

MONDAY, NOVEMBER 8, 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.

Seeing nobody present to comment on matters within the Commissions' Jurisdiction, Chairman Gipe closed the public comment period.

MONTHLY MEETING W/JAY SCOTT, FAIRGROUNDS

Present at the November 8, 2004 9:00 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Fair Director Jay Scott, Assistant Webb, and Clerk Eisenzimer.

General discussion was held relative to siding problems in construction of the livestock building; revenues from rental of Expo Building; considerations for entertainment at 2005 Northwest Montana Fair.

CONSIDERATION OF RELEASE OF COLLATERAL: HARBOR VILLAGE #2

Present at the November 8, 2004 9:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Chairman Gipe presented the letter from the engineer stating that the improvements were completed.

Commissioner Hall made a **motion** to approve the release of collateral for Harbor Village #2. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

CONSIDERATION OF RELEASE OF COLLATERAL: WHISPERING ROCK ESTATES

Present at the November 8, 2004 9:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Chairman Gipe presented the letter from the engineer stating that the improvements were completed.

Commissioner Watne made a **motion** to approve the release of collateral for Whispering Rock Estates. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

PUBLIC HEARING: TAX INCENTIVE REQUEST/RESOURCE LABEL GROUP OF MONTANA

Present at the November 8, 2004 9:30 A.M. duly advertised public hearing were Chairman Gipe, Commissioners Watne and Hall, Planning & Zoning Director Forrest Sanderson, Stephanie Wallace, Assistant Webb, and Clerk Eisenzimer.

Chairman Gipe opened the public hearing to anyone wishing to speak in favor of the tax incentive request.

Stephanie Wallace read a letter from Liz Harris, President and CEO of Jobs Now, Inc.:

Dear Commissioners:

I am writing in support of granting the New and Expanded Property Tax Credit to Resource Label Group of Montana. Resource Label is one of the finest new manufacturing plants constructed in the Flathead Valley in some time. The owners have invested over \$4.5 million dollars in their facility and new equipment which is state of the art. Currently, Resource Label has 12 employees with plans to expand to 30 paying very high wages. The company prints premium adhesive labels for clients all over the country.

You have been very helpful in making it possible for Resource Label to expand in to Montana by accelerating the paving of Garland Lane. I know how much management appreciates your ongoing support. The Board of Jobs Now, Inc. is also grateful for your support of this high value relocation project.

I believe the New and Expanded Tax Credit was created to support companies like Resource Label who make significant new capital investment that increases our tax base and adds new payroll dollars into our economy. The company did not ask for or receive any government grants or loans for this project.

Today's hearing was rescheduled from an earlier date. It was my strong desire to speak to you in person but previous travel plans prohibit my being there. Supporting new businesses like Resource Label is the top priority of the Jobs Now, Inc. and the Flathead County Economic Development Authority. Your favorable consideration is most appreciated. Sincerely, Liz Harris, President and CEO of Job Now.

Don Bennett - Chairman of Jobs Now Inc. and also Chairman of the Flathead Economic Development Authority and I would just like to reiterate the message that Liz put in her letter. Resource Label Group is one that I know Liz worked very hard on getting them to locate in our area and I would just like to say again, thanks for helping getting Garland Lane paved because that was really a critical part of the equation because the printing that they do is extremely high quality and any dust would prevent them from producing the type of product that they're known for. As Liz's letter mentioned, they export these labels all around the globe so it's bringing dollars into Flathead County that otherwise would not be here. There employees, like she said, right now they're at 12 of them but the type of jobs that they create, their minimum wage is probably around \$30,000 and quite a few of them are close to the \$100,000 a year range so they will be bringing quite a bit of additional tax revenues, payroll taxes and those types of things into our local economy. I hope that you'll find in favor of it because I think this is exactly the type of company that we're looking to bring into the valley, ones that bring high paying jobs, no pollution, they're tucked away in the woods up there west of Whitefish and nobody would even know that they're there. Yet, they're really adding to the economic engine of Flathead County so I hope you'll find in favor.

No one else rising to speak, Chairman Gipe asked for anyone wishing to speak in opposition to the tax incentive request.

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

Assistant Webb reported on a point brought up by the assessor's office as to how much land is being used by the structures on the property and that tax incentive should not include the entire ten acres.

Discussion continued with a determination that the subject property is actually eighty (80) acres so then the 10 acres is encumbered in the compound of the business for Resource Label Group.

Commissioner Watne made a **motion** to and approve the requested tax incentive and adopt Resolution 1760. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

RESOLUTION NO. 1760

WHEREAS, the Board of Commissioners of Flathead County, Montana, passed Resolution No. 476A on April 22, 1991, allowing tax benefits to new or expanding manufacturing industry in Flathead County;

WHEREAS, Resource Label Group of Montana, LLC, has applied for the tax benefits with regard to the building of its label printing and shipping plant in Whitefish, Montana;

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing under the provisions of section 15-24-1402(2)(a), M.C.A., on the 8th day of November, 2004, concerning the request for tax benefits filed by Resource Label Group of Montana, LLC; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, having reviewed the application of Resource Label Group of Montana, LLC, and the testimony presented at the public hearing, has concluded that the application for tax reduction benefits meets the requirements of the applicable statutes and resolution.

NOW, THEREFORE, BE IT RESOLVED that the construction of the Door Manufacturing Plant to be operated by Resource Label Group of Montana, LLC, in Flathead County, Montana, shall be granted the tax benefits set forth in Resolution No. 476A and Section 15-24-1402, M.C.A.

DATED this 8th day of November, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Howard W. Gipe
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

BOARD APPOINTMENT: INSURANCE COMMITTEE

Present at the November 8, 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 appointment of Jim Moen to the Insurance Committee. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: PROPOSED COLUMBIA FALLS JURISDICTIONAL AREA CHANGE

Present at the November 8, 2004 9:45 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

Notice is hereby provided that the Flathead County Board of Commissioners and the Columbia Falls City Council shall jointly conduct a public hearing at 7:00 o'clock p.m., on November 29, 2004, in the Columbia Falls City Council Chambers, located at 130 6th Street West, Columbia Falls, Montana. The purpose of the hearing will be to receive public input regarding the proposed change in the jurisdictional area of the Columbia Falls City-County Planning Board and the change in the City of Columbia Falls' jurisdiction with respect to zoning, subdivision approval, administration of lakeshore protection regulations, and administration of floodplain permits. The proposed changes are summarized as follows:

1. The jurisdictional area of the Whitefish City-County Planning Board, which currently extends up to four and one-half (4-1/2) miles outside of the boundaries of the City of Columbia Falls, would be reduced, so that it extends from one to two miles from the boundaries of the City of Columbia Falls. The proposed boundaries of the Columbia Falls City-County Planning Board are shown on the map attached hereto.

2. The City of Columbia Falls' existing zoning jurisdiction would be expanded from approximately one (1) mile outside of the City's boundaries to two miles outside of the City's boundaries in those areas where the boundaries of the proposed jurisdictional area would extend out two miles.

