
MONDAY, JUNE 2, 2008

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

Chairman Hall opened public comment on matters within the Commissions' Jurisdiction, no one present to speak, Chairman Hall closed the public comment period.

CONTINUATION OF PUBLIC HEARING: MILDREN ZONE CHANGE/ BIGFORK ZONING DISTRICT

[9:30:18 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Others present:

Planning & Zoning Director Jeff Harris, Planner Andrew Hagemeyer, Deputy County Attorney Jonathan Smith, Erica Wirtala, Stanley Mildren, Dan Mildren, Sue Hanson, Denise Mildren, Don Moe, Peggy Brewer, Donald Angst, Gloria Angst, Leona Taylor, Ed Sirucek, Carol Sirucek, Bret Hughes, Cheryl Ridderhoff, C. French, Becky Hughes, Bailey Hughes, Peter Leander, T. Hartwell, Dan Hartwell, Gary Ridderhoff, Kirt Taylor, Claudia Thorsrud, Lloyd Thorsrud, John Bourquin, Paul Guerrant, Ann Guerrant, Thomas Welch, JoAnn Mildren, Blair Carstensen, Jim Clark, Medora Raborg, Barry Schrameek, Patricia Wagner, Marc Nadeau, Clerk Kile

Commissioner Lauman made a **motion** to open the Mildren public hearing that was continued from May 19, 2008 until June 2, 2008. Chairman Hall **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Don Angst, 350 Swan River Road questioned the response from the applicant's representative in regards to 70% of his portfolio being effected if he is denied SAG5 zoning. He then stated that he doesn't see anything in statue that says we should be concerned with individual's portfolios. Angst then said he inherited the property and if he stays with SAG10 it certainly wouldn't deprive anything out of his portfolio. He then added we have zoning to set standards; not to have it changed for individual's desires.

Blair Carstensen, 549 Swan River Road spoke about the lack of public services that are referenced on the application. He then said we all have private wells that draw on the same aquifer and there is already a noticeable lessening of the quantity and quality of the water; especially during the summer months. Carstensen added if the zone change is granted the door would be open for current future land owners to put 24 homes, with 24 wells, and 24 septic systems on 24 one acre lots.

Ed Sirucek stated that his biggest concern for the area is with the water table, with it being very shallow and having a clay bed floating under the top soil anywhere from five to two feet that surface close to the river. He then said if you start putting this many septic tanks that close to the river that within a few days it would show up in the river; 24 drain fields that close to the river is a concern. Sirucek added that there is roughly one mile of tile in the low land that is no deeper than two feet for their drainage system.

Sue Hanson, 220 Swan River Road spoke about concerns with the damage that can be done to the aquifer. She then said the issue isn't whether they should profit from their inheritance or provide lots for family members. Hanson stated the issue is about doing the right thing and not to please the property rights advocates no matter what the cost to the environment; the issue is whether this property is appropriate for density. It was then added with the information they have in regards to the need to reduce TMDL's (nutrients entering Flathead Lake) and the need to show the Canadians that we are doing our part to preserve water quality, that the greater density is just not appropriate. Hanson then closed by saying repeating the mistakes of the past is not worthy of you and your leadership is vital to this valley.

Don Moe, 527 Swan River Road said that he came here from Kirkland, Washington and has seen how over development can ruin an area. He then added those that develop the land in general don't care about preserving the character of an area or about those that are left behind to live in the developments. Moe stated that given existing zoning in the area that development in the future will progress towards the point of maximum allowable density and would open the door for future similar zone changes. He further stated there are more suitable areas for high density housing with existing infrastructure.

Tom Welch, 475 Swan River Road expressed his concern with the situation they are facing with the Mildrens. He then added when they moved to the area they felt it would never be over developed. Welch further added that with them already being able to have seven homes on the property that seems like it would be enough.

Jim Clark, 128 Hill Dale Road stated that he has been paying attention to the zone change request and said that he has heard from Commissioner Hall and Commissioner Lauman on how insidious and bad checkerboard zoning is for the county and community. Clark then stated this is a prime example of checkerboard zoning and asked that it be voted against.

Paul Guerrant, 120 Conifer Lane pointed out on a Future Land Uses Map that there are no proposed density changes in the Bigfork Neighborhood Plan for the area.

Marc Nadeau, 233 Swan River Road pointed out the property was zoned for 10 acre plats in 1993 and stated that he believes the request should be honored. He then said he has no problem with Mr. Mildren utilizing his family inheritance under the current zoning guidelines that are in place.

