

ATTEST:
Paula Robinson, Clerk

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

Commissioner Gipe made a **motion** to adopt Resolution No. 1665. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

RESOLUTION NO. 1665

WHEREAS, Flathead County has proposed to name a private road generally running southerly and westerly off of Foys Canyon Road, located in Section 6, Township 27 North, Range 21 West, M.P.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on December 2, 2003, concerning the proposal, after publication and mailing of notice thereof on November 18, 2003 and November 25, 2003; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named Overlook Point.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running southerly and westerly off of Foys Canyon Road, in Section 6, Township 27 North, Range 21 West, M.P.M., Flathead County, Montana, should be, and it hereby is, named Overlook Point.

BE IT FURTHER RESOLVED that the naming of Overlook Point shall be effective on December 2, 2003.

Dated this 2nd day of December, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

By: _____
Gary D. Hall, Member

ATTEST:
Paula Robinson, Clerk

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

Commissioner Gipe made a **motion** to adopt Resolution No. 1666. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

RESOLUTION NO. 1666

WHEREAS, Flathead County has proposed to name a private road generally running southerly and westerly off of Foys Canyon Road, located in Section 6, Township 27 North, Range 21 West, M.P.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on December 2, 2003, concerning the proposal, after publication and mailing of notice thereof on November 18, 2003 and November 25, 2003; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named Overlook Trail.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running southerly and westerly off of Foys Canyon Road, in Section 6, Township 27 North, Range 21 West, M.P.M., Flathead County, Montana, should be, and it hereby is, named Overlook Trail.

BE IT FURTHER RESOLVED that the naming of Overlook Trail shall be effective on December 2, 2003.

Dated this 2nd day of December, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

By: _____
Gary D. Hall, Member

ATTEST:
Paula Robinson, Clerk

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

Commissioner Gipe made a **motion** to adopt Resolution No. 1667. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

RESOLUTION NO. 1667

WHEREAS, Flathead County has proposed to name a private road generally running northerly and westerly off of US Highway 2 West in Sections 10 and 15 of Township 28 North, Range 22 West, M.P.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on December 2, 2003, concerning the proposal, after publication and mailing of notice thereof on November 18, 2003 and November 25, 2003; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named Brayer Lane.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running northerly and westerly off of US Highway 2 West in Sections 10 and 15 of Township 28 North, Range 22 West, M.P.M., Flathead County, Montana should be, and it hereby is, named Brayer Lane.

BE IT FURTHER RESOLVED that the naming of Brayer Lane shall be effective on December 2, 2003.

Dated this 2nd day of December, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

By: _____
Gary D. Hall, Member

ATTEST:
Paula Robinson, Clerk

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

Commissioner Gipe made a **motion** to adopt Resolution No. 1668. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

RESOLUTION NO. 1668

WHEREAS, Flathead County has proposed to name a private road generally running southwesterly off of Rabe Road through Section 18, Township 31 North, Range 19 West, and through Section 13, Township 31 North, Range 20 West to the easterly boundary of Section 14, Township 31 North, Range 20 West, M.P.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on December 2, 2003, concerning the proposal, after publication and mailing of notice thereof on November 18, 2003 and November 25, 2003; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named Moose Crossing.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running southwesterly off of Rabe Road through Section 18, Township 31 North, Range 19 West, and through Section 13, Township 31 North, Range 20 West to the easterly boundary of Section 14, Township 31 North, Range 20 West, M.P.M., Flathead County, Montana, should be, and it hereby is, named Moose Crossing.

BE IT FURTHER RESOLVED that the naming of Moose Crossing shall be effective on December 2, 2003.

Dated this 2nd day of December, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

By: _____
Gary D. Hall, Member

ATTEST:
Paula Robinson, Clerk

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

Commissioner Gipe made a **motion** to adopt Resolution No. 1669. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

RESOLUTION NO. 1669

WHEREAS, Flathead County has proposed to name a private road generally running southerly and westerly off of Moose Crossing in Section 13, Township 31 North, Range 20 West, M.P.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on December 2, 2003, concerning the proposal, after publication and mailing of notice thereof on November 18, 2003 and November 25, 2003; and

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

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running southerly and westerly off of Moose Crossing in Section 13, Township 31 North, Range 20 West, M.P.M., Flathead County, Montana, should be, and it hereby is, named Apgar View.

BE IT FURTHER RESOLVED that the naming of Apgar View shall be effective on December 2, 2003.

