
MONDAY, SEPTEMBER 13, 2004

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

MONTHLY MEETING W/JAY SCOTT, FAIRGROUNDS

Present at the September 13, 2004 9:00 A.M. Meeting were Commissioners Watne and Hall, Fair Director Jay Scott, Assistant Webb, and Clerk Eisenzimer.

General discussion was held relative to update on success of the Fair; plans for the Fair in 2005.

BUDGET AMENDMENT

Present at the September 13, 2004 9:15 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to adopt Resolution 1747. Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**BUDGET AMENDMENT RESOLUTION
RESOLUTION NO. 1747**

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. 1689, 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 13th day of September, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: _____
Howard. W. Gipe, Chairman

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

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

ATTEST:
Paula Robinson, Clerk

By: /s/ Monica R. Eisenzimer
Deputy

**MONDAY, SEPTEMBER 13, 2004
(CONTINUED)**

**COUNTY OF FLATHEAD
GENERAL
JOURNAL
VOUCHER
BUDGET
AMENDMENT
RESOLUTION # 1735**

DATE ISSUED:
DATE OF RECORD:

VOUCHER NO.: 0406-180

MCA 7-6-4006	ACCOUNTING COPY	"B" Entry		
Account Number	Description	Line	Debit General Ledger	Credit General Ledger
2982-0191-383000	Transfer-In	8	\$6,315.15	
2982-172000	Revenue Control	9		\$6,315.15
2983-0191-383000	Transfer-In	10	\$1,749.00	
2983-172000	Revenue Control	11		\$1,749.00
-----	Establish Budgeted Lines	-----		
		13		
2888-0191-331174	AIMS Contract	14	\$7,185.00	
2888-172000	Revenue Control	15		\$7,185.00
		16		
-----	Bdgt Adjust per AIMS agreement	-----		
		18		
2280-0726-331181	III-A	19	\$2,000.00	
2280-0726-331161	III-B	20		\$2,000.00
		21		
2983-0191-334100	State Special Funds	22	\$18,400.00	
2983-172000	Revenue Control	23		\$18,400.00
		24		
2987-0191-331172	Training Grant	25	\$1,880.00	
2987-172000	Revenue Control	26		\$1,880.00
2987-0191-450325-378	Travel	27		\$1,880.00
2987-242000	Expenditure Control	28	\$1,880.00	
		29		
-----	Budget Increase for available	-----		
-----	funds-per contract modifications	-----		
2991-0221-331118	PDM Grant		\$7,500.00	
2991-172000	Revenue Control			\$7,500.00
2991-0221-420600-110	Salaries			\$6,196.13
2991-0221-420600-141	Unemployment			\$15.49
2991-0221-420600-142	Work-Comp			\$375.16
2991-0221-420600-143	Health Ins			\$17.72
2991-0221-420600-144	FICA			\$384.23
2991-0221-420600-145	PERS			\$421.41
2991-0221-420600-147	Medi			\$89.86
2991-242000	Expenditure Control		\$7,500.00	
-----	Establish Budget for PDM Grant	-----		
		Total	\$46,345.00	\$46,345.00

Explanation:

by: Gary L Como, Finance
Approved by:
Commissioners by
Resolution

**COUNTY OF FLATHEAD
GENERAL
JOURNAL
VOUCHER
BUDGET
AMENDMENT-FY
2004
RESOLUTION # 1747**

DATE ISSUED:
DATE OF RECORD:

VOUCHER NO.: 0406-250

MCA 7-6-4006	ACCOUNTING COPY	"B" Entry		
Account Number	Description	Line	Debit General Ledger	Credit General Ledger
2966-0191-440110-110	Line-Item adjustments to	1		\$394.00
2966-0191-440110-143	reflect additional funding	2		\$89.00
2966-0191-440110-144	received on Radon Grant	3		\$6.00
2966-0191-440110-145	Fiscal Year 2004	4		\$9.00
2966-0191-440110-147		5		\$2.00
2966-0191-331131		6	\$500.00	

**MONDAY, SEPTEMBER 13, 2004
(CONTINUED)**

	Total		\$36,378.00	\$36,378.00

Explanation:

by: Gary L Como, Finance
Approved by:
Commissioners by
Resolution

CONSIDERATION OF RELEASE OF COLLATERAL: LAKESIDE SHORES

Present at the September 13, 2004 9:15 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Hall reviewed a letter from the engineer advising that improvements have been complete on Lakeside Shores.

Commissioner Watne made a **motion** to approve the release of collateral for Lakeside Shores. Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONSIDERATION OF RELEASE OF COLLATERAL: FLATHEAD CROSSING #2

Present at the September 13, 2004 9:15 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Hall reviewed a letter from the engineer advising that improvements have been complete for Flathead Crossing #2.

Commissioner Watne made a **motion** to release collateral for Flathead Crossing #2. Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

PUBLIC HEARING: WINDWALKER ESTATES PUD

Present at the September 13, 2004 9:30 A.M. duly advertised public hearing were Commissioners Watne and Hall, Frank Strickland, Michael Fraser of Thomas Dean and Hoskins, Planner Peggy Goodrich, Assistant Webb, and Clerk Eisenzimer.

Goodrich presented Staff Report FPUD-04-04, being a proposal to create a Planned Unit Development overlay on approximately 197.61 acres of land in the West Side Zoning District.

Commissioner Hall opened the public hearing to anyone wishing to speak in favor of the Windwalker Estates PUD.

Mike Fraser in regards to the requested PUD, the property is currently

No one else rising to speak, Commissioner Hall asked for anyone wishing to speak in opposition to the Windwalker Estates PUD.

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

Commissioner Watne made a motion to adopt Staff Report FPUD-04-04 as Findings of Fact. Commissioner Watne seconded the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Watne made a **motion** to adopt Resolution No. 1746 Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

RESOLUTION NO. 1746

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following the publication of legal notice, on the 13th day of September, 2004, to consider a proposal to approve a Planned Unit Development (PUD) in the in the West Side Zoning District on property zoned SAG-5 (Suburban Agricultural);

WHEREAS, the Board of Commissioners did hear public comment on the proposed Planned Unit Development at that hearing; and

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed Planned Unit Development.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 3.31.020.4, Flathead County Zoning Regulations, hereby approves the proposed Planned Unit Development (PUD) in the West Side Zoning District allowing for the development of thirty nine (39) residential lots, and 1 ancillary lot where an indoor arena will be built, on 197.61 acres. Although the overall density of one lot per five acres would not be increased, the proposal would allow for lots of less than five acres on portions of the property, with the increased density offset by detailed plans.