3. The City of Columbia Falls currently has no jurisdiction to approve subdivisions outside of its boundaries. Under this proposal, the City of Columbia Falls would have jurisdiction to approve subdivisions within the new jurisdictional area from one to two miles from its boundaries, to all areas within the new jurisdictional area.

4. The City of Columbia Falls currently administers floodplain permits within its boundaries. Under the proposal, the City's jurisdiction to administer floodplain permits would extend to all areas within the new jurisdictional area, from one to two miles from its boundaries.

Additional information regarding the proposal may be obtained from the Columbia Falls City Clerk, by calling 863-2400, or by visiting the City Clerk's Office at Columbia Falls City Hall, 418 East Second Street, Columbia Falls, Montana, or from the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, telephone 751-8200.

DATED this 8TH day of November, 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 November 11 and November 18, 2004.

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

Present at the November 8, 2004 10:00 A.M. duly advertised public hearing were Chairman Gipe, Commissioners Watne and Hall, Planner Kirsten Holland, Waldemar Neumann, Assistant Webb, and Clerk Eisenzimer.

Holland presented the proposal for an amendment to the Highway 93 North Zoning District map from the existing AG-40 zoning, an Agricultural use district with a 40 acre minimum lot size requirement, to SAG-5 zoning, a Suburban Agricultural use district with a 5-acre minimum lot size requirement.

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

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

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

Commissioner Hall made a **motion** to adopt Resolution No. 837BA. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

RESOLUTION NO. 837 BA

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 8th day of November, 2004, concerning a proposal by, Waldemar Neumann to change the zoning designation in a portion of the Highway 93 North Zoning District from AG-40 (Agricultural) to SAG-5 (Suburban Agricultural);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on October 28 and November 4, 2004;

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

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

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby adopts the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board and, in accordance with Section 76-2-205(4), M.C.A., hereby adopts this resolution of intention to change the zoning designation in a portion of the Highway 93 North Zoning District from AG-40 (Agricultural) to SAG-5 (Suburban Agricultural), that area being described on Exhibit "A" hereto.

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

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

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

DATED this 8th day November, 2004.

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

ATTEST:
Paula Robinson, Clerk

By: /s/ Monica R. Eisenzimer
Deputy

EXHIBIT A

**WALDEMAR NEUMANN
ZONE CHANGE FROM AG-40 TO SAG-5**

Location and Legal Description of Property:

The property proposed for the map amendment is located at the intersection of Schrade Road and US Hwy 93 and contains 40.286 acres. The property's legal description is Lot 1 of Subdivision 128 in Section 7, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

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

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

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No. 837 BA) on November 8, 2004, to change the zoning designation in a portion of the Highway 93 North Zoning District from AG-40 (Agricultural) to SAG-5 (Suburban Agricultural).

The boundaries of the area proposed to be amended from AG-40 to SAG-5 are set forth on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to the property from those intended to protect and preserve agricultural land for the performance of a wide range of agricultural functions, intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development, to regulations intended to protect and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development. The AG-40 classification has a minimum lot size of 40 acres; a change to SAG-5 would result in a minimum lot size of 5 acres.

The regulations defining the AG-40 and SAG-5 are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500.

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

DATED this 8th day of November, 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 November 11 and November 18, 2004.

EXHIBIT A

**WALDEMAR NEUMANN
ZONE CHANGE FROM AG-40 TO SAG-5**

Location and Legal Description of Property:

The property proposed for the map amendment is located at the intersection of Schrade Road and US Hwy 93 and contains 40.286 acres. The property's legal description is Lot 1 of Subdivision 128 in Section 7, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

10:15 Canvass General Election at the Election Department

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 9, 2004.

TUESDAY, NOVEMBER 9, 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.

Seeing nobody present to comment on matters within the Commissions' Jurisdiction, Chairman Gipe closed the public comment period.

QUARTERLY JUVENILE DETENTION FACILITY TOUR

CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT & NOTICE OF PASSAGE: MONTANA VENTURES PARTNERSHIP/FLATHEAD COUNTY MASTER PLAN AMENDMENT

Present at the November 9, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioner Watne, Ken Kalvig, Joe Matulevich, , Andy Miller, Paul Wachholz, Assistant Webb, and Clerk Eisenzimer.

Morrison presented a request from Montana Ventures Partnership LLC to amend the text of the Flathead County Growth Policy.

Commissioner Watne made a **motion** to adopt Resolution No. 789N. Chairman Gipe **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

RESOLUTION NO. 789N

WHEREAS, Montana Venture Partnership, LLC, has requested a revision to the Flathead County Master Plan, to change the designation of approximately 55 acres of property from an Agricultural/Silvicultural designation to a Heavy Industrial designation to allow for industrial zoning and development of the tracts;

WHEREAS, the Flathead County Planning Board recommended that the Board of Commissioners adopt that amendment to the Flathead County Master Plan; and

WHEREAS, the Flathead County Board of Commissioners has reviewed the proposal and determined that the proposed amendment to the Flathead County Master Plan should be formally considered.

NOW THEREFORE, BE IT RESOLVED, pursuant to Section 76-1-604, M.C.A., by the Board of Commissioners of Flathead County, Montana, that it intends to consider the revision of the Flathead County Master Plan by changing the designation of approximately 55 acres of property located to the East of Demersville Road, near its intersection with Highway 93 and Rocky Cliff Drive, from an Agricultural/Silvicultural designation to a Heavy Industrial designation to allow for industrial zoning and development of the tracts.

BE IT FURTHER RESOLVED that the Board of Commissioners will give the public an opportunity to comment in writing on the proposed master plan amendment and will consider any written comments which are received in the Board's Office prior to December 15, 2004. The Board will consider whether to pass a final resolution adopting the proposed amendment to the Flathead County Master Plan after that date.

DATED this 9th day of November, 2004.

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

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
FLATHEAD COUNTY MASTER PLAN**

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it passed a Resolution of Intention (Resolution No. 789N) on November 9, 2004, to consider a revision to the Flathead County Master Plan proposed by Montana Venture Partnership, LLC.

The proposed revision involves changing the designation of approximately 55 acres of property located East of Demersville Road, near its intersection with Highway 93 and Rocky Cliff Drive, from an Agricultural/Silvicultural designation to a Heavy Industrial designation to allow for industrial zoning and development on the tracts. The property is described as portions of Assessor Tracts 2 and 3 in Section 33, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana. Documents related to the proposal are on file at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, and at the Flathead Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, where they may be examined by the public.

The Board of Commissioners will give the public an opportunity to comment in writing on the proposed amendment to the Flathead County Master Plan and will consider any written comments which are received in the Board's Office prior to December 15, 2004. The Board will consider whether to pass a final resolution adopting the proposed amendment after that date.

DATED this 9th day of November, 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 November 12 and November 19, 2004.