Dated this 2nd day of December, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

By: _____
Gary D. Hall, Member

ATTEST:
Paula Robinson, Clerk

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

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

Present at the December 2, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planning and Zoning Director Forrest Sanderson, Assistant Avery, and Clerk Eggum.

Sanderson advised that this was continued as the county had set a resolution in place through the comment period before the City of Whitefish adopted theirs. The County's exhibit to the resolution should mirror the City of Whitefish's exhibit.

Commissioner Gipe made a **motion** to adopt Resolution No. 677M. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

RESOLUTION NO. 677M

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

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

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

WHEREAS, the Flathead County Board of Commissioners passed a resolution of intention (Resolution No. 677L) on September 29, 2003, to formally consider that amendment, allowing for public comment to be received through October 31, 2003;

WHEREAS, the City Council of the City of Whitefish has approved the addition of the Big Mountain West Neighborhood Plan to the Whitefish City-County Master Plan with certain changes: and

WHEREAS, the Flathead County Board of Commissioners has considered all information provided to it on the proposed amendment to the Whitefish City-County Master Plan.

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

BE IT FURTHER RESOLVED that the "Big Mountain West Neighborhood Plan," as adopted, is attached hereto as Exhibit A.

DATED this 2nd day of December, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

By: _____
Gary D. Hall, Member

ATTEST:
Paula Robinson, Clerk

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

EXHIBIT A

BIG MOUNTAIN WEST
NEIGHBORHOOD PLAN

I. PREFACE

The Big Mountain West Neighborhood Plan amends the Whitefish City-County Master Plan 2020. This amendment is necessary to reflect changing needs and circumstances occurring since the mid-1990s, when the Master Plan 2020 was developed and adopted. The request is to extend the Resort Commercial (BR-4) zoning designation to the west of The Big Mountain Village to an area known as Big Mountain West.

The *neighborhood plan* is a tool to coordinate and clarify the development of a specific area. A neighborhood plan, as defined in Section 76-1-103 (6) MCA, means a plan for a geographic area within the boundaries of the jurisdictional area, that addresses in more detail one or more of the elements of the Master Plan or Growth Policy, focusing on a specific area in order to provide clear and detailed direction for the future development of that area.

The Big Mountain West Neighborhood Plan is developed within the overall framework of the Master Plan 2020 (Growth Policy). The Master Plan 2020 is very broad in its analysis and guidance for the planning jurisdiction while the Neighborhood Plan serves to refine this by expanding on the goals and policies and providing guidance at the project level. The Neighborhood Plan is the procedure by which an amendment to a Master Plan or Growth Policy may be undertaken as provided by SB 326 passed into law in the 2003 legislative session.

II. BACKGROUND

A. INTRODUCTION

The Big Mountain West Neighborhood Plan presents the framework for a year-round residential resort development that is similar to the existing Big Mountain Village. This will include the extension of an existing ski lift and the construction of a new lift, which will improve and provide ski-in, ski-out access to homes. Winter ski trails will serve as hiking trails in the summer. A significant portion of the Big Mountain West Neighborhood includes dedicated conservation easements to an appropriate agency.

The Neighborhood Plan envisions the four land owners to make subdivision applications based on the parameters set forth by the attached Overall Development Plan. These applications will include single family homes, townhome or vacation units, corporate retreat centers, a restaurant facility and day-lodges for skiers. The overall density of Big Mountain West and Big Mountain Village combined will not exceed the original 2000 units as set forth by the Overall Development Plan adopted in 1991.

B. LOCATION

The Big Mountain West Neighborhood is located on slopes of the Whitefish Mountain Range, overlooking Whitefish Lake. The Neighborhood is located within one mile of the Big Mountain

Village, and will be directly accessible via existing roads, ski lifts, and a coordinated trail system. The northeastern boundary adjoins the Big Mountain's ski slopes and residential developments. Private lands bound the Neighborhood on the south and west, with a six lot residential subdivision known as Eagle's Nest. The northernmost boundary adjoins US Forest Service lands, which grants permits to Winter Sports, Inc. for use as ski terrain. The overall Neighborhood contains approximately 467 acres of land and extends approximately two miles from the southeast to the northwestern most point.

C. EXISTING CONDITIONS

1. Existing Development

The Neighborhood is presently undeveloped, with the exception of some limited usage as ski terrain during the winter months. Some ski and mountain bike trails exist, which will be improved, expanded and coordinated on how best to circulate through the proposed subdivisions. Limited residential development adjoins on the south (The Eagle's Nest subdivision. Sunrise Ridge and Sunrise Ridge Phases 2, 3, & 4 adjoin the Neighborhood on the east. Northern Lights Subdivision is also located to the east of the Neighborhood.