**MONDAY, SEPTEMBER 13, 2004
(CONTINUED)**

BE IT FURTHER RESOLVED that the property to be overlaid is described as Assessor's Tracts 5C and 2B in Section 2, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana. The property is located at Windwalker Estates Subdivision in Kalispell, Montana.

BE IT FURTHER RESOLVED that the conditions set forth on Exhibit A shall apply to the PUD and that the applicant shall submit a final plan in accordance with this approval.

DATED this 13 day of September, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: _____
Howard W. Gipe, Chairman

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

By/s/ Robert W. Watne
Robert W. Watne, Member

ATTEST:
Paula Robinson, Clerk

By /s/ Monica R. Eisenzimer
Deputy

**EXHIBIT 'A'
WINDWALKER ESTATES SUBDIVISION AND PUD**

CONDITIONS:

1. The subdivision shall be in accordance with the development application and preliminary plat with regard to the number of lots, location of parkland, and roadways, except as otherwise modified by the conditions herein.
2. Phasing shall be allowed as proposed with the necessary improvements being installed as required to allow the subdivision to function effectively. This includes streets, utilities, drainage improvements, landscaping, and parkland.
3. That the roadways within the subdivision shall be constructed in accordance with the adopted County Road Design Standards for internal roads and include pavement and drainage systems. A letter from an engineer licensed in the State of Montana certifying that the improvements have been installed according to the required specifications shall be submitted at the time of final plat approval for each phase.
4. That a note shall be placed on the final plat stating that the roads within the subdivision are privately owned and maintained and open to public use. A Homeowners Association shall be established for the repair and maintenance of the private roadways. All property owners within the subdivision shall bear a pro-rata share of the costs.
5. All roads within the subdivision shall be paved. The section of Four Mile Drive from Stillwater Road to the first entrance to the subdivision shall be paved.
6. That an approach permit for the proposed accesses onto Four Mile Drive be obtained from the Flathead County Road Department and any conditions or improvements associated with the permits be completed prior to final plat submittal for any phase.
7. The roads within the subdivision shall be named and signed in accordance with the policies of the Flathead County Road Department and the Uniform Traffic Control Devices Manual.
8. The following statements shall be placed on the face of the final plat:
 - a. All house numbers will be visible from the road, either at the driveway entrance or on the house.
 - b. Roads within the subdivision are privately owned and maintained and open to public use.
 - c. All utilities shall be extended underground.
 - d. Lot owners are responsible for the eradication and control of noxious weed upon their property.
 - e. This subdivision is located in an agricultural area and as such, normal agricultural activities include the use of various chemicals, pesticides, herbicides, fertilizers, irregular hours of operation, noise, dust, fumes, and other factors, which may adversely affect property values and the general quality of life within this subdivision.
 - f. A homeowner's association shall be formed for road maintenance and maintenance of the parkland/outdoor arena.
 - g. This subdivision is located in an area that is designated for suburban and urban residential growth. It is anticipated that adjacent lands may be developed with densities of 3-12 dwellings per acre.
 - h. The Montana Department of Transportation Highway 93 Bypass is currently proposed to be located on the east side of Stillwater Road, directly across from the subdivision property.
9. The developer shall install central mailbox locations(s) approved by the US Postal Service.
10. The developer shall submit a storm water drainage plan that has been designed by an engineer licensed in the State of Montana, utilizes on-site retention of storm water, and has been approved by the Montana Department of Environmental Quality.

**MONDAY, SEPTEMBER 13, 2004
(CONTINUED)**

11. That a Certificate of Subdivision Approval be obtained from the Department of Environmental Quality approving the water and sewage facilities for the subdivision.
12. The applicant must provide verification that all areas disturbed during development of the subdivision have been revegetated in accordance with a plan approved by the Flathead County Weed and Parks Department prior to final plat submittal.
13. That Planned Unit Development and preliminary plat approval shall be valid for a period of three years from the date of approval, which will be extended for another three years after the filing of the final plat for each phase.
14. Any/all Permitted or Conditional Uses shall be in accordance with the West Side, SAG-5 Zoning District Regulations.
15. The parkland requirement of the subdivision shall be in accordance with the site plans as depicted on the preliminary plat.
16. The setbacks and height restrictions for structures shall be as set forth by the SAG-5 West Side Zoning District.
17. The Design Standards of the subdivision shall be in substantial compliance with the information submitted for preliminary approval for the subdivision.

PRELIMINARY PLAT: WINDWALKER ESTATES

Present at the September 13, 2004 9:30 A.M. Meeting were Commissioners Hall and Watne, Planner Goodrich, Assistant Webb, and Clerk Eisenzimer.

Goodrich reviewed the Preliminary Plat application files by Windwalker, LLC to create a 40 lot subdivision with a Planned Unity Development overlay on approximately 197.61 acres of land in the West Side Zoning District. This subdivision is proposed to be developed in phases over seven years. Phase 1 includes 20 residential lots and Lot 11, an indoor arena, the public water system including two wells, fire suppression, and temporary cul-de-sacs at the end of temporary roads. This phase will be completed by the year 2008. Phase 2 will be 19 residential lots, the remainder of the road system, paving of internal roads, extension of water lines, and completion of trail network. This phase will be completed by approximately 2011. Staff recommends approval.

Commissioner Watne made a **motion** to adopt Staff Report #FPP-04-04A with application materials as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Watne made a **motion** to approve the Preliminary Plat and PUD for Windwalker Estates subject to 17 conditions. Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

PRELIMINARY PLAT: IRISH BEND

Present at the September 13, 2004 10:00 A.M. Meeting were Commissioners Hall and Watne, Planner Peggy Goodrich, Rick Breckenridge and Peggy Mathiason of Montana Mapping Associates, Assistant Webb, and Clerk Eisenzimer.