PRELIMINARY PLAT: SKY RIDGE SUBDIVISION

Present at the November 9, 2004 10:15 A.M. Meeting were Chairman Gipe, Commissioner Watne, Planner Kirsten Holland, Joe Kauffman of Big Sky Surveying, Skyler Norick, Assistant Webb, and Clerk Eisenzimer.

Holland reviewed the Preliminary Plat application filed by Tara & Skyler Norick and Big Sky Surveying, Inc regarding a request for preliminary plat approval of Sky Ridge Subdivision, a minor subdivision creating five residential lots with a 26.93 acre remainder. The subdivision is proposed on 14.28 acres and will be served by individual water and sewage systems. The subdivision is located east of US Highway 2 off of Mooring Road. Staff recommends approval.

Commissioner Watne made a **motion** to adopt Staff Report #FSR-04-42 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 Sky Ridge Subdivision subject to 13 conditions. Chairman Gipe **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

FINAL PLAT: URQUHART SUBDIVISION

Present at the November 9, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioner Watne, Planner BJ Grieve, Debbie Shoemaker, Dawn Marquardt of Marquardt & Marquardt Surveying, Assistant Webb, and Clerk Eisenzimer.

Grieve reviewed the final plat application submitted for Urquhart Subdivision, a one lot minor subdivision off of North Fork Road near Polebridge. The subject property is 25.16 acres in size and is a part of the North Fork Zoning District. Preliminary plat was waived on August 19, 2004, subject to five conditions. Grieve advised that all conditions have been met or otherwise addressed and staff recommends approval of the final plat.

Commissioner Watne made a **motion** to adopt Staff Report #FWP-04-38 as Findings of Fact. Chairman Gipe **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

Commissioner Watne made a **motion** to approve Final Plat of Urquhart Subdivision. Chairman Gipe **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

Commissioner Hall was seated.

FINAL PLAT: DOWLING SUBDIVISION

Present at the November 9, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Planner BJ Grieve, Debbie Shoemaker, Dawn Marquardt of Marquardt & Marquardt Surveying, Tom Dowling, Assistant Webb, and Clerk Eisenzimer.

Grieve reviewed the application from Marquardt & Marquardt Surveying for final plat approval of Dowling Subdivision, which will create 2 residential lots off Monte Vista Way and Berne Road in Section 11, Township 30 North, Range 20 West. The subdivision is proposed on 2.71 acres and will be served by individual water and sewage systems. The property is located between Berne Road and Monte Vista Way, approximately one (1) mile northeast of Columbia Heights. The property is unzoned. Preliminary plat approval was granted on December 18, 2003 subject to 15 conditions. Grieve advised that all conditions have been met or otherwise addressed. Staff recommends approval of the final plat.

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

FINAL PLAT: PRAIRIE FALCON ACRES

Present at the November 9, 2004 10:45 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Planner Peggy Goodrich, Debbie Shoemaker, Dawn Marquardt of Marquardt & Marquardt Surveying, Wally Jacobson, Assistant Webb, and Clerk Eisenzimer.

Goodrich reviewed the final plat applications submitted by Marquardt & Marquardt Surveying for approval of Prairie Falcon Acres, a major subdivision that will create fourteen (14) residential lots. The property can be described as Assessor's Tract 1B in Section 24, Township 30 North, Range 21 West, P.M., Flathead County, Montana. Preliminary plat approval for this subdivision was granted on September 2, 2003 subject to seventeen (17) conditions. Cash in lieu of parkland has been provided in the amount of \$5,589.60. Goodrich advised that all conditions have been met or otherwise addressed. Goodrich advised that all conditions have been met or otherwise addressed. Staff recommends approval of the final plat.

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

CONSIDERATION OF LAKESHORE PERMIT: OSBORNE

Present at the November 9, 2004 11:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planner George Smith, and Clerk Eisenzimer.

Smith reviewed Lake and Lakeshore Construction Permit filed by Tom Osborne on McGregor Lake to Remove one forked Tamarack tree (6 inch diameter with 5 inch runner) to promote growth of adjacent 12 inch diameter pine tree, both located in the Lakeshore Protection Zone. Staff recommends approval. General discussion was held.

Commissioner Hall made a **motion** to approve Lakeshore Permit #FLP-04-135 with 14 conditions. Commissioner Watne **seconded** the motion. **Aye-** Watne, Hall and Gipe. Motion carried unanimously.

CONSIDERATION OF LAKESHORE PERMIT: SPRATT

Present at the November 9, 2004 11:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planner George Smith, and Clerk Eisenzimer.

Smith reviewed Lake and Lakeshore Construction Permit filed by Marc Spratt on behalf of the Montana Council, Boy Scouts of America on McGilvray Lake to remove numerous standing dead and diseased trees and clear tree fall and debris from the shoreline of the lake for the entirety of the camp property. Many trees are located within the Lakeshore Protection Zone. Widow makers constitute an immediate and persistent hazard, and work has commenced on an emergency basis due to constant use of the camp by scouts and staff. Staff recommends approval. General discussion was held.

Commissioner Watne made a **motion** to approve Lakeshore Permit #FLP-04-138 with 14 conditions and authorize Chairman to sign. Commissioner Hall **seconded** the motion. **Aye-** Watne, Hall and Gipe. Motion carried unanimously.

CONSIDERATION OF EVERGREEN WATER & SEWER DIST. REQUEST TO GRANT PROPERTY/TREATMENT PLANT

Present at the November 9, 2004 11:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Deputy County Attorney Jonathan Smith, Bill Astle, Kerry J Finley, Jean Johnson, Roberta Struck, Jerry O'Neal, Pam Holmquist, Assistant Webb, and Clerk Eisenzimer.

Smith advised that the Board of Commissioners offer the Evergreen Water & Sewer District an option on property with reversionary clause and

Agreement was made to work with Evergreen Water & Sewer's engineer and County Surveyor to find the most suitable piece of property for said treatment plant.

CONSIDERATION OF PRINTING BIDS: AOA

Present at the November 9, 2004 11:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to approve on behalf of the Agency on Aging, the bid submitted by The Town Printer for **A** Letterhead Stationary, **B** 5000 AOA Brochures in the amount of **A** \$255.00 **B** \$687.50. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to approve on behalf of the Agency on Aging, the bid submitted by Wright Impressions for **A** 10,000 Envelopes **B** 4,000 Business cards in the amount of \$282.00 **B** 94.59. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to approve on behalf of the Agency on Aging, the bid submitted by American Printing for **5,000** Bus schedules in the amount of \$617.37. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

MEETING W/COUNTY ATTORNEY'S OFFICE RE: SUBDIVISION ISSUES

Present at the November 9, 2004 11:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, County Attorney Ed Corrigan, Deputy County Attorneys Jonathan Smith, Peter Steele, Dennis Hester; Deb Boreson, Clerk and Recorder Paula Robinson, Planning and Zoning Director Forrest Sanderson, Joe Breneman, Bill Vergni, Brian Mau, Tom Gibson, Addy Gibson, Kathleen Sudan, Gina Klempel, Bill Astle, Jamie Hader, GIS Tom Reynolds, George Everett, Kerry Finley, Ardis Larson, James Oxford, Shauna Floyd, Terry McCall, Lee Henning, Debbie Shoemaker and Dawn Marquardt of Marquardt and Marquardt Surveying, Rick Breckenridge of Montana Mapping, Assistant Webb, and Clerk Eisenzimer.