2. Topography

The entire Neighborhood is comprised of a series of benches and ridges, sloping modestly upward to the northwest. The southwestern portion of the Neighborhood drops sharply off toward East Lakeshore Drive. The majority of the steep terrain will be permanently dedicated as open space. Elevation at the southeast corner of the property where the primary access road will join the present Big Mountain Road is approximately 4400 feet. The elevation at the northeasterly point is approximately 5190 feet.

3. Drainage

No obvious drainage courses appear in the Neighborhood, with the exception of Hell Roaring Creek at the very extreme northwest corner. The majority of the site utilizes sheet or overland drainage that appears to be absorbed onsite.

4. Wetlands

No identified wetlands exist in the Neighborhood. A small pond is on the very northeast corner of the Brishka property.
(Not denoted on USGS maps).

5. Vegetation

Existing vegetation is comprised of a mix of indigenous conifers, varying types of ground cover, and mixed under story vegetation of shrubs, bushes, and some deciduous trees typical of the elevation. No sensitive plants are known to exist in the Neighborhood.

The majority of the Neighborhood has been selectively logged in recent years to reduce fuel loading.

6. Wildlife

The Montana Fish, Wildlife & Parks Department designates the southwestern portion of the Neighborhood as deer and elk winter game range. Therefore, most of this area will be permanently designated as open space. Additionally, substantial portions of the subdivision lots adjoining this area will remain as open space due to topographical considerations. Some deer and elk may occupy the general area to be developed in the summer, as may an occasional transitory moose or black bear. The entire vicinity has been earmarked for immediate removal of any grizzly bear incursions. Identified grizzly travel corridors are located more than a mile to the east of the Neighborhood. No threatened wildlife is known to habitually occupy the Neighborhood.

7. Geology

The site lies along a ridge extension of the Whitefish Range, and is comprised of Belt Sedimentary rock, overlain with glacial till on the benches and ridge tops, with some rock outcrops on steeper slopes. The depth to bedrock may be relatively shallow in some areas. Any encounter with bedrock will not preclude installation of utilities or construction of dwelling units. No slopes prone to failure have been identified. The Whitefish Fault lies approximately one mile to the southwest of the Neighborhood, closely paralleling the northeast shore of Whitefish Lake. This fault is "normal" in that the west side of the fault drops relative to the east side. Seismic activity for this site is considered moderate.

III. ISSUES

A. THREAT OF WILDFIRE

A serious wildfire swept through this entire area in 1910. Areas nearby may have burned again in 1919 and 1925. In 1993, the Montana Department of State Lands rated the potential for a future wildfire occurrence as very high in the East Lakeshore/Big Mountain vicinity. Since that time, significant changes have been made to reduce the potential for wildfire. At the time of the assessment, there was a fairly homogeneous forest canopy extending from East Lakeshore up to the Village area. Since then, an evacuation plan was created, cross training with various agencies was done, and most importantly, several large landowners undertook extensive thinning projects. (This included WSI, Iron Horse, White, Stoltze, Kvamme, USFS and Ptarmigan Village). Please refer to the attached evacuation plan as prepared by Chief DeVall Appendix A). The Developments in the Big Mountain West neighborhood will incorporate the DNRC's Fire Protection Guidelines for Wildland Residential Interface Development July 1993.

B. ACCESS

Primary access to the Neighborhood will be provided via the Big Mountain Road. Secondary access will be provided via Ridge Run Drive and Northern Lights Drive. Emergency egress from the Big Mountain is provided by means of a forestry road, across lands owned by F.H. Stoltze Land & Lumber Company, through the Haskill Basin area along Haskill Creek, joining existing county roads. The applicants of the big Mountain West project are committed to improving the first $\frac{3}{4}$ of a mile of this roadway by supplementing the road surface with gravel and creating turn-outs where possible.

C. TRAFFIC

The Big Mountain Road traffic patterns vary greatly according to time of year, and time of day. In ski season, the Big Mountain traffic peaks several times during the day, most notably the morning skiers going up, the afternoon skiers coming down, and the evening skiers. The Big Mountain Road has been slated for significant upgrading, with improved curves, 40-foot paved width, and turnouts for slower vehicles, however construction has been set back due to political and budgetary concerns. The upper portion of the road has been moving forward with right-of-way acquisition agreements and it is anticipated that the majority of the landowners will have agreements in the very near future. This project is still considered to be a top priority with the Montana Department of Transportation. The developers of the Big Mountain West project are very supportive of this road project.