Goodrich reviewed the Preliminary Plat application filed by Bonnie Kenny and Rick Breckenridge for Irish Bend Subdivision, a minor subdivision that will create five single-family residential lots. The subdivision is located on the south side of Conn Road, just west of the intersection with Trumble Creek Road. Staff recommends approval.

Commissioner Watne made a **motion** to adopt Staff Report #FSR-04-33 as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Watne made a **motion** to approve the Preliminary Plat for Irish Bend subject to 11 conditions. Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

TAX REFUND REQUEST: PETERS

Present at the September 13, 2004 10:15 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Hall reviewed a request from Doug Peters for a tax refund.

Commissioner Watne made a **motion** to approve the tax refund. Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONSIDERATION OF PRINTING BIDS: HEALTH DEPT.

Present at the September 13, 2004 10:15 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to approve on behalf of the Health Department, the bid submitted by Wright Impressions for 500 business cards for Glen Gray, Holly Jordt and Wendee Jacobs, 5000 inactivated influenza vaccine pamphlets, 7000 vaccine records in the amount of \$45.00, \$151.95, \$128.86 respectively. Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: OFFICE OF PUBLIC ASSISTANCE COMMUNITY OPERATING PLAN & ANNUAL AGREEMENT/04-05

Present at the September 13, 2004 10:30 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

**MONDAY, SEPTEMBER 13, 2004
(CONTINUED)**

Commissioner Hall presented the Agreement between Flathead County and office of public assistance services indicating services that are available for public assistance.

Commissioner Watne made a **motion** to approve the agreement for Office of Public Assistance and authorize the Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

MEETING W/CHARLIE JOHNSON, ROAD DEPT.

Present at the September 13, 2004 11:00 A.M. Meeting were Commissioners Hall and Watne, Road Superintendent Charlie Johnson, Assistant Webb, and Clerk Eisenzimer.

General discussion was held relative to Memorandum of Understanding for Cooperative Efforts between the Flathead County road and Bridge Department and the Whitefish Public Works Department on the Riverside Park Footbridge; changing of road signs on Foy's Canyon Road; finishing up the washout by the Moose Creek Bridge; nearing completion of Brist project; intersection of East Reserve and Highway 2; paving of bridge approaches on Lower valley; overlay on Batavia; historic right-of-way outline of completion was given to the Board of Commissioners and verification of easements on County roads to public access areas;

Commissioner Watne made a **motion** to approve the MOU between Flathead County and the City of Whitefish for the Riverside Park Footbridge and authorize Charlie Johnson to sign. Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

TOM GORTON RE: MENNONITE CHURCH ROAD

Present at the September 13, 2004 11:00 A.M. Meeting were Commissioners Hall and Watne, Road Superintendent Charlie Johnson, Tom Gorton, Assistant Webb, and Clerk Eisenzimer.

Discussion was held relative to opening of Creston Hatchery Road; questions about adding gravel to Creston road and Mennonite Church Road; grading of oiled roads; agreement was made to place a stop sign at the intersection of Creston road and Mennonite Church Road.

COS REVIEW: LANDE

Present at the September 13, 2004 11:30 A.M. Meeting were Commissioners Hall and Watne, Planning and Zoning Director Forrest Sanderson, Debbie Richardson, Matt Lande, Assistant Webb, and Clerk Eisenzimer.

Sanderson presented the request for Immediate Family Transfer with a recommendation that the COS be redone to be consistent with the West Valley Zoning District.

Commissioner Watne made a **motion** to approve the Immediate Family Transfer for Matt Lande. Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on September 14, 2004.

TUESDAY, SEPTEMBER 14, 2004

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

9:00 a.m. Commissioner Hall attended a MACo Conference Call

9:30 a.m. Commissioner Hall attended a RC&D Kickoff Meeting at the Justice Center Community Room

Commissioner Hall asked for public comment within the Commission's Jurisdiction

Sharon Demeister – I've got a couple of things that I need to kind of review over. Obviously I'm here this morning in regards to the Eisinger Motor zone change. Before I get into that, I want to discuss with you the matter of attending planning board meetings and the way the public is treated at those planning board meetings. I've gone to several meetings and the last one, Russ Crowder just pretty much fries anybody he cares to. He made inaccurate statements in regards to Citizens for law suits on Highway 93. The president of Citizens was sitting next to me and she absolutely denied that they'd ever had any kind of law suit on that highway, that they'd only had two law suits. What has happened in the valley is that there are many groups that have formed in opposition to the way that zoning is taking place and the way that it's being disregarded in the valley. Highway 93 is zoned but that does not appear to be of any importance to either the Planning board or the County Commissioners. That has been totally disregarded. There's not been adequate change. You received a letter from Linne from the Planning Board attacking me in for my point of view in regards to the Koenig Subdivision that he's putting in. He said that I was opposed to everything; I was opposed to his subdivision. I was not opposed to this cluster development; I was opposed to the fact that State law states that in order to do a cluster development, you satisfy open space. He made no reference of open space. He came into my shop 45 minutes before the meeting. He said to me over the counter that I plan on putting this into open space. We get into the meeting, there's no discussion at all about open space and then the ex member of the board who is representing him stood up and said, oh, well he plans to put this into open space. If we want open space, we need that in writing. We can not trust people to follow through unless they are put in writing and they know those are things they have to follow through with. Those were not done. I was attacked over the fact of the lot size. I live in Ponderosa, my lot is 2/3 of an acre, that is not big enough and I'll tell you why. Everybody now has toys, they have boats, they have motorcycles, they have RV's they have campers and we have covenants in there stating that they can not be in public view. They all have to be screened, which means they need space to build a second garage. I have had extensive difficulties with the neighbors, not just the current ones, the previous ones because the man who originally built the house built too large of a house for the lot. They can't pull a