Presentation was as follows:

Dennis Hester, Deputy County Attorney – I'd like to give you just a little preface to Peter Steele's presentation, it'll only take a minute. My preface has two purposes, one to discuss with you very briefly a concept I think is important to understand and second to just let you know how we got here today and why Peter's going to make his presentation.

The concept that I'd like you understand is that the Montana Subdivision and Platting Act applies to subdivisions. Seems almost self evident but a subdivision is a parcel under 160 acres. A subdivision and the Montana Subdivision and Platting Act applies to the creation of parcels under 160 acres. So, a subdivision that is 160 acres or greater is not governed, a division of land that is 160 acres or greater is not a subdivision and it thus is not governed by the Montana Subdivision and Platting Act. Since the Montana Subdivision and Platting Act doesn't govern a division of land that is greater than 160 acres, the Flathead County Regulations that govern subdivisions do not apply to divisions of land 160 acres or greater. Is that making sense?

In December of 2002, I wrote a letter to the Board in which I discussed a proposal to create three minor subdivisions on tracts of land that were over 160 acres. I advised the Board that allowing the proposed three minor subdivisions on each one of those three tracts of land over 160 acres was appropriate. Yesterday Peter Steele, Ed Corrigan and I met with Forrest Sanderson from the Planning and Zoning office and we wanted to discuss Peter Steele's presentation this morning with Forrest. It became evident at that time that the Planning and Zoning office seemed to misunderstand the letter that I wrote in December of 2002 and was applying the standards that dealt with minor subdivisions on a tract of land over 160 acres and over, was applying it to subdivisions on tracts of land under 160 acres. So, they were applying the conclusions from that December 2002 letter in which I said parcels over 160 acres are not subdivisions and are not subject to review under the

Montana Subdivision and Platting Act. The Planning office has been applying those concepts to parcels which are under 160 acres which are subdivisions and which are subject to the Montana Subdivision and Platting Act. So as a result of this misunderstanding, several subdivisions will be coming to your desk in the near future for final plat approval. Those subdivisions in our opinion are in violation of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations and that'll be the subject of Peter Steele's presentation. Do you have any questions about what I just through at you?

No questions.

Peter Steele, Deputy County Attorney – Several minor subdivisions came to my attention recently and these will soon be coming to you for final plat approval. Although they're presented as minor subdivisions, the minors in sum add up and create two major subdivisions. The first one I'm going to talk to you about is located between Highway 206 and Middle Road and the second one I'm going to talk to you about is in Smith Valley.

The thing I would like you to focus on this morning is the difference between minor and major subdivisions. One of the main differences between minor and major subdivisions is that a major subdivision has to go through a public hearing process. This allows neighbors and the public a chance to speak up on subdivisions. Minor subdivisions do not go through that process.

What I would like to do with these subdivisions is go through an analysis of why I think they're major subdivisions and to provide you with information about that. Today is not the day for you to make a decision on this, I'm just coming here today to show you these two subdivisions and why the County Attorney's office believes they violate our own Subdivision Regulations. So again, this is not a day for you to make a decision, these final plats will be coming your way soon and they'll get on the agenda and at that time you can make your decision.

As Dennis said, the County Subdivision Regulations come under the Montana Subdivision and Platting Act, it's under that authority that the County created the subdivision regulations and again, they apply only to divisions of 160 acres or less.

So, I'd like to turn your attention to the Power Point, this is Section 2.3 of the Flathead County Subdivision Regulations, it defines what a minor subdivision is. It's a subdivision containing five or fewer lots, spaces or units. This plat and all previous minor plats proposed from the original tract of record in existence on October 1, 1993 do not exceed a cumulative total of five lots, spaces or units. So, in other words, to be a minor subdivision, the original tract can not be divided into more than five lots. To analyze, if a subdivision qualifies as a minor, then we need to first determine what the original tract was on October 1, 1993. Then we can determine if more than five lots have been proposed from that original tract. If there is more than five then the subdivision is not a minor, it must then be treated as a major subdivision. So what I'd like to do is go through an analysis on both of these subdivisions and the first one, this one is referred to as Lynnewood. I'll show you in a minute just exactly where this is. This first slide shows the original tract as it existed on October 1, 1993. Then on June 20, 2003, the original tract was divided and a parcel was transferred to the owner's wife. This was done as a family transfer pursuant to the statute. Next slide shows the original tract so you can see where this is, its between Highway 206 and Middle Road, Badrock Drive on the south, Kelley Road to the north. Next, on October 23, 2004 the wife transferred parcel A to her son and parcel B to another son. This again was a family transfer, pursuant to the Statute. So now we have four parcels, the next slide shows a final plat for a minor subdivision known as Lynnewood. This has been submitted and will soon be on your desk. You can see from the original plat, this is the first time that we see 5 lots. Next, a preliminary plat of Lynnewood II, a minor subdivision was approved on September 1, 2004 and you can see from the original lot, we now have 10 lots. Next, a preliminary plat of Columbia Mountain View, another minor subdivision was submitted on October 14th. And a preliminary of another subdivision has not been submitted yet but addresses for the five lots in the middle were requested by the plat room. So in the next slide, you can see in the end there will be twenty lots from the original tract of forty acres, which violates the Flathead County Subdivision Regulations. You remember the requirement for a minor subdivision is that there is no more than a cumulative total of five lots upon the original tract in 1993. The original tract in 1993 is outlined in red and there's obviously more than five lots there. So it will be the County Attorney's recommendation that you not approve the Lynnewood final plats when they come through as minor subdivisions. Now, this recommendation is not for a complete denial of a subdivision but it's a recommendation that this subdivision go through major subdivision review which as I said earlier, would require a public hearing.