Erica Wirtala, representing the Mildrens on the zone change proposal pointed out the history of the process. She then stated the process started in January of 2008, at which time a pre-application meeting was held with Alex Hogle and Andrew Hagemeyer at the Planning Office who reviewed the maps and application material, and stated they felt it would be a good fit for the area. The zoning map was checked in which they are an extension of an existing SAG5 zoning district. The Bigfork Neighborhood Plan was checked which designates the land as agricultural; SAG10 to SAG5 is still agricultural zoning. The Flathead County Growth Policy was looked at that says if there are problematic areas of high ground water that you should have a five acre minimum density; which they are in compliance of. They went to the Bigfork Land Use Advisory Committee who did not see things the way they did and wanted to see information on the ground water and wanted to see a subdivision

design, which she did not have; so they voted against it. They went to the Flathead County Planning Board and on a 5-4 vote the application was approved. Also noted was public participation has been very strong in being overwhelmingly against the project, yet a positive staff report was received from the planning staff in addition to their positive pre-application meeting. Wirtala added that the Mildren property is in compliance with what the "old" Bigfork Neighborhood Plan and the "draft" Bigfork Neighborhood Plan designates as agricultural with a five acre minimum lot size. When the application was prepared general terms were used in saying two miles to churches, schools, parks and services. The traffic data that was presented from James Freyholtz, MDOT noted there have been four crashes at the intersection between 2006 and 2007 and that he feels the intersection is not problematic. The site is still being monitored for ground water and at the moment they have not breached the threshold of less than five feet to the surface with ground water. It was then stated that Mr. Mildren has written a letter saying that he would like to divide the property into 10 parcels; he would keep 15 acres for himself and some of the children would retain their properties for investment purposes and just hold onto them, so at maximum build out you would be looking at seven homes. There would be 15 acres for sale and if any of the neighbors feels they would like to have a buffer from their property that they would like to keep in open space that would be available to them. With seven houses you would have less than one home per 10 acres. Wirtala then spoke about discussion about there being no compelling reason for this zone change to go through and stated that there is no compelling reason, that it is the land owners prerogative to manage his assets as he best sees fit. It was then noted that Mr. Mildren would like to give each of his six children a five acre parcel and in order to do that he has to sell a portion of the land. She then addressed a comment made at the planning board, wherein she said this would effect 70% of his financial holdings; it was explained that she was using it in terms of if the property were to remain in SAG10 and they were to utilize a cluster option on the SAG10 the property owner has to dedicate 70% of his property to open space. When an application is prepared you have to do the worst case scenario and that is why a PUD and a cluster were done. Anything that has been mentioned that Mr. Mildren can do on his property the neighbors can do as well with the majority of those speaking against the zone change already living in SAG5. Wirtala then stated this is not checkerboard zoning that it is contiguous with existing SAG5.

Peter Leander stated that on behalf of the neighbors and the Thorsruds that he has reviewed the case in regards to spot zoning and believes it would be. He then referred to the Little case and the Bolan case which both discuss spot zoning; with the similar issue being whether or not a zone change would be for the benefit of the public welfare. It was then said that in this case that it is abundantly clear that is not the case, that it would benefit one parcel and one owner; not the public welfare. It is extremely important to understand that anyone who has a five acre lot that it was created prior to zoning being put in place. Leander then spoke about intent and said talking about 24 units is not a scare tactic that it is reality that we must understand the immediate impact and also the potential subsequent impacts down the road when people other than the Mildrens own the property. Also noted was it would be absolute chaos if the board were to make decisions based on the number of children a particular applicant had. He then noted the need to consider the 12 factors that talk about public welfare and promoting and improving the land and that clearly is not the case.

Jonathan Smith noted that he is not concerned that this is spot zoning.

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

Commissioner Brenneman referred to a letter received from the Mildrens that state they want to create 10 parcels of land from the 60 acres of land they own. He then added that according to his calculations they can create 10 parcels of land with a PUD and 9 parcels with clustering with the present zoning. Brenneman said that he sees this as the worst possible land use division and noted that he disagrees with Staff Report Findings of Fact #3-5-6-7.

Commissioner Lauman noted that he agreed with Commissioner Brenneman in that they can do what they need and want to do with present zoning.

Chairman Hall said their criteria for review is to look at the health, safety, welfare and environment.

Commissioner Brenneman proposed the following changes to findings:

- Finding of Fact #3

Currently, the area is zoned SAG-10. ***The proposed zoning of SAG5 would allow up to 24 lots and the applicants would then allow 24 maximum residential structures and would represent a substantial change.*** Both zoning districts permit agriculture, single-family residential and limited home based businesses. The uses are very similar; the most significant differences in the zoning district are the minimum lot size.