**TUESDAY, SEPTEMBER 14, 2004
(CONTINUED)**

pickup into the garage. Now they want me to do a lot adjustment and give them land of mine because of poor planning on somebody who put a house on too small of a lot. So if you're going to do cluster developments, you don't want 1/2 acre, you don't want 2/3 of an acre, you want an acre or larger to accommodate people with all of their toys because today people have things. Men want workshops, they want places to park the things and so you need to consider that. All of these nice developments, all come with covenants. Every last one of them and the covenants almost always state that everything will be screened. You can not do it on a 1/2 acre lot, it's not possible. So every time I go to a meeting, I am put down or belittled or one meeting Russ Crowder said that I was a member of Citizens. I am not a member of Citizens, it's not that we have not as our group; we have not talked to Citizens because we have had to go there. I mean, I work 60+ hours a week, I don't have time to go and research everything. I do know who has it and I know where to go ask and get that. I know that there are many groups through the valley that have all done the same thing. All of our reasons for doing this is better planning. We want planning, not just spot decisions on spot zoning when somebody shows up with a decision. The last meeting the Master plan workshop, Fricke shows up and proceeds to color his area in commercial. This is before it even came before the planning board. He's already made up his mind and they've already made up their mind of what he's going to get. We haven't even had a discussion at an open public meeting, how do you think we the public are going to interact if we don't have our opinions at least considered and valued. We're not. There are so many people that I've talked to. Oh it's a done deal; I'm not going to bother to do that. I'm not going to write a letter, they've already made up their mind. So how do you expect to get proper planning in the valley? Planning is absolutely critical to the valley. Having a good plan in Flathead Valley is what's going to keep the people coming here and our dollars come from tourists and for people building second homes. They don't move here out of the crowded cities because they want to move into another crowded, congested area and Highway 93 and Reserve are good cases. They're very difficult right now. I'm going to leave with you, I won't read this but Flathead County Master Plan Amendment for the Eisinger Motor, these are the considerations that we want you to look at and the last meeting that I was in, the County Commissioners meeting, I had asked Howard about public participation guidelines. Ms. Demeister then submitted this letter to the Board for inclusion in the minutes:

Please accept the following comments for the record regarding the Corwin-Eisinger Motors Inc. Master Plan Amendment.

In general we would like to respectfully suggest that this Master Plan amendment and staff report are incomplete and premature at this time. The staff report #FPMA-04-05, is incomplete in that it contains numerous inaccuracies resulting in important information not being included for public consideration. Additionally, the Staff report indicates that this board should rely on the standards found in 76-1-601 M.C.A. that establishes the contents of a growth policy. The staff report, however, fails to include some of these standards in their review including how this master plan amendment will demonstrate the manner in which the county is going to coordinate and cooperate with the city on this proposal, which is approximately 500 feet from the city limits.

As this area forms an important entrance to Kalispell and its attractiveness as an area for economic investment, city-county coordination is essential. The city has already established policies that discourage the placement of car lots in this corridor. Additionally, it is my understanding that neither the county, nor the city, have in place design standards to address many of the concerns that have been importantly raised by the public over the light pollution currently generated at the Home Depot site. Working to improve and coordinate on such standards is one example of the kind of details that are currently lacking in the staff report, as well as issues of continuity of trails, storm water services and related issues, and river corridor standards and access.

The standards found at 76-1-601 M.C.A. also require a review of projected trends for the area. Staff suggests that "the amount of commercially planned properties have not kept pace with residential growth" in the planning area, yet no factual sources is quoted to support his assertion. Under none of the cited standards discussed are the complex transportation as well as related air quality issues laid out for review in light of the cumulative and location issues created by additional commercial development at this site. Also, it is not clear that the Federal Highway Administration was invited to comment on this issue which we find it inadequate as well as the fact that the Montana Highway department has chosen not to comment at this time, a point we will return to shortly.

Meanwhile, we would call your attention to several important planning processes underway that should be completed to better inform and provide a factual basis for a master plan request. These planning processes include:

The Environmental Impact Statement Review for the West Side By Pass for the Kalispell Area: *The EIS for this intersection has recently been reopened with over one hundred citizens attending this informational meeting. It is clearly an issue of concern as the future design of this intersection and associated issues with it are currently undergoing a review process. The record before you is inadequate and should await the outcome of the process before a master plan amendment can be adequately considered.*

The Flathead County Master Plan is Being Revised: *This board has indicated that they wish to move forward over the fall and winter to reach completion of this plan. A key component of this plan should be a community discussion of the highway corridor standards and patterns of commercial development that the community desires. While this staff report and the applicant both suggest that the presence of commercial property in the area is justification for this requested master plan change, this argument, carried out to its logical conclusion, could potentially put in place a strip commercial corridor from Kalispell to Whitefish with no factual basis of need or criteria to justify its expansion. As has been alleged the current master plan goals do not support this pattern of development. As you are well aware, recently approved commercial designation of property in this area is under litigation for similar reasons. We would ask that for this reason that this suit which has been served against the county and is now a county document be made part of this hearing record.*

It should also be noted that an important component of a growth policy is the development for a resource analysis document that provides a factual basis for the specific standards found in 76-1-601 M.C.A. that are being relied on as criteria for this proposed change. No resource analysis document currently exists for the county until this process is completed.

Turning to the issues of water quality, the pre-application form signed off on by the County planning office indicates that no subdivision review is planned in the course of the final approval of this site. This raises concerns as to why this step is being allowed to be skipped and also raises the bar for you as a board at this stage to give extra careful attention to water quality issues with both the presence of the flood plain, river, storm water, and septic issues at this site.

**TUESDAY, SEPTEMBER 14, 2004
(CONTINUED)**

A 2001 opinion by Attorney General Mike McGrath, which concludes that water issues must be solved before preliminary subdivision approval also sets in place a standard that has not been followed locally. We understand that this ruling means that water quality issues must be address by the local decision makers with adequate documentation prior to approval at the subdivision level.

Returning to the issues of traffic and transportation issues, we would urge this board to give these issues the same up-front examination that is now being required of water quality issues. The legal basis and precedence set by this ruling for water quality issues should also be applied to transportation issues.

In closing, we would again urge you to deny this request based on the issues we have pointed out make this application inadequate and incomplete.