D. ROAD DESIGN

Roads within the subdivisions will be constructed to Flathead County Subdivision standards. Due to mountainous topography, some portions of the roadway may approach maximum permissible grade. Provisions will be made to address access problems during icy conditions and for emergency vehicles. Driveways will not exceed 10% grade. There are concerns for adequate road grade design, access problems during icy conditions and for large emergency vehicles, proper engineering of all cut and fill slopes on the site, terrain alteration and scarring, and secondary access. Traffic safety and erosion control are paramount.

E. TOPOGRAPHY

The Neighborhood is moderately to steeply sloping. Gently sloping hillsides and benches provide areas to locate roads and building sites. Homeowners in the Neighborhood developments should anticipate conditions associated with ski resort living: snow, ice, and additional grades on roads. In addition to the road design issues, the sloped terrain poses concerns about aggravation of the wildfire hazard, fire suppression limitations, disturbance of stable soils and vegetation, increase impervious surfaces, erosion potential, and terrain alteration for construction of infrastructure, ski lift, and structures.

F. AVAILABILITY OF SERVICES

Community water is available from the Big Mountain Water Company to the property owners that have applied to be included within the District. Landowners not yet included in the District may contact Big Mountain Water as subdivision plans formalize.

Community sewer is available from the Big Mountain Sewer District, with transportation of all effluent to the City of Whitefish for ultimate treatment. The Big Mountain Sewer District has accepted Elk Highlands and WSI lands into their District. An interlocal agreement with the City of Whitefish regarding the inclusion of third parties into the sewer district has been approved by the Whitefish City Council.

The Big Mountain Fire District, together with inter-departmental or inter-agency cooperative agreements, provides fire protection services and has annexed all of the Big Mountain West lands into their District.

The Flathead County Sheriff's Department provides Law enforcement; however, a private security company provides limited 24-hour service year round. Due to the recreational nature of the proposed development, minimal impact on the school system is anticipated. Solid

wastes are collected and transported to the County Landfill by a private hauler. Electricity, natural gas, telephone, and CATV are available.

G. WATERSHED IMPACTS

As this Neighborhood is upslope from Whitefish Lake, more intensive use has the potential to contribute to water degradation of the lake, particularly due to erosion during construction and runoff from impervious surfaces. Best Management Practices will be incorporated during all phases of road and home construction to insure that this will be absolutely minimal. Furthermore, the Big Mountain Sewer agreement requires a drainage plan approved by MDEQ and Whitefish Public Works. This drainage plan must contain run-off on-site and not impact any water supply drainages. Each homeowner must show a drainage plan before, during and after construction of a home/driveway/landscaping. This plan compliance is accomplished through the Design Review Board.

H. JURISDICTIONAL RESPONSIBILITIES

Flathead County has primary jurisdictional control of all land use regulatory review and approval. The Neighborhood Plan must be approved by the City of Whitefish and Flathead County, as it lies within a city-county planning jurisdiction.

IV. GOALS AND OBJECTIVES

- a. The primary goal of the Master Plan 2020 Map amendment is to permit expanded growth in the vicinity of the Big Mountain Ski & Summer Resort.
- b. The Big Mountain West Neighborhood Plan:
 - A. Provides a comprehensive plan of proposed development within the Neighborhood boundaries;
 - B. Promotes community growth while preserving open spaces;
 - C. Provides for development with minimal impact on aesthetics;
 - D. Promotes quality of life;
 - E. Minimizes impacts and costs to the public;
 - F. Utilizes conservation easements and/or dedications to permanently designate lands as open space
- c. An important principle of the Big Mountain West Neighborhood Plan is the preservation of sensitive lands
- d. Minimal impact to existing development is important.
- e. Promotes housing and recreational amenities in a manner that:
 - A. Maintains air and water quality;
 - B. Provides for best management practices to be implemented to ensure water quality;
 - C. Preserves as open space areas;
 - D. Utilizes community water and sewer services
 - E. Is incorporated into the Big Mountain Fire District
- f. Addresses natural hazards, such as:
 - A. Steep terrain unsuitable for development;
 - B. Reducing the potential for wildfire through extension of roads, reduction of fuel loads and installing fire hydrants.
- g. Addresses housing needs in the area:
 - A. Expand the resort-oriented housing opportunities adjoining the Big Mountain Village;
 - B. Allows guest quarters and caretakers units within the primary residential structures;
 - C. Short-term housing accommodations/vacation rentals;
 - D. Uses in the Neighborhood will be compatible with existing development;
 - E. A range of dwelling types and configurations will be provided;
 - F. The Neighborhood will be served by water and sewer;
 - G. The Neighborhood will have fire protection;
- h. Limited commercial opportunities will be offered in the Neighborhood; such facilities will be restricted to day lodges, and/or a restaurant in the vicinity of Chair Three. Commercial development will be compatible with the existing resort and the proposed developments within the Neighborhood.
- i. Lands adjoining The Big Mountain are no longer viable as timberlands, and both the USFS and corporate owners have realized that managing these lands for timber production is neither economically viable nor aesthetically acceptable. The goal of the Neighborhood Plan is to ensure the transition and development of such lands is undertaken with the least impact to the public resources and in keeping with the values set forth in the Master Plan 2020. Crucial to this transition is the retention of sensitive lands as open space.