- Finding of Fact #5

The proposed zoning by making use of PUD or clustering options could significantly alter the density or character of the current zoning district. Individual septic systems have the potential to pollute ground water supplies used for drinking water. No information was provided about depth to ground water by the applicant. Septic systems would have to be approved through the City County Health Department and the Montana Department of Environment Quality. It is unlikely this proposal will result in the deterioration of health and general welfare.

- Finding of Fact #6

As discussed in Section C. Nature of Request and Proposed Zoning, ***the proposal could dramatically increase the density of the area.*** Furthermore, the proposed zoning will allow the option of clustering future development leaving some land in protected open space.

- Finding of Fact #7

The proposed zoning will allow a maximum density of one unit per five acres. ***The properties do have according to neighborhood historical testimony significant constraints that would limit adequate building sites.*** It is possible the back portion of the property has shallow ground water but the depth would have to be less 4 feet or less to the surface to affect 5 acre densities. Five acre densities would not be out of character for the area. The proposed zoning would not cause overcrowding of the land.

Discussion was held relative to finding of fact #1 that was also changed to state:

- Finding of Fact #1

Language was added: Because of high ground water the proposed zone change does not comply with the goals and policies of the Bigfork Land Use Plan.

Commissioner Brenneman made a **motion** to adopt the changes to findings of fact #1, 3, 5, 6 & 7. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to deny the zone change request Resolution 956CK. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

RESOLUTION NO. 956 CK

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 19th day of May, 2008, and continued said hearing until June 2, 2008, concerning a proposal by Stan Mildren, to change the zoning designation in a portion of the Bigfork Area Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on May 6 and May 13, 2008;

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby adopts findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board and amended by this Board, and hereby denies the request to change the zoning designations in portions of the Bigfork Area Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural).

DATED this 2nd day of June, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Gary D. Hall
Gary D. Hall, Chairman

By/s/Dale W. Lauman
Dale W. Lauman, Member

By/s/Joseph D. Brenneman
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

MEETING W/ DENISE SMITH/ FBIA RE: WHITEFISH DOUGHNUT AREA BALLOTS RECEIVED

[10:33:49 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Others present:

Deputy County Attorney Jonathan Smith, Denise Smith, Clerk Kile

Denise Smith with Flathead Business Industry Association reported she wanted to bring the comments received to the attention of the Commission. She then stated that 5,135 ballots were sent out to lot owners. She then presented a statistics reported on the comments received and noted that based on those comments that they made the right decision in regards to jurisdiction in the doughnut area.

CONSIDERATION OF PRINTING BIDS: PLANNING & ZONING OFFICE

[10:44:19 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Others present:

Clerk Kile

Commissioner Lauman made a **motion** to approve the print bid from Insty Prints for business cards for the Planning & Zoning Office for \$168.80. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: EMPLOYER STOP LOSS APPLICATION

[10:47:10 AM](#)

Members present:

Chairman Gary D. Hall

Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman
Others present:
Deputy County Attorney Jonathan Smith, HR Director Raeann Campbell, Clerk Kile

Commissioner Brenneman made a **motion** to approve the change of the stop loss insurer and authorized the Chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: CONRAD COMPLEX LEASE AGREEMENT

[10:49:05 AM](#)
Members present:
Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman
Others present:
Deputy County Attorney Jonathan Smith, Weed & Parks Director Jed Fisher, Debbie Boreson, Clerk Kile

Fisher reported the Weed & Parks Board has reviewed the \$15,000.00 lease for Conrad Complex which has been in the works for the past couple of years. It was noted this is a five year lease with a 2% yearly increase with re-negotiations in five years.

Commissioner Brenneman made a **motion** to approve the lease agreement and authorized the Chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

MONTHLY MEETING W/ GUY FOY & DAVE PRUNTY, ROAD DEPT.

[11:03:19 AM](#)
Members present:
Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman
Others present:
Public Works Director David Prunty, Operations Manager Road & Bridge Dept. Guy Foy, Patti Vernarsky, Clerk Kile

Discussion was held relative to the Road Departments CIP funding and equipment needs.

Foy then reported a 1,000 gallon concrete vaulted tank will be installed at the Shepherder Pit, the asphalt plant is up and running and a couple of bridge approaches will be started soon as well as work on Holt Stage Road.

General discussion continued in regards to projected overlay projects and viewing of county roads by David Prunty and Ovilia Byrd. A summary report was presented to the Commission.

Prunty reported on the dust program and noted reports are being sent to the Sheriff's Department on Mondays to forward to the Dust Deputy. Also noted was the dust palliative stabilizer chemical used on Ashley Lake Road held up during the winter. He then reported the Road Department will start tracking payroll differently than they have in the past.