The second set of minor subdivisions is located in Smith Valley area and I'll show you the exact location in a minute. The original tract, there were three original tracts. The little part (in the lower southeast corner of tract 4 in Section 19) is not a part of this presentation, it's not a part of this subdivision. Everything else in red there has one owner. You can see Tract 1 in Section 18, Tract 4 and Tract 1 in Section 19. They're three separate tracts, on October 1, 1993. On March 13, 2003 there were some family transfers. Tract 1 in the Northern part, Section 18 and the portion of Tract 4, it shows a little sliver called 4B on the map, was transferred to the owner's daughter. What's identified as 4C if you can see that was transferred to the owner's wife. The owner retained what's known as Tract 4. Then tract 1 in the southern part of Section 19 was a stand alone tract. So where there was first three, now we see 1-2-3-4. Next slide. This shows the location of the property on Batavia Lane. Slide 5 shows the Final Plats that came through the County Attorney's office recently. Final plats come through our office where we sign off on the title and then they're forwarded to the County Commissioners. The names on these plats, and I don't know if you can read on there are Nez Pierce, Cherokee, Chippewa and Cheyenne. Cheyenne is located on that original Tract 1 in Section 18 and that portion of Tract 4, known as 4B. Chippewa is located on the original Tract 4 and Nez Pierce is on the original Tract 4. Cherokee is on that stand alone tract conception 19. So on the original Tract 4 now, there are a proposed eleven new lots. This exceeds the definition of a minor subdivision, as we started off, the requirement for a minor subdivision is five (5) or fewer lots. Technically, the subdivision known as Cherokee could be looked at as a separate stand alone minor and four of the lots of Cheyenne could also be considered on a separate tract, because we had three original tracts. But Tract 4 has eleven new lots, but even though technically Cherokee and Cheyenne could be looked at as stand alone lots, it's going to be the recommendation of the County Attorney to not approve any of them because when you look at the whole scheme, or the cumulative effect of the four, they all add up to one major subdivision. Again, this recommendation won't be that this couldn't go through subdivision review as a major, or that it couldn't be approved as a subdivision

through major review, but that it be denied as four separate minors. Again, a public hearing on this is important because of the effects of this on an entire community.

Again, I keep repeating myself that this isn't the day for you to make decision on these matters. That day will come when the plats are on the agenda and the developers can come in here and speak to these issues. My purpose today is to give you a heads up that these plats are coming your way and to inform you of the County Attorney's position. Dennis and Ed Corrigan and I spoke with Forrest Sanderson about this and he's in 100% agreement with this position. In a broader sense, I've come to you today to point out that major subdivisions should not be allowed to go through as a series of minors if they violate the County Subdivision Regulations; otherwise the public's right to participate will be denied.

Chairman Gipe – Thank you, any one else from the County Attorney's Office. Thank you very much, I need a motion to take it under advisement.

Commissioner Watne made a motion to take the County Attorney's recommendations under advisement. Commissioner Hall seconded the motion. Aye – Watne, Hall and Gipe. Motion carried unanimously.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 10, 2004.

WEDNESDAY, NOVEMBER 10, 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.

Seeing nobody present to comment on matters within the Commissions' Jurisdiction, Chairman Gipe closed the public comment period.

MONTHLY MEETING W/FORREST SANDERSON, PLANNING AND ZONING OFFICE

Present at the November 10, 2004 9:00 A.M. Meeting were Commissioners Watne and Hall, Planning and Zoning Director Forrest Sanderson, Don Hines, Deputy County Attorney Peter Steele, Assistant Webb, and Clerk Eisenzimer.

General discussion was held relative to request for qualifications which the Planning Board will review at its next meeting in regards to hiring of a consultant for comprising the Flathead County Growth Policy; budget amendment allowing for spending of money for hiring of consultant; community decay issue in Lake Blaine area; explanation of direction on minor subdivisions; questions about Natural Resource Committee document and public hearing process.

SECOND READING: SPEED LIMIT ORDINANCE NO. 7

Present at the November 10, 2004 9:30 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to adopt Ordinance 7. Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

ORDINANCE NO. 7

Speed Limits

WHEREAS, the Board of Commissioners is authorized, pursuant to Sections 7-5-102 through 7-5-107, 7-14-2113, 61-8-306 and 61-8-310, M.C.A., to adopt an ordinance and to impose speed limits on certain public roads and highways;

WHEREAS, the Board of Commissioners has determined that all speed limits imposed by the Board since 1985 should be codified into a single ordinance.

NOW, THEREFORE, BE IT RESOLVED that, effective 30 days after the second and final adoption, the following Ordinance shall be in force and effect in Flathead County.

Section One: Speed Limits on Named Roadways

The following speed limits are hereby imposed on the following roadways and highways in Flathead County:

Fifteen (15) miles per hour:

Bridge Street from Old Bridge Street to Electric Avenue.

Caroline Point Road for 50 feet on each side of the boat shop.

FFA Drive for its entire length.

North Street for school zone only.

Old River Bridge Road for school zone only.

Parliament Road, for 1/8 of a mile on each side of the crosswalk near the East Evergreen School, when children are present.

Pheasant Drive, for 1/8 of a mile on each side of the crosswalk near the East Evergreen School, when children are present.

Sager Lane for its entire length.

Twenty Five (25) miles per hour:

10th Avenue WN for its entire length.

11th Avenue WN for its entire length.
12th Street EN for its entire length.
12th Avenue WN for its entire length.
13th Street W (behind JW Church) for its entire length.
13th Street EN for its entire length.
14th Street EN for its entire length.
15th Street E for its entire length.
15th Street EN for its entire length.
16th Street E for its entire length.
1st Avenue for its entire length.
1st Avenue North for its entire length.
1st Avenue South for its entire length.
1st Avenue W for its entire length.
1st Street for its entire length.
1st Street E for its entire length.
1st Street SE for its entire length.
1st Street SW for its entire length.
1st Street W for its entire length.
1st Street WN for its entire length.
1st Street WN (east end) for its entire length.
2nd Avenue for its entire length.
2nd Avenue North for its entire length.
2nd Avenue South for its entire length.
2nd Avenue WN for its entire length.
2nd Street for its entire length.
2nd Street E for its entire length.
2nd Street W for its entire length.
2nd Street WN for its entire length.
35 Approach (Grand) for its entire length.
3Rd Avenue for its entire length.
3Rd Avenue South for its entire length.
3Rd Street for its entire length.
3Rd Street W for its entire length.
3Rd Street WN for its entire length.
4th Avenue South for its entire length.
4th Street for its entire length.
4th Street EN for its entire length.
4th Street WN for its entire length.
5th Street for its entire length.
5th Street W for its entire length.
6th Street for its entire length.
6th Street W for its entire length.
7th Street for its entire length.
7th Street W for its entire length.
8th Avenue EN for its entire length.

8th Street W for its entire length.
9th Avenue WN for its entire length.
9th Street W for its entire length.
Adams Street for its entire length.
Alpha Road for its entire length.
Alpine Drive for its entire length.
Alpine Lane for its entire length.
Alpine Village Drive for its entire length.
Alpinglow Avenue for its entire length.
Antelope Trail for its entire length.
Appletree Circle for its entire length.
Arbour Drive East for its entire length.
Arbour Drive West for its entire length.
Armory Road from East 2nd Street to East end of Armory property.
Ash Road for its entire length.
Ashley Drive for its entire length.
Aspen Lane for its entire length.
Auction Road from its intersection with US Highway 93 to its intersection with Fir Terrace.
Bailey Drive for its entire length.
Bass Avenue for its entire length.
Bass Lake Court for its entire length.
Bass Lake Drive for its entire length.
Battle Hollow for its entire length.
Bauman Lane for its entire length.
Bay Drive for its entire length.
Beach Road for its entire length.
Bear Street for its entire length.
Bear Trail for its entire length.
Beaver Lake Road for its entire length.
Bernard Road for its entire length.
Bierney Creek Road from Highway 93 West 1.2 miles.
Big Sky Boulevard for its entire length.
Bills Road for its entire length.
Birch Drive, (Evergreen) for its entire length.
Birch Drive, (Whitefish) for its entire length.
Birch Glen Drive for its entire length.
Bison Drive for its entire length.
Bitterroot Lane, from its beginning point on Bitterroot Drive for one-half (1/2) mile.
Blenn Street for its entire length.
Brass Road for its entire length.
Breezy Point Avenue for its entire length.
Bridge Street from Old Bridge Street to Montana Highway 35.
Brook Drive for its entire length.
Brunner Road for its entire length.
Burke Lane for its entire length.
Burnell Avenue for its entire length.