- j. The design of roadways within the Neighborhood, will minimize impact on existing roads and thoroughfares, yet offer adequate public health and safety though the required multiple accesses from the Big Mountain Road.
- k. Development of the Neighborhood will:
 - A. Necessitate the extension of community water and sewer and other utilities to serve the area;
 - B. Be included in the local area Fire District;
 - C. Be included in the area covered by a private security company, complementing the County Sheriff's coverage;
 - D. Have solid wastes placed in bear-proof receptacles, with a contracted private refuse hauler collecting and disposing of all such wastes.
- l. Parks and open spaces are important to the Neighborhood, and will be provided by through:
 - A. Permanent dedication of a Conservation Easement as open space to protect important aesthetic and natural amenities;
 - B. Provision of ski trails, doubling as pedestrian pathways in snow-free seasons, and ski areas in appropriate locations;
 - C. Extension of Chair Three to enable comprehensive ski-in/ski-out opportunities;
 - D. Installation of a new ski lift;
 - E. Provision of a day lodge/homeowner's facility at the foot of the new ski lift;
 - F. Access to the entire Big Mountain Ski & Summer Resort recreational opportunities.

V. THE PLAN

A. LAND USE

The Neighborhood Plan includes four different land ownerships; Elk Highlands, Inc., Winter Sports, Inc., Alex Brishka and F.H. Stoltze Land and Lumber Company. Each property has a vision for development as outlined below and is indicated on the ODP map.

LAND OWNED BY ELK HIGHLANDS INC.

Elk Highlands, Inc owns the majority of the land in the Big Mountain West development proposal. They own a total of 219 of the total 466 acres.

ELK HIGHLANDS SUBDIVISION: This subdivision proposal includes 42 lots on 103 of the 219 acres. A three-phased subdivision, this proposal intends for true single-family residential development. Residences may include one attached accessory housing unit for guests or caretakers. There are no B and B's allowed. A new ski lift will be constructed near the entrance of the subdivision, which will take skiers to the top of Sun Rise Ridge. Skiers will utilize a ski trail system that winds throughout the subdivision to ski home. A Homeowners facility/day-lodge will be built in the Common Area located at the bottom of the lift. This area has been designated as "public facility" on the Overall Development Plan map. A Conservation Easement of approximately 100 acres has been set aside.

SUN RISE RIDGE PHASE V SUBDIVISION: This development proposal is a joint venture with Winter Sports, Inc. It includes 16 lots on the remaining 16 acres of Elk Highlands land. Most of the lots are less than an acre in size. These homes will be similar to the existing Sun Rise Ridge development and adhere to the same architectural standards and Homeowner Association regulations as those found in the Elk Highlands subdivision.

LAND OWNED BY WINTER SPORTS INC.

Winter Sports Inc., is the second largest property owner in the Big Mountain West proposal. They have a total of 103 of the total 466 acres.

NORTHERN LIGHTS WEST SUBDIVISION: This subdivision encompasses their entire 103 acres and proposes 28 lots. It is the intent of the developer that 60 units may exist on 28 lots. These lots are intended for residential use, although they may be single family homes, townhomes or up to a four-plex vacation unit as allowed by the BR-4 zoning. Approximately 25 acres of this development will be included in a Conservation Easement. Chairlift 3 will be extended to the top of the ridge, noted as Parcel A on the Preliminary Plat. Within this Parcel A, shown as a Public Facility on the Overall Development Plan map, a day lodge may be constructed, as may a restaurant. This restaurant will be open to the public, as well as skiers.