I was told to call the Flathead County Attorney, which I did and I called Flathead County Attorney Jonathan Smith again today to ask if he could send me either written guidelines for public participation during planning meetings. This is my second request. After my first request, Mr. Smith sent me a letter dated 8/26/2004 explaining why the County Commissioners did not hold public hearings for growth policy amendments. He attached a copy of MCA 7-6-1-602 as further justifications. I and others have requested an opportunity to publicly address our elected county commissioners on land use issues of importance and interest to us. I am concerned in part that our written comments are not given reasonable consideration. Written comments are often submitted and a vote taken with out these comments even being reviewed or addressed in the findings of fact that are adopted. Additionally, comments by the Commissioners and the County Planning Board have led me to believe that these bodies do not consider all the public comments people leave. It is my understanding that under Montana Law local governments are to have a written policy to thoroughly assess and encourage the public in making comments on issues of concern. Mr. Smith however told me that the County has no written policy for public participation and this is really at the heart of why you have so many people in the valley upset with the way planning is going. They do not feel that they are getting their input put into this process. You publish in the newspaper and if you don't very carefully read the Sunday paper, you don't know that it's published in the paper. We have some problems with this and I hope that maybe on the next round, the State Legislature we can address some of these issues as far as how it is published, what the number of days that has to be the people that are 150 feet, maybe that area needs to be expanded to include notification of a larger number of people but it is a very frustrating process for all of us.

Commissioner Hall responded with a couple of items. This, what you've just done is an opportunity for the public to comment. Also the second thing I would say, and I mean that works. We have people come in here and address us like you've done, concerning issues of concern on the agenda. This is covered by state statute, a public hearing process so that's not something that we determine on this level. The other thing I wanted to address with you is that we do take into the consideration peoples comments and letters. Now a lot of times what happens is what has happened this morning. We get the comment now, minutes before we make a decision. Today all we're doing is publishing notice of a public hearing that we're going to have on the Eisinger Zone Change. It's just a formality, it's not a public hearing, we're just making the notice. But a lot of times we get people's comments given to us minutes before we make a decision and it's hard to consider those comments at that time. So this is what frequently happens, just to set it a little clearer.

Sharon Demeister – I will tell you what happened at the last planning meeting. In regards to the Fricke's development, got on the phone, called several people, had them send letters and they probably were there a day or two before the planning meeting. The Chairman of the Planning Board and he was addressing the woman from Helena Flats, and then it carried over into us that well we can't consider any of this information if we haven't had it far enough in advance.

Commissioner Hall – their packets come out before the day before.

Sharon Demeister – He basically said, I just as well throw these. He didn't say that but implied that they're of no interest to us at this time and so we won't even consider them. It's very difficult to take and be on top of everything. Sometimes I read something, I get on the website and I realize it's there by the time I contact everybody, and they write, there's not much time.

Commissioner Hall- We understand your concern and your comments are well taken.

MONTHLY MEETING W/DONNA MADDUX, SUPERINTENDENT OF SCHOOLS

Present at the September 14, 2004 9:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Superintendent of Schools Donna Maddux, Suzanne O'Connor, Assistant Webb, and Clerk Eisenzimer.

General discussion was held relative to Chairman Gipe signing the school district budgets and the set of mill levies.

MONTHLY MEETING W/LAURIE REBUCK, JUVENILE DETENTION

THIS MEETING WAS NOT HELD

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: EISINGER ZONE CHANGE/EVERGREEN & VICINITY ZONING DISTRICT

Present at the September 14, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

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

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Corwin-Eisinger Motors, Inc. to change the zoning designation on property located in the Evergreen and Vicinity Zoning District from R-1 (Suburban Residential) to B-2 (General Business).

**TUESDAY, SEPTEMBER 14, 2004
(CONTINUED)**

The boundaries of the area proposed to be changed from R-1 to B-2 are set forth on Exhibit "A".

The proposed change would change the general character of the zoning regulations applicable to the property from an area intended to provide estate type development normally located in rural areas away from concentrated urban development, or in areas where it is desirable to permit only low density development, e.g., extreme topography, areas adjacent to flood plains, airport runway alignment extension, etc., to an area intended to provide for those retail sales and service functions and businesses whose operations are typically characterized by outdoor display, storage and/or sale of merchandise, by major repair of motor vehicles, by outdoor commercial amusement and recreational activities and by businesses serving the general needs of the tourist and traveler.

The regulations defining the R-1 and B-2 Zones are contained in the Flathead County Zoning Regulations on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 9327013500.

The public hearing will be held on the **5th day of October 2004, 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 in the regulations for the described portion of the Evergreen and Vicinity Zoning District.

DATED this 14th day of September, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Howard W. Gipe
Howard W. Gipe, Chairman

ATTEST:
Paula Robinson, Clerk

By/s/Monica R. Eisenzimer
Deputy

Publish on September 17 and September 24, 2004.

**EXHIBIT A
CORWIN-EISINGER MOTORS
ZONE CHANGE FROM R-1 TO B-2**

The property proposed for the map amendment is located at the intersection of Reserve Drive and US Hwy 93 and contains approximately 10.1 acres. The property's legal description is Tract 41 of Section 30, Township 29 North, Range 21 West, P.M.M.

CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT AND AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: WHITEFISH CITY-COUNTY INTERLOCAL AGREEMENT JURISDICTIONAL BOUNDARIES

Present at the September 14, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to adopt the Resolution of Intent to consider an interlocal agreement of jurisdictional boundaries. Commissioner Gipe **seconded** the motion for comment. **Aye** – Hall **Nay** - Watne and Gipe. Motion denied.

Commissioner Hall excused himself from the meeting.

DOCUMENT FOR SIGNATURE: ARCHITECT'S CONTRACT/COUNTY BUILDING

Present at the September 14, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioner Watne, Deputy County Attorney Jonathan Smith, Assistant Webb, and Clerk Eisenzimer.

Smith presented the agreement for the Architect's contract on design work that has been completed and an amendment to the Contract be that the State of Montana requires the East and West Annexes to be removed by 2006 instead of 1996.

Commissioner Watne made a **motion** to approve the contract as amended. Chairman Gipe **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

MONTHLY MEETING w/RAEANN CAMPBELL, HUMAN RESOURCES

Present at the September 14, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioner Watne, Human Resource Director Raeann Campbell, Assistant Webb and Clerk Eisenzimer.

General discussion was held relative to fees and account balances, workers compensation claims, risk management responsibilities being moved to the Human Resources office and additional training being required;

Commissioner Watne made a **motion** to approve sending Raeann Campbell to risk management training. Chairman Gipe **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on September 15, 2004.