Burns Street for its entire length.
Butterfly Lane for its entire length.
Cahill Court for its entire length.
Canyon Road for its entire length.
Capra Court for its entire length.
Cardiff Avenue for its entire length.
Caribou Street for its entire length.
Caroline Point Road for its entire length.
Caroline Road for its entire length.
Cascade Avenue for its entire length.
Cayuse Lane for school zone only.
Central Avenue (MC) for its entire length.
Char Court for its entire length.
Cherry Lynn Lane for its entire length.
Cheviot Loop for its entire length.
Circle Drive for its entire length.
Clothier Lane for its entire length.
Collier Lane for its entire length.
Commerce Street for its entire length.
Concord Lane for its entire length.
Coram School Lane for its entire length.
Cougar Drive for its entire length.
Cougar Trail for its entire length.
Country Way for its entire length.
Country Way East for its entire length.
Country Way North for its entire length.
Craven Street for its entire length.
Crestline Court for its entire length.
Cynthia Drive for its entire length.
Dairy Drive for its entire length.
Dale Drive for its entire length.
Dan Lake Court for its entire length.
Dawn Drive for its entire length.
Deer Street for its entire length.
Deer Trail for its entire length.
Diller Road for its entire length.
Dirt Road for its entire length.
Dodd Avenue for its entire length.
Dodger Lane for its entire length.
Dogwood Avenue for its entire length.
Donahoe Lane for its entire length.
Dorothy Street for its entire length.
Double Lake Court for its entire length.
Double Lake Drive for its entire length.
Double Lake Lane for its entire length.

Dover Drive for its entire length.

Duff Lane for its entire length.

East Evergreen Drive for its entire length except for the school zone.

Eagle Drive for its entire length.

East Cottonwood Drive East of Montana 35 for its entire length.

East Cottonwood Drive West of Montana 35 for its entire length.

Echo Cabin Loop for its entire length.

Echo Lake Road (loop Road) for its entire length.

Echo View Drive for its entire length.

Electric Avenue for its entire length.

Electric Avenue (North) for its entire length.

Elk Street for its entire length.

Elk Trail for its entire length.

Elm Avenue for its entire length.

Fairmont Road, for 500 feet on either side of Fairmont - Egan School.

Fawn Trail for its entire length.

Fehlberg Lane for its entire length.

Fir Lane for its entire length.

Flathead Road (North of 1st Avenue South) for its entire length.

Flathead Drive from US Highway 2 to Montclair Drive.

Florence Street for its entire length.

Forest Drive for its entire length.

Fox Hill Road for its entire length.

Frontage Road for its entire length.

Gamma Road for its entire length.

Garden Drive, from West Reserve Drive to Trail Ridge Road.

Gelande Street for its entire length.

Gilbert Lake Drive for its entire length.

Glacier Avenue for its entire length.

Goat Trail for its entire length.

Gopher Lane entire length, except the school zone.

Gordon Avenue for its entire length.

Grand Drive for its entire length.

Grandview Terrace for its entire length.

Granrud Lane for its entire length.

Grayling Road for its entire length.

Greenridge Drive for its entire length.

Hagerman Lane for its entire length.

Happy Hollow for its entire length.

Harbor Heights Boulevard for its entire length.

Harbin Hill Road for its entire length.

Hare Trail for its entire length.

Harmony Road for its entire length.

Hart Hill Drive, inside Meadow Hills Subdivision.

Haskill Drive for its entire length.

Haven Court for its entire length.

Haven Drive for its entire length.

Haywire Gulch from Smith Lake Road to end of asphalt paving.

Helena Flats Road for school zone only.

Highland Drive for its entire length.

Highline Boulevard for its entire length.

Hillcrest Drive for its entire length.

Horseshoe Drive for its entire length.

Houston Drive for its entire length.

Howard Drive for its entire length.

Hughes Bay Road for its entire length.

Hungry Horse Boulevard for its entire length.

Hunter Lane for its entire length.

Jacquette Road, for 500 feet on either side of Fairmont - Egan School.

Jasper Road for its entire length.

Juanita Way for its entire length.

Judith Road for its entire length.

Juniper Drive for its entire length.

Karrow Avenue for its entire length.

Kathy Lake Lane for its entire length.

Kauffman Lane for its entire length.

Kehoe Lane for its entire length.

Kelly Road for its entire length.

Kelsey Road for its entire length.

Kila Hill for its entire length.

Kila Main Street for its entire length.

Kings Loop for its entire length.

Kings Way for its entire length.

Kirby Lane for its entire length.

Kiwanis Lane for its entire length.

Konley Drive for its entire length.

Kraft Avenue for its entire length.

Kristianna Close for its entire length.

Lake Avenue for its entire length.

Lake Blaine Road for school zone only.

Lake Blaine Road from Foothill to end of road.

Lake Drive for its entire length.

Lake Hills Court for its entire length.

Lake Hills Drive, (Bigfork) for its entire length.

Lake Hills Drive, (South West) for its entire length.

Lake Loop Drive for its entire length.

Lake Peters Court for its entire length.

Lakeside Avenue for its entire length.

Lakeside Boulevard for its entire length.

Lakeside Boulevard North for its entire length.

Lakeshore Drive from Buckboard Lane to end of Road.

Lakeview Drive for its entire length.
Lane Street for its entire length.
Lawrence Lane for its entire length.
Learn Lane for its entire length.
Leisure Drive for its entire length.
Lenwood Lane for its entire length.
Lesley Avenue for its entire length.
Lion Mountain Loop Road for its entire length.
Lion Trail for its entire length.
Lochness Avenue for its entire length.
Lodgepole Drive for its entire length.
Mabel Street for its entire length.
Main Street for its entire length.
Many Lakes Drive for its entire length.
Maple Drive for its entire length.
Margrethe Road for its entire length.
Marjorie Street for its entire length.
Martin Camp Road (Olney) for its entire length.
Martin Road for its entire length.
Maxine Drive for its entire length.
McDermott Lane for its entire length.
McDowell Drive for its entire length.
Meadow Hills Drive for its entire length.
Meadow Lake Drive for its entire length.
Meadow Lane for its entire length.
Meadowlark Drive for its entire length.
Michels Slough Road for its entire length.
Midale Road, inside Meadow Hills Subdivision. 676
Missy Lane for its entire length.
Middle Road for school zone only.
Midway Drive for its entire length.
Mill Street for its entire length.
Mission Trail for its entire length.
Mission Way for its entire length.
Mission Way North for its entire length.
Mission Way South for its entire length.
Monroe Street for its entire length.
Montclair Drive for its entire length.
Monte Vista Drive for its entire length.
Moose Lane for its entire length.
Moose Street for its entire length.
Moose Trail for its entire length.
Mountain Avenue for its entire length.
Mountain Shadows Drive for its entire length.
Mountain View Drive for its entire length.
North Cedar Drive for its entire length.