LAND OWNED BY ALEX BRISHKA

Alex Brishka owns 60 of the 466 acres. There are no immediate plans for development at this time. The Overall Development Plan map indicates an area where single family residences may be placed. It is anticipated that 15 single family lots be built, however one lot may be developed as an executive retreat complex. This executive retreat will have approximately 8 cabin sites, bringing the number of units to 25 on the 15 lots. The remaining lands that are not suitable for building purposes will be set aside as open space or as a conservation easement and will be managed as such.

LAND OWNED BY F.H. STOLTZE LAND AND LUMBER COMPANY

F. H. Stoltze Land and Lumber Company owns 80 of the 466 acres of the Big Mountain West Proposal. Again, the Overall Development Plan map indicates an area where single family residences may be placed. It is anticipated that not more than 20 units will be constructed on this property.

B. TRANSPORTATION

The Neighborhood is accessed via the Big Mountain Road from Whitefish. This road is currently limited in travel widths, with constricted switchbacks that may inhibit a smooth flow of traffic on occasion. Fortunately, this road is scheduled for total reconstruction in the near future, with a 40 foot paved width, plus periodic pullouts or passing lanes. Right-of-way acquisition for the upper third of the road, (where the steep grades and sharp switchbacks are most problematic) is currently underway, proceeding at a rapid pace and construction is anticipated to proceed subsequent to land acquisition.

Emergency egress is via F.H. Stoltze Land and Lumber forestry roads down the Haskill Creek drainage, connecting with county roads. An easement from F.H. Stoltze Land & Lumber Company was granted in 2001. This secondary access has been approved by the Flathead County Commissioners, together with all agencies who may be involved in wildfire situations. It is important to note that there is an agreement between Elk Highlands, Inc., and Winter Sports Inc., to improve the upper $\frac{3}{4}$ of a mile of said road with gravel and the construction of pull-outs. Finally, it is not the intent of the developer to create this road as for year-round use. The City of Whitefish has the integrity of the water supply system to protect as well as the interests of the residents at the base of this roadway in Haskill Basin.

Primary access into the Neighborhood will be from the Big Mountain Road. The Elk Highlands primary access approach will be designed and constructed in cooperation with MDOT, and will anticipate the re-design and reconstruction of the Big Mountain Road.

All streets within the Neighborhood Plan area will be built to Flathead County Subdivision Road Standards, and will be private roads, owned and maintained by the appropriate Homeowner Association, but will be accessible to the public. Parking on the roadways is prohibited and enforced by homeowners via a private security firm.

All home construction traffic in the new development will be routed to provide minimum impact to existing homeowners and existing streets. A transportation/parking plan must be submitted to the Design Review Board for approval for every new home. No gates or signage can be erected to discourage public use of the roadways.

C. UTILITIES/SERVICES

The Neighborhood will be served with all utilities and services typically provided in an urbanized area.

1. Big Mountain Water Company will provide community water. Should additional water storage capacity be necessary, new or expanded capacity will be provided. Elk Highlands and WSI lands have been annexed into the District, other landowners will make application when plans formalize.
2. Big Mountain Sewer District will expand their district boundaries to include the Neighborhood. Elk Highlands and WSI lands have been annexed into the District, other landowners will make application when plans formalize.
3. The Big Mountain Fire District has expanded its boundaries to enable provision of fire protection services; inter-agency and/or inter-local mutual aid agreements enhance the fire protection provided, particularly in case of wildfire, to all lands within the Big Mountain West proposal. Defensible Space Standards as per the Flathead County Subdivision Regulations will be incorporated into the home design and enforced by the Design Review Board. Urban Interface Guidelines are encouraged as set forth by USFS. The Developments in the Big Mountain West neighborhood will incorporate the DNRC's Fire Protection Guidelines for Wildland Residential Interface Development July 1993.
4. Underground electricity, phone, CATV, and natural gas will be provided.
5. One or more un-utilized underground conduits may also be embedded for future use, such as extension of fiber-optic cable to meet tomorrow's Internet demands.
6. The Big Mountain Fire District and/or Alert Air Ambulance will provide ambulance service. North Valley Hospital operates an emergency aid facility at the Outpost during ski season.
7. Solid waste collection will be provided by a contracted private hauler, with disposition of collected solid wastes at the County Landfill and/or appropriate recycling venues. Bear-proof on-site solid waste containers are mandated.