WEDNESDAY, SEPTEMBER 15, 2004

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

9:00 a.m. RSVP Meeting at Windward Place

Chairman Gipe asked for public comment on matters within the Commission's jurisdiction.

Shirley Anderson – I guess two things are really coming through to me Howard and one is the significance of minor subdivisions. Because I think sometimes you have a dearth of information when you're dealing with one instead of the seeing the affect on the whole area. The second thing, after they're approved, then the density is sometimes used as a precedent for a major subdivision. The second thing is how badly we need consistency. In March, I don't know if you remember Howard, but the Commissioners voted to reject North Helena Flats and that's just a little south of Columbia Mountain View and that was 4 lots on 6 acres and one of the reasons for denying that was that it was not compatible and there were other reasons too. I had a phone call from the guy who proposed this and he was unhappy. He said I think you're just biased against I don't know if he said Californians or out-of-staters. I said, that's not true, we don't make opposition or support based on who makes a proposal, but based on does it fit in with the development potential of our area. So that's what I really hope we can achieve is consistency and sometimes that's kind of hard. This subdivision, I think Columbia Mountain View is very consistent if we have that open space set aside. Because the master plan says 5 acres, residential rural, the opposition efforts for Presentine that was turned down, that was 3 acre density and then there's North Helena Flats and then the preliminary application that says they might determine 5 acre so I think there's a lot of support for.

Chairman Gipe - We've got some letters and things on this one, this Columbia Mountain one. The thing that I think Shirley and that's probably beyond you and me but when the change will come in that general area and I've said this many times in the last month or so is when sewer is provided and I think you see that as well as I do. I don't think that's too far off. I'm not sure where Evergreen is talking about putting in a plant out here behind Ag you know but when you started talking about that several years ago, now they're talking about another one and I think it even mentioned it today. We've been talking for that now I would say 6 or 8 months and I think that's going to have to happen and whether that's put in somewhere around the Presentine Bar area or somewhere in there or if it's back this way or maybe Lybecks or in that area but I think when that happens and I think it has to happen. Like I say it's probably beyond my time but to cover all that area up there because I don't think that it can develop as people would like it to have it develop unless we have that in place.

Shirley Anderson – When it does happen though this open space that's set aside according to County Policy now, once the amenities reach there and I assume amenities are sewer. Once they reach there then it's up again so my, I just don't think a decision should be based on what might be but what is at this point. I think they're very well covered on the open space in our neighborhood plan we've asked for 20 acres of open space well that not what we're asking for here but I think this is a reasonable request at this point.

MONTHLY MEETING W/DAVE PRUNTY, SOLID WASTE DISTRICT

Present at the September 15, 2004 9:00 A.M. Meeting were Chairman Gipe, Commissioner Watne, Solid Waste Director Dave Prunty, Assistant Webb and Clerk Eisenzimer.

General discussion was held relative to routine operations; density calculations in meeting goals and goal was exceeded by 10%; increase in tonnage by 8.5%; enlargement of Columbia Falls container site; lease options of Somers container site; proposal of policy change for seat belt laws while attending to container sites; disposal of West Nile Virus infected horse.

PRELIMINARY PLAT: COLUMBIA MOUNTAIN VIEW LOTS, UNIT 2

Present at the September 15, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioner Watne, Planner Kirsten Holland, Shirley Anderson, John Korpi, Linda Johnson, Carter Fritz, Linda Christensen, Dawn Marquardt of Marquardt & Marquardt Surveying, Assistant Webb, and Clerk Eisenzimer.

Holland reviewed the preliminary plat filed by Carter Fritz and Marquardt & Marquardt Surveying for a minor subdivision that will crate two single family residential lots. The subdivision is located a quarter mile south of the intersection of Birch Grove and Helena Flats Road, and is approximately one half mile east of Highway 2. The lots will be between 1.14 and 1.45 acres in size and will be served by individual water and septic systems. Discussion continued in regards to Condition 3 which requires a minimum of 7.41 acres be set aside as open space be amended to have open space be **contiguous** to the lots on the east side. Staff recommends approval.

Commissioner Watne made a **motion** to adopt Staff Report #FSR-04-32 as Findings of Fact. Chairman Gipe **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

Commissioner Watne made a **motion** to approve Preliminary Plat for Columbia Mountain View Lots, Unit 2 as amended subject to 18 conditions. Chairman Gipe **seconded** the motion. **Aye**- Watne and Hall. Motion carried by quorum.

CONSIDERATION OF PROCLAMATION: CASA FAMILY DAY

Present at the September 15, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Chairman Gipe presented a memo requesting that September 27th be proclaimed Family Day.

Commissioner Watne made a **motion** to approve the CASA proclamation. Chairman Gipe **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

**WEDNESDAY, SEPTEMBER 15, 2004
(CONTINUED)**

CONSIDERATION OF REQUEST TO VOID TAXES/CLERK & RECORDER'S OFFICE

Present at the September 15, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to void the taxes on select properties that are now owned by Flathead County. Chairman Gipe **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: QUITCLAIM DEED/ANDERSON

Present at the September 15, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Deb Boreson, Assistant Webb, and Clerk Eisenzimer.

Boreson presented the Board with a Quit claim deed granting any and all interest located within the boundaries of the following described property:

A strip of land, situated, lying and being in the Southeast Quarter of the Southeast Quarter of Section 36, Township 31 North, Range 21 West, P.M.M., Flathead County, Montana.

Commissioner Watne made a **motion** to approve the Quitclaim Deed and authorize Chairman to sign. Chairman Gipe **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: EASEMENT/SIZEMORE

Present at the September 15, 2004 A.M. 9:45 Meeting were Chairman Gipe, Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Boreson presented easement request to the Board in regards to the easement going through their home. Easement contains conditions that should the house be moved or burnt, the property reverts back to Flathead County.

Commissioner Watne made a **motion** to approve the signing of the easement for Sizemore and authorize Chairman to sign. Chairman Gipe **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: SIA/THE RIDGES, PHASE I

Present at the September 15, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to approve the Subdivision Improvement Agreement for The Ridges in the amount of \$54,827.98 and authorize Chairman to sign. Chairman Gipe **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

CONSIDERATION OF POSITION OPENING: OFFICE ASSISTANT/TREASURER'S OFFICE

Present at the September 15, 2004 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Chairman Gipe presented a memo requesting to open the office assistant position in the Treasurer's office.