Newbury Circle for its entire length.

Nicholson Drive for its entire length.

North Fork Road (frontage) for its entire length.

North Haven Drive for its entire length.

North Hilltop Road for its entire length.

North Juniper Bay Road for its entire length.

North Karrow Avenue for its entire length.

North Many Lakes Drive for its entire length.

North Mission Drive for its entire length.

North Riding Road for its entire length.

Northwoods Drive for its entire length.

Nucleus Avenue (South of 13th Street East) for its entire length.

Old Bridge Street for its entire length.

Old Bridge Street (South) for its entire length.

Old River Bridge Road for its entire length.

Olney Loop Road from Railroad Crossing to 93.

Oregon Lane for its entire length.

Osborne Avenue for its entire length.

Oxford Circle for its entire length.

Panoramic Drive for its entire length.

Paradise Loop for its entire length.

Park Avenue (Columbia Falls) for its entire length.

Park Avenue (Evergreen) for its entire length.

Park Drive for its entire length.

Park Street for its entire length.

Parkhill Drive for its entire length.

Parklane Drive for its entire length.

Parkview Drive for its entire length.

Parkview Way for its entire length.

Parkway Avenue for its entire length.

Parliament Drive for its entire length.

Pavilion Hill Avenue for its entire length.

Peaceful Drive for its entire length.

Peaceful Lane for its entire length.

Pheasant Drive for its entire length.

Pickleville Lane for its entire length.

Pickwick Court for its entire length.

Pikes Peak Avenue for its entire length.

Pine Street for its entire length.

Pines Boulevard for its entire length.

Pleasant Hill Drive for its entire length.

Pleasant View Drive for its entire length.

Plentywood Drive for its entire length.

Plummers Lake Drive for its entire length.

Ponderosa Drive for its entire length.

Poplar Drive for its entire length.
Possum Trail for its entire length.
Potter Lane for its entire length.
Preston Drive for its entire length.
Primrose Lane for its entire length.
Ramsgate Drive for its entire length.
Ranch Road for its entire length.
Ranchetts Drive for its entire length.
Ranchetts Lane for its entire length.
Ranchetts Road for its entire length.
Redfield Lane for its entire length.
Rest Haven Drive for its entire length.
Ridgewood for its entire length.
River Avenue for its entire length.
River Bend Drive for its entire length.
River Drive for its entire length.
River Road (Evergreen) for its entire length.
River Street for its entire length.
Riverside Drive for its entire length.
Riverside Drive (Evergreen) for its entire length.
Rogers Lane for its entire length.
Sampson Lane for its entire length.
Scarborough Avenue for its entire length.
Scenic Drive for its entire length.
Seven Row for its entire length.
Shadow Lane for its entire length.
Shady Glen Drive for its entire length.
Sharon Road for its entire length.
Shepherd Lane for its entire length.
Siderius Lane for its entire length.
Skookum Road for its entire length.
Sleepy Hollow Road for its entire length.
Sloan Lane for its entire length.
Solberg Drive for its entire length.
Somers Road from 1 mile South of Montana Highway 83 to US Highway 93.
Somerset Drive for its entire length.
South Cedar Drive from Montana Highway 35 to end.
South Fork Drive for its entire length.
South Foy's Lake Drive for its entire length.
South Woodland Drive from Kelly Road to city limits.
Spoon Road for its entire length.
Spring Creek Road (Hatchery) for its entire length.
Springdale Drive for its entire length.
Spruce Road for its entire length.
Stag Lane for its entire length.
Stafford Street for its entire length.

Steeles Drive for its entire length.

Steven Road for its entire length.

Stonecrest Drive for its entire length.

Sulky Lane for its entire length.

Summit Avenue for its entire length.

Sunnybrook Lane for its entire length.

Sunnyside Avenue for its entire length.

Sunnyside Drive for its entire length.

Sunrise Lane for its entire length.

Sunrise Road for its entire length.

Sunset Circle for its entire length.

Sunset Drive (Bigfork) for its entire length.

Sunset Drive (Evergreen) for its entire length.

Sunset Lane for its entire length.

Sussex Drive for its entire length.

Swan Retreat for its entire length.

Swede Hill Avenue for its entire length.

Swimming Lake Court for its entire length.

Tahoe Drive for its entire length.

Tamarack Avenue for its entire length.

Tamarack Drive for its entire length.

Tamarack Terrace for its entire length.

Tangent Road for its entire length.

Terrace Drive for its entire length.

Terrace Hill for its entire length.

Terry Road for its entire length.

Timber Lake Drive for its entire length.

Timber Lane for its entire length.

Timber Lane Terrace for its entire length.

Toftum Lane from US Highway 2 615 ft.

Trail Ridge Road for its entire length.

Treasure Lane for its entire length.

Trout Avenue for its entire length.

Troutbeck Road for its entire length.

Truck Route (US Highway 2 to 6th Avenue West) for its entire length.

Twilight Circle for its entire length.

Twin Acres Drive for its entire length.

Twin Pines Drive for its entire length.

Valley Drive for its entire length.

Valley View Drive from Trailhead to East end of road.

Vans Avenue for its entire length.

Vetville West, from its intersection with 12th Avenue West to its intersection with Meadow Lakes Boulevard.

Village Lane for its entire length.

Vitt Lane for its entire length.

Voerman Road from Monegan to city limits.

Walker Avenue for its entire length.
Watts Lane for its entire length.
Wedgewood Lane for its entire length.
Welf Lane for its entire length.
West 3Rd Street for its entire length.
West 4th Street for its entire length.
West 7th Street from Baker to South Karrow.
West Cottonwood Drive for its entire length.
West Lake Shore Drive (Whitefish) for its entire length.
West Valley Drive (South of US Highway 2) for its entire length.
West View Drive for its entire length.
Westwood Lane for its entire length.
Whipps Lane for its entire length.
Whitefish Stage for school zone only.
Williams Lane for its entire length.
Willow Drive for its entire length.
Wilson Heights Road for its entire length.
Winchester Street for its entire length.
Winter Lane for its entire length.
Wishert Lane for its entire length.
Wulff Lane for its entire length.
Yodelin Ridge Road for its entire length.
Zimmerman Road for its entire length.