D. DRAINAGE

Drainage and water quality management plans stamped by a professional engineer licensed by the State of Montana shall be prepared for each phase of development prior to subdivision plat approval. Plans shall specify measures to be implemented to protect surface and groundwater during construction and after. The most recent State of Montana Best Management Practices for storm water Management shall be followed.

Best Management Practices will be utilized to address the generation, treatment, and disposition of storm waters from impervious surfaces created by the development.

Each drainage plan shall ensure that the impacts of all phases of the project are properly anticipated in addressing the drainage of each phase.

Alternatively, a master drainage plan for the entire Neighborhood or significant portions thereof may be submitted and approved in anticipation of future development phases.

Appropriate storm water and/or snow melt detention areas shall be provided as a part of the drainage plan or plans.

E. PARKLAND REQUIREMENTS

Parkland requirements will be met:

1. A significant portion of the gross acreage of the Neighborhood will be dedicated as permanent open space.
2. Trails may be constructed through areas dedicated as permanent open space.
3. A new ski lift may be installed from near the primary entrance to Elk Highlands to the ridge crest located in Sun Rise Ridge Phase 5. This lift will not cross lands not owned by Elk Highlands Inc.
4. Chair Three will be extended westward to the ridge crest, allowing better skier access to trails.
5. A day lodge may be provided at the upper terminus of Chair Three.
6. Ski trails and ski way areas will be provided to enable ski-in/ski-out throughout the Neighborhood.
7. The ski trails will serve as pedestrian paths in the summer.
8. A small day lodge or homeowner's facility will be provided at the lower terminus of the new ski lift.

VI. IMPLEMENTATION

1. All open space and common areas shall be maintained and administered by the appropriate Homeowners Association, in accordance with their respective Covenants, Conditions, and Restrictions (CC & R's). Such CC & R's shall also include architectural guidelines, landscape requirements and restrictions, and provision for defensible space requirements around each structure to be built, including selection of appropriate fire retarding roofing materials. More stringent CC & R's or architectural guidelines, applicable only to selected portions of the Neighborhood may also apply.
2. Those portions of the Neighborhood to be developed for residential and recreational use shall be zoned by Flathead County as BR-4 in keeping with this Plan. The portions of the Neighborhood intended for permanent designation as open space remain un-zoned.

VII. AMENDMENTS/REVERSION

This Plan may be amended from time to time as conditions or markets change. Implementation of any part of the development outlined in this Neighborhood Plan within three years shall preclude future declaration of abandonment of the Plan and subsequent reversion to prior land use designations. Abandonment will be deemed to have occurred if no infrastructure improvements have been developed within three years. In the case of abandonment, the underlying zoning reverts back to the original zoning.

MONTHLY MEETING w/RAEANN CAMPBELL, HUMAN RESOURCES

Present at the December 2, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, Human Resource Director Raeann Campbell, Assistant Avery and Clerk Eggum.

Chairman Watne – What do you have for us today?

Campbell – I don't have anything.

Chairman Watne – Good

Campbell – Good.

Assistant Avery – You are no fun.

Campbell – I know. Pretty boring. That is good though.

Chairman Watne – Things must be going smooth then.

Campbell – They are. It has been real busy but

Commissioner Gipe – This job has it turned out about what you thought it would be?

Campbell – Yes.

Chairman Watne – Horrible.

Campbell – No, no. I like it. I do. Not horrible.

Avery – Keeping her busy.

Commissioner Gipe – That is great.

CONSIDERATION OF PRINTING BIDS: LIBRARY

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

Commissioner Gipe made a **motion** to award the bid to The Masters Touch for 2,500 peel and stick mailing labels in the amount of \$137.50. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: ARCHITECT'S CONTRACT/NEW BUILDING

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

Chairman Watne reviewed the Standard Form of Agreement Between Owner (Flathead County) and Architect (Architects Design Group) with Standard Form of Architect's Services to build a county office building.

Commissioner Gipe made a **motion** to approve the Standard Form of Agreement Between Owner and Architect with Standard Form of Architect's Services and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

PUBLIC HEARING: ROAD ABANDONMENT #413 (ALLEY BETWEEN 4TH AND 5TH STREET, MARTIN CITY

Present at the December 2, 2003 10:30 A.M. duly advertised public hearing were Chairman Watne, Commissioner Gipe, Jeanne Turner, Maurice Turner, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed the Viewer's Reporting noting that it recommended denial of the petition for abandonment.