Commissioner Watne made a **motion** to approve opening the position of Office Assistant for the Treasurer's office. Chairman Gipe **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

- 11:00 a.m. County Attorney meeting at County Attorney's office**
- 12:00 p.m. Chairman Gipe attended DUI Task Force meeting at The Summit**
- 4:00 p.m. Commissioner Hall attended Transportation Committee meeting at Kalispell Chamber of Commerce**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on September 16, 2004.

THURSDAY, SEPTEMBER 16, 2004

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

MONTHLY MEETING W/RICHARD STOCKDALE, ANIMAL CONTROL

Present at the September 16, 2004 8:30 A.M. Meeting were Chairman Gipe, Commissioner Watne, Animal Control Director Richard Stockdale, Assistant Webb, and Clerk Eisenzimer.

General discussion was held relative to numbers of animals that were brought into Animal Control; total of 165 animal complaints; several positive comments received at Fair; possibility of going to Florida to assist in animal control after the storms.

**THURSDAY, SEPTEMBER 16, 2004
(CONTINUED)**

MONTHLY MEETING W/JED FISHER, WEED, PARKS AND MAINTENANCE DEPARTMENT

Present at the September 16, 2004 9:00 A.M. Meeting were Chairman Gipe, Commissioner Watne, Weed, Parks and Maintenance Director Jed Fisher, and Clerk Eisenzimer.

General discussion was held relative to resignation of a new janitor and agreement was made to reopen this position; transfer of seasonal employee into janitor position in the interim; completion of projects in relation to the budget and Jed will prepare an outline of what needs to be done and submit it to the Board for further review; progress on maintenance shop going as scheduled; consideration of scheduled delivery of surplus for auction; building maintenance on Museum; consideration of Highway project.

MONTHLY MEETING W/ALAN MARBLE, OES

Present at the September 16, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioner Watne, OES Director Alan Marble, Kelly McHenry, Gary Mahugh, Assistant Webb, and Clerk Eisenzimer.

General discussion was held relative to derailment training in the tunnel west of Whitefish; Structural Collapse Training at CFAC; tax assessments on fire service area.

PUBLIC HEARING: CALVARY LUTHERAN CHURCH ZONE CHANGE/EVERGREEN & VICINITY ZONING DISTRICT

Present at the September 16, 2004 10:00 A.M. duly advertised public hearing were Chairman Gipe, Commissioner Watne, Al Sylling, , Assistant Webb, and Clerk Eisenzimer.

Goodrich presented the request for zone change submitted by Calvary Lutheran Church to change zoning from RA-1 to B-2 in the Evergreen Zoning District. The property is located at 2200 Highway 2 East, Kalispell, Montana.

Chairman Gipe opened the public hearing to anyone wishing to speak in favor of the requested zone change.

Al Sylling, primarily what we're trying to do is to update our sign and have light with it and

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

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

Commissioner Watne made a motion to adopt Staff Report FZC-04-16 as Findings of Fact. Chairman Gipe seconded the motion. Aye – Watne and Gipe. Motion carried by quorum.

Commissioner Watne made a **motion** to adopt Resolution No. 797DA Chairman Gipe **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

RESOLUTION NO. 797DA

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 16th day of September, 2004, to consider a request by Calvary Lutheran Church to change the zoning designation on property located in the Evergreen and Vicinity Zoning District from RA-1 (Residential Apartment) to B-2 (General Business);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on September 5 and September 12, 2004;

WHEREAS, the Board of Commissioners did receive 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 Evergreen and Vicinity Zoning.

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 on property located in the Evergreen and Vicinity Zoning District from RA-1 (Residential Apartment) to B-2 (General Business), 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 Evergreen and Vicinity Zoning District to be changed, the general character of the proposed designation for the area to be changed, that the regulations for said district are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication thereof, the Board will receive written protests to the change to the Evergreen and Vicinity 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 Evergreen and Vicinity 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 in the Evergreen and Vicinity Zoning District protest the proposed change, then the change will not be adopted.

DATED this 16th day of September, 2004.

**THURSDAY, SEPTEMBER 16, 2004
(CONTINUED)**

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Howard W. Gipe
Howard W. Gipe, Chairman

By/s/Robert W. Watne
Robert W. Watne, Member

By: _____
Gary D. Hall, Member

ATTEST:
Paula Robinson, Clerk

By/s/ Monica R. Eisenzimer
Deputy

**EXHIBIT A
CALVARY LUTHERAN CHURCH
ZONE CHANGE FROM RA-1 TO B-2**

The property proposed for rezoning is located on the west side of Highway 2, just north of the intersection of Highway 2 and Evergreen Drive in Evergreen. The property can be described as Assessor's Tracts 7AE and 7A, Section 33, Township 29 North, Range 21 West, P.M.M., Flathead County.

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

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No. 797DA) on September 16, 2004 to change the zoning designation on property in the Evergreen and Vicinity Zoning District from RA-1 (Residential Apartment) to B-2 (General Business).

The boundaries of the area proposed to be changed from RA-1 to B-2 are set forth on Exhibit "A".

The proposed change would change the general character of the zoning regulations applicable to the property from an area intended to provide areas for multi-family use, for non-residential uses which support or are compatible with the primary residential character, or as a buffer between residential districts and other residential districts, served by community water and sewer and having immediate access to fire, police, refuse and park facilities to an area intended to provide for those retail sales and service functions and businesses whose operations are typically characterized by outdoor display, storage and/or sale of merchandise, by major repair of motor vehicles, by outdoor commercial amusement and recreational activities and by businesses serving the general needs of the tourist and traveler.

The regulations defining the RA-1 and B-2 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, in Permanent File No. 9327013500.

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 Evergreen and Vicinity 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 16th day of September, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Howard W. Gipe
Howard W. Gipe, Chairman

ATTEST:
Paula Robinson, Clerk

By/s/ Monica R. Eisenzimer
Deputy

Publish on September 21 and September 28, 2004.