8:00 a.m. Weed & Parks Board meeting @ Weed & Parks
1:00 p.m. Commissioner Brenneman: Travel to Helena

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 3, 2008.

TUESDAY, JUNE 3, 2008

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

5:00 p.m. Commissioner Brenneman: Interoperability Montana Project Directors meeting in Helena
Commissioner Lauman: Kalispell Chamber of Commerce "Unwind" @ Eisinger Motors

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 4, 2008.

WEDNESDAY, JUNE 4, 2008

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

Chairman Hall opened public comment on matters within the Commissions' Jurisdiction, no one present to speak, Chairman Hall closed the public comment period.

BOARD APPOINTMENTS: BLANKENSHIP RURAL FIRE DISTRICT & MARTIN CITY RURAL FIRE DISTRICT

[9:22:10 AM](#)

Members present:
Chairman Gary D. Hall
Commissioner Dale W. Lauman
Members absent:
Commissioner Joseph D. Brenneman
Others present:
Assistant Mike Pence, Clerk Kile

Commissioner Lauman made a **motion** to appoint Dan Diamond to the Blankenship Rural Fire District. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to appoint Barbara Leitz to the Martin City Rural Fire District. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

CONSIDERATION OF AMENDMENT TO BYLAWS: FLATHEAD COUNTY PLANNING BOARD

[9:23:01 AM](#)

Members present:
Chairman Gary D. Hall
Commissioner Dale W. Lauman
Members absent:
Commissioner Joseph D. Brenneman
Others present:
Assistant Mike Pence, Planning & Zoning Director Jeff Harris, Assistant Planning & Zoning Director B J Grieve, Office Administrator Mary Sevier, Clerk Kile

Harris noted the amendments to the by-laws that included:

Voting on Matters Before the Board: Board members may participate and vote on any item carried over from previous meetings; even if the member was absent at relevant initial meeting or meetings, as long as the member has reviewed pertinent information and materials and is knowledgeable about the application or action. It is the Board members' responsibility to become knowledgeable regarding agenda items.

The Board may create committees, as needed, to address planning topics and activities. A committee shall be created by official action at a regularly scheduled meeting. When created, all committee meetings shall be subject to the Montana State Open Meetings Law. All committee findings and recommendations shall be forwarded to the Board for action.

Commissioner Lauman made a **motion** to approve the amendments to the by-laws. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

MONTHLY MEETING W/ RAEANN CAMPBELL, HUMAN RESOURCE OFFICE

[9:33:41 AM](#)

Members present:
Chairman Gary D. Hall
Commissioner Dale W. Lauman
Members absent:
Commissioner Joseph D. Brenneman
Others present:
HR Director Raeann Campbell, Clerk Kile

Campbell presented the personnel transactions report for the month of May, 2008.

Commissioner Lauman made a **motion** to approve the HR transactions for the month of May. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Campbell then noted there have been 13 recordable injuries this year compared to 17 last year and the trust fund balance has increased by ½ million. She then stated work is being done on policy manual changes, union negotiations were wrapped up and the annual benefits fair is scheduled this week at the Health Department. Also noted was work being done with the State Safety Bureau in regards to dust issues within the Courthouse.

OPEN BIDS: WHEEL LOADER & PAVER, ROAD DEPT.

[9:43:45 AM](#)

Members present:
Chairman Gary D. Hall
Commissioner Dale W. Lauman
Members absent:
Commissioner Joseph D. Brenneman
Others present:
Operations Manager Road & Bridge Dept. Guy Foy, Shop Superintendent Ted Gilbertson, Lee Wiggins, Jim Taylor, Dennis Schwenk, Clerk Kile

Bids received for a Wheel Loader from:

Western States w/bid bond	New 950H CAT	\$180,795.00	Used 950GII CAT	\$155,500.00
Tri-State w/o bid bond			Used 2007 Volvo L120E	\$142,879.00
Triple W Equip w/o bid bond			Used 1998 John Deere	\$108,000.00
			Used 2004 John Deere	\$129,000.00

Used 2006 John Deere \$170,000.00

Commissioner Lauman made a **motion** to take the bids for the wheel loader under advisement. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Bids received for a paver with bid bonds enclosed from:

Western States New AP-800D CAT	\$286,708.00
Tri-State Volvo PF 2181	\$295,538.00
Modern Machinery Voegle Vision 5103-2	\$282,000.00

Commissioner Lauman made a **motion** to take the bids for the paver under advisement. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

CONSIDERATION OF MILL LEVY: ECONOMIC DEVELOPMENT

[9:55:32 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Clerk Kile

Commissioner Lauman made a **motion** to approve the tax mill levy for economic development for 2008. Chairman Hall **seconded** the motion. **Aye** – Hall and Lauman. Motion carried by quorum.