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

Jeanne Turner advised that she and her husband own 13 lots between 4th and 5th Street. I want it to be noted that 5th Street does not go through. There is a hill with trees and the road is never going to connect to the other avenue there. There is 20' between my house and my garden. It is grass. We mow it and maintain it. We are just asking that they stop allowing snowmobiles, ATVs and things like that to drive through. It is really not needed for any kind of access because every lot touches the outside county roads. The lot sizes are only 30' wide by 120. Future development is not going to be of each lot with a house or a trailer park on it and we would like to eventually petition that all of that be one property rather than divided across this alley and lots. Turner confirmed that they had received and reviewed the letter from Barb and Dave Lietz who own the property on the other part of that block. Chairman Watne requested Turner review a map with the Commissioners pointing out the location of Lietz's septic system. Turner concluded that there has been no other objections and the abandonment would not land lock anyone.

Chairman Watne confirmed that the Turners and the Lietz own all the property abutting the proposed abandoned portion.

Maurice Turner stated he didn't want to see his kids get run over with cars running up through there. The road goes nowhere.

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

Commissioner Gipe stated that as long as they own the entire block he didn't understand why it wouldn't be abandoned. Chairman Watne agreed and did not know why it is recommended for denial. He confirmed that Commissioner Gipe did not want to view the property. Chairman Watne advised that he knows the property and did not know why it was recommended for denial and suggested they talk to the surveyor.

Commissioner Gipe made a **motion** to approve Road Abandonment #413 (Greenes Martin City Block 13 Lots 1 – 18 alley way contiguous to between Fourth Street and Fifth Street North) subject to the conditions of the Viewer's Report. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

CONSIDERATION OF BUDGET AMENDMENT

Present at the December 2, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioner Gipe, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to adopt Resolution No. 1662. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

**BUDGET AMENDMENT RESOLUTION
RESOLUTION NO. 1662**

WHEREAS, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2003-2004, are required, and;

WHEREAS, Section 7-6-4031, M.C.A. and Budget Resolution No. 1662, allow budget transfers to be made between items in the same fund.

NOW, THEREFORE, BE IT RESOLVED, that the attached list of transfers and revisions shall be made in the budget for Flathead County for Fiscal Year 2003-2004; and

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

DATED this 2nd day of December, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By: _____
Gary D. Hall, Member

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

ATTEST:
Paula Robinson, Clerk

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

**COUNTY OF FLATHEAD
GENERAL
JOURNAL
VOUCHER
BUDGET
AMENDMENT
RESOLUTION # 1662**

DATE ISSUED:
DATE OF RECORD:

VOUCHER NO.: 0311-69

MCA 7-6-4006	ACCOUNTING COPY	"B" Entry		
Account Number	Description	Line	Debit General Ledger	Credit General Ledger
2270-0222-365000	Donations/Immunizations			\$155,000.00
2270-0222-344091	Immunizations		\$155,000.00	
To reclassify the immunizations revenue as a charge for service rather than a donation. Per Alice Dall and Deb Deist.				
2901-0201-490500-610	Principal, Gary's car			\$6,319.00
2901-0201-521003-821	Transfer out to 4012		\$6,319.00	
Line item budget transfer from transfer out to 4012 to debt service expenditure account to cover the cost of Commissioner Hall's car payment of 6318.45 due May 8, 2004, FY 2004. All principal payment per contract annual % rate of 0.				
2160-0238-460230-900	Capital Outlay			\$378,500.00
2160-0238-460230-921	Capital Outlay/Buildings		\$378,500.00	
To transfer budget money from buildings account to 900 for land purchase.				

Explanation:

Prepared by: Deb Deist
Approved by:
Commissioners by
Resolution

Present at the December 2, 2003, 10:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, Library Director Dorothy Laird, Assistant Avery, and Clerk Eggum.

General discussion was held relative to new library director hired; Bigfork park land; recommended study of facilities study; requested involvement in the library; Kalispell Development Coalition, retirement party.

MEETING WITH LIZ HARRIS/PORT AUTHORITY RE: PORT AUTHORITY UPDATE

Present at the December 2, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, Don Bennett, Assistant Avery, and Clerk Eggum.

Harris provided an update of Port Authority activities; Harris gave a power point presentation.

1:15 A.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 December 3, 2003.

WEDNESDAY, DECEMBER 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.

10:15 A.M. Commissioner Gipe is to give a speech at Kila School

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

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

THURSDAY, DECEMBER 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.

8:30 A.M. Commissioner Hall is to attend the AOA TAB Meeting at Lutheran Home Cottage

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

FRIDAY, DECEMBER 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.

No meetings scheduled.

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