**EXHIBIT A
CALVARY LUTHERAN CHURCH
ZONE CHANGE FROM RA-1 TO B-2**

The property proposed for rezoning is located on the west side of Highway 2, just north of the intersection of Highway 2 and Evergreen Drive in Evergreen. The property can be described as Assessor's Tracts 7AE and 7A, Section 33, Township 29 North, Range 21 West, P.M.M., Flathead County.

**THURSDAY, SEPTEMBER 16, 2004
(CONTINUED)**

PRELIMINARY PLAT: WEST VALLEY VIEWS, LOT 1

Present at the September 16, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioner Watne, Planner Johna Morrison, Peggy Mathiason and Rick Breckenridge of Montana Mapping Associates, Assistant Webb, and Clerk Eisenzimer.

Morrison reviewed the Preliminary Plat application filed by Roy Curry, Larsen Engineering & Surveying and Montana Mapping Associates for West Valley Views Subdivision, a minor subdivision that will create two single family residential lots. The subdivision is located directly north of Pheasant Hill Estates, approximately ½ mile north of Three Mile Drive and West Valley Drive, west of Kalispell. Staff recommends approval.

Commissioner Watne made a **motion** to adopt Staff Report #FSR-04-36 as Findings of Fact. Chairman Gipe **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

Commissioner Watne made a **motion** to approve the Preliminary Plat for West Valley Views, Lot 1 subject to 9 conditions. Chairman Gipe **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

PUBLIC HEARING: GARVEY ZONE CHANGE/EVERGREEN & VICINITY ZONING DISTRICT

Present at the September 16, 2004 10:00 A.M. duly advertised public hearing were Chairman Gipe, Commissioner Watne, Planner BJ Grieve, Assistant Webb, and Clerk Eisenzimer.

Grieve presented Staff Report FZC-04-17 which is a request for zone change submitted by Mary Ann Garvey in the Evergreen Zoning District to change from R-2 to R-5. The property is located at 367 Mountain View Drive, Kalispell, Montana.

Chairman Gipe opened the public hearing to anyone wishing to speak in favor of the Garvey zone change.

Mary Ann Garvey I just think it's a good idea when you look at the property the way it's set up. IT would be a good place for three houses instead of one.

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

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

Commissioner Watne made a **motion** to adopt Staff Report #FZC-04-17 as Findings of Fact. Chairman Gipe **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

Commissioner Watne made a **motion** to adopt Resolution No. 797DC. Chairman Gipe **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

RESOLUTION NO. 797DC

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 16th day of September, 2004, to consider a request by Mary Ann Garvey to change the zoning designation on property located in the Evergreen and Vicinity Zoning District from R-2 (One Family Limited Residential) to R-5 (Two-Family Residential);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on September 5 and September 12, 2004;

WHEREAS, the Board of Commissioners did receive 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 Evergreen and Vicinity Zoning.

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 on property located in the Evergreen and Vicinity Zoning District from R-2 (One Family Limited Residential) to R-5 (Two-Family Residential), 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 Evergreen and Vicinity Zoning District to be changed, the general character of the proposed designation for the area to be changed, that the regulations for said district are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication thereof, the Board will receive written protests to the change to the Evergreen and Vicinity 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 Evergreen and Vicinity 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 in the Evergreen and Vicinity Zoning District protest the proposed change, then the change will not be adopted.

DATED this 16th day of September, 2004.

**THURSDAY, SEPTEMBER 16, 2004
(CONTINUED)**

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Howard W. Gipe
Howard W. Gipe, Chairman

By/s/Robert W. Watne
Robert W. Watne, Member

By: _____
Gary D. Hall, Member

ATTEST:
Paula Robinson, Clerk

By/s/ Monica R. Eisenzimer
Deputy

**EXHIBIT A
MARY ANN GARVEY
ZONE CHANGE FROM R-2 TO R-5**

The property is located in the Evergreen and Vicinity Zoning District on the corner of Maple Drive and Mountain View Drive. The subject property may be described as the north 183 feet of Lot 10 in Block 2 of Ziesmer's Acres, a subdivision in Section 33, Township 29 North, Range 21 West, P.M.M., all in Flathead County, Montana. The subject property is also known as 367 Mountain View Drive.

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

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No. 797DC) on September 16, 2004 to change the zoning designation on property in the Evergreen and Vicinity Zoning District from R-2 (One Family Limited Residential) to R-5 (Two-Family Residential).

The boundaries of the area proposed to be changed from R-2 to R-5 are set forth on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to the property from providing for large tract residential development in suburban areas, beyond sanitary sewer and/or water lines, to providing for a residential district with minimum lot areas, wherein development will require all public utilities and all community facilities, and in which two-family dwellings are permitted. Minimum lot size would decrease from 20,000 square feet in the R-2 zone to 5,400 square feet in the R-5 zone.

The regulations defining the R-2 and R-5 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, in Permanent File No. 9327013500.

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 Evergreen and Vicinity 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 16th day of September, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

By/s/Howard W. Gipe
Howard W. Gipe, Chairman

By/s/ Monica R. Eisenzimer
Deputy

Publish on September 21 and September 28, 2004.

**EXHIBIT A
MARY ANN GARVEY
ZONE CHANGE FROM R-2 TO R-5**

The property is located in the Evergreen and Vicinity Zoning District on the corner of Maple Drive and Mountain View Drive. The subject property may be described as the north 183 feet of Lot 10 in Block 2 of Ziesmer's Acres, a subdivision in Section 33, Township 29 North, Range 21 West, P.M.M., all in Flathead County, Montana. The subject property is also known as 367 Mountain View Drive.

AUTHORIZATION TO PUBLISH CALL FOR BIDS: VEHICLES/SHERIFF'S OFFICE

Present at the September 16, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioner Watne, Assistant Webb, and Clerk Eisenzimer.

**THURSDAY, SEPTEMBER 16, 2004
(CONTINUED)**

Agreement was made to continue this meeting.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on September 17, 2004.

FRIDAY, SEPTEMBER 17, 2004

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

**Chairman Gipe attended Mental Health Council meeting in Superior
12:00 Commissioner Hall attended Pachyderm Meeting at the Outlaw Inn**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on September 20, 2004.