BI-MONTHLY MEETING W/ KIM CROWLEY, LIBRARY

[10:07:37 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Library Director Kim Crowley, Clerk Kile

Crowley reported the Building Committee is continuing to meet and looking at sites and gathering figures. She then stated they will be meeting with the Library Board in June to look for more direction. It was then noted the library traffic has increased with over 1,000 people at the Main Branch on Monday, 437 at the Whitefish location and 209 in Columbia Falls. Crowley further noted that approximately 24% of the books in the Library are checkout at any one time with a 12% overall increase between FY04 and FY08. Also noted was the Summer Reading Program kick off starts on June 9, 2008.

Discussion was held relative to future library plans.

COS REVIEW: MACKKEY

[10:16:48 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Planning & Zoning Director Jeff Harris, Planner Dianna Broadie, Joe Kauffman, Roy Mackey, Clerk Kile

Broadie reported the 20 acre parcel is located west of Marion, approximately 10 miles off North Fork Murr Creek Road. She then reviewed the splits that have taken place.

Kauffman stated that the pattern of development was caused by COS and family transfers that were done on the north side of North Fork Murr Creek Road.

Roy Mackey explained that he would keep 10 acres and his wife would keep the other 10 acres.

Commissioner Lauman made a **motion** to approve the Mackey family transfer. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

MEETING W/ DENNIS BEE RE: VARIANCE ON FAMILY TRANSFER

[10:43:58 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Planning & Zoning Director Jeff Harris, Planner Dianna Broadie, Dennis Bee (via phone), Clerk Kile

Bee noted in 1992 a family transfer was brought before Whitefish City Council at which time a variance was granted. He then noted they built a home and the variance expired.

Harris commented that the variance wasn't to the family transfer it was a zoning variance to get him to a sub-size lot. He then stated there are no variance procedures for family transfers. Harris continued with you are still in the inter-local doughnut area and at this time have two options. You can go back to Whitefish or wait until the county officially takes back the jurisdictional area and then you can come to the county to request a zoning variance.

Bee explained that they didn't apply for any zone change that they applied for a variance.

Harris then suggested that he bring all his information into the Planning Office and they would look at it.

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

10:51:14 AM

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Clerk Kile

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

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Kirk and Andrea Falcon and Glen and Helen Hay 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, and providing for estate type residential development, by reducing the minimum lot size from 10 acres to five acres.

The regulations defining the SAG-10 and SAG-5 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, and on the Flathead County Planning and Zoning Office's website, at: <http://co.flathead.mt.us/fcpz/index.html>. Documents related to the proposed zone change are also on file for public inspection at the Office of the Clerk and Recorder and the Flathead County Planning and Zoning Office.

The public hearing will be held on the **24th day of June, 2008, at 11:00 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change to the Highway 93 North Zoning District.

Written comments are encouraged and will be reviewed by the Commissioners prior to the hearing if received by the Flathead County Commissioners' Office at least three business days prior to the hearing.

DATED this 4th day of June, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

By/s/Gary D. Hall
Gary D. Hall, Chairman

By/s/Diana Kile
Diana Kile, Deputy

Publish on June 9 and June 16, 2008

EXHIBIT A

Falcon-Tract 1: That portion of the South Half of the Northeast Quarter (S ½ NE ¼) of Section 20, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana. (Shown as Parcel B of Certificate of Survey No. 4257)

Tract 2: That portion of the Northeast Quarter (NE ¼) of Section 20, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana. (Shown as Parcel 2 of Certificate of Survey No. 5760)

Hay-That portion of the South Half Northeast Quarter (S ½ NE ¼) in Section 20, Township 29 North, Range 21 West, Flathead County, Montana. (Shown as Parcel C of Certificate of Survey #4257)

11:00 a.m. County Attorney's meeting @ Co. Atty's Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 5, 2008.

THURSDAY, JUNE 5, 2008

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

**8:30 a.m. Commissioner Hall and Brenneman: MACo Urban Counties meeting in Helena
Commissioner Lauman: AOA TAB meeting @ Eagle Transit**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 6, 2008.

FRIDAY, JUNE 6, 2008

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

**10:00 a.m. Commissioner Hall: N.W. Montana Economic Development District Board meeting @ Kalispell
Chamber Conference Room**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 9, 2008.