Thirty Five (35) miles per hour:

4th Avenue WN for its entire length.
Addison Square for entire length, except the school zone.
Aero Lane for its entire length.
Ainley Lane for its entire length.
Alder Lane for its entire length.
Amdahl Lane for its entire length.
Anderson Lane for its entire length.
Angel Point Road for its entire length.
Armory Road from Voerman to Armory property.
Ashley Lake Road (West) for its entire length.
Ashley Lake Road, from its intersection with Sherman Road to the point at which the pavement ceases.
Auction Road from Fir Terrace to Somers Stage.
Austin Crossroad for its entire length.
Bachelor Grade for its entire length.
Badrock Drive for its entire length.
Bald Rock Road for its entire length.
Barnes Lane for its entire length.
Batavia Lane for its entire length, except the school zones.
Battle Butte Road for its entire length.
Bayou Road for its entire length.
Bear Creek Road for its entire length.
Belton Stage Road for its entire length.

Berne Road from RMB Lumber to Columbia Mountain Road gravel.
Berne Road for other segments.
Berne Road South leg from RBM Lumber to Montana Highway 206.
Berne Road from Columbia Mountain Road to Monte V. Drive.
Bierney Creek Road from 1.2 miles from US Highway 93 to end of Road.
Bigfork Stage for its entire length.
Bighorn Drive for its entire length.
Birch Grove Road for its entire length.
Bitterroot Drive (South end) for the gravel portion.
Bitterroot Drive from Pleasant Valley Road to Bitterroot Lane.
Blackmer Lane from Montana Highway 206 to Steel Mountain Road.
Blacktail Road for its entire length.
Blaine View Lane for its entire length.
Blanchard Lake Drive for its entire length.
Blanchard Lake Road for its entire length.
Blankenship Road for its entire length.
Bloomer Lane for its entire length.
Boon Road for its entire length.
Boorman Lane for its entire length.
Bowdish Road for its entire length.
Braig Road for its entire length.
Broeder Loop Road for its entire length.
Brosten Lane for its entire length.
Browns Gulch Road for its entire length.
Browns Meadow Road/Mount Road, for its entire length.
Browns Road for its entire length.
Buckboard Lane for its entire length.
Bucks Lane for its entire length.
Capistrano Drive for its entire length.
Cemetery Road for its entire length.
Chapman Hill Road for its entire length.
Chubb Lane for its entire length.
Church Drive for its entire length.
Clark Drive for its entire length.
Cobbler Village for its entire length.
Coclet Lane for its entire length.
Columbia Falls Stage Road (North of Trap Road) from Kelley Road to River Road.
Columbia Mountain Lane for its entire length.
Columbia Mountain Road for its entire length.
Conn Road for its entire length.
Conrad Point Road for its entire length.
Coon Hollow Road for its entire length.
Coram Stage for its entire length.
Cottage Lane for its entire length.
Coverdell Road for its entire length.

Creston Hatchery Road for its entire length.

Creston Road except for school zone only.

Daley Lane for its entire length.

Danford Lane for its entire length.

Danielson Road for its entire length.

Deer Creek Road (US Highway 93 in) for its entire length.

Deer Creek Road (Bierney Creek in) for its entire length.

Dehlbom Lane for its entire length.

Delrey Road for its entire length.

Demersville Road from Lower Valley Road to Snow line Lane.

Dern Draw for its entire length.

Dern Road for its entire length.

Desert Lodge Road for its entire length.

Dyer Road for its entire length.

East Reserve Drive from Helena Flats East to end of Road.

East Edgewood Drive for its entire length.

East Lakeshore Drive from 1.8 mile W of Big Mountain Rd to end of road.

East Second Street for its entire length.

Eastman Drive for its entire length.

Echo Lake Road for its entire length.

Eckelberry Drive, Michels Slough to Montana Highway 206 (South end).

Eckelberry Drive from Michels Slough to Montana Highway 206 (North end).

Edgewood Drive for its entire length.

Egan Road for its entire length.

Egan Slough Road for its entire length.

Eid Lane for its entire length.

El Rancho Road for its entire length.

Elk Park Road for its entire length.

Emil's Lane for its entire length.

Ezy Drive for its entire length.

Fairmont Road for its entire length, except the school zone.

Fairview Cemetery Road for its entire length.

Fairview Crossroad for its entire length.

Fairway Blvd to City limits.

Farm Road for its entire length.

Farm-to-Market Road (US Highway 93 to Tally Lake Road) for its entire length, except the school zone.

Fern Lane for its entire length.

Ferndale Drive for its entire length.

Fir Terrace (South of US Highway 93) for its entire length.

Fir Terrace (East of US Highway 93) for its entire length.

Flathead Lodge Road for its entire length.

Foothill Road for its entire length.

Forest Hill Road for its entire length.

Four Mile Drive (West of Farm-to-Market) from Farm-to-Market to end of Road.

Four Mile Drive (Stillwater-West Springcreek) for its entire length.

Fox Farm Road for its entire length.

Foys Lake Road (South of Foys Canyon) for its entire length.

Garland Lane for its entire length.

Gladys Glen Road for its entire length.

Good Creek Road for its entire length.

Gosney Crossroad for its entire length.

Halfmoon Flats Road for its entire length.

Halfmoon Road for its entire length.

Hanging Rock Drive for its entire length.

Haskill Basin Road for its entire length.

Hathaway Lane for its entire length.

Helena Flats Road from Montana Highway 35 North for .6 miles.

Helena Flats Road from 1.5 to 2.8 miles North of Montana Highway 35.

Hellman Lane for its entire length.

Hemler Creek Drive for its entire length.

Hoffman Draw for its entire length.

Hog Heaven Road for its entire length.

Holt Drive for its entire length.

Holt Stage Road, from its intersection with Montana Highway 35 to its intersection with Fairmont Road.

Holt Stage from Montana Highway 35 to Fairmont Road.

Holt Stage from Steel Bridge to East for .8 miles.

Homestead Drive for its entire length.

Homestead Road, from its intersection with Holt Stage Road to its intersection with Fairmont Road. 856

Hubbart Dam Road for its entire length.

Idaho Hill for its entire length.

Jacquard Lane for its entire length.

Jacquette Road for its entire length, except the school zone.

Jellison Lane for its entire length.

Jellison Road, from North of Trestle.

Jensen Road for its entire length.

JP Road for its entire length.

Kallner Lane for its entire length.

Kelley Road (East of 206) from Montana Highway 206 to east end.

Kickbusch Lane for its entire length.

Kienas Road for its entire length.

Kila Road for its entire length, except the school zone.

Kinshella Road for its entire length.

KM Ranch Road from US Highway 93 to Twin Bridges Road.

Kuhns Road for its entire length.

Kuzmic Lane for its entire length.

Labrant Road for its entire length.

Lake Blaine Drive for its entire length.

Lake Five Road for its entire length.

Lakeshore Drive from Foys Lake Road to Buckboard Lane.

Lauman Road for its entire length.

Lee Road for its entire length.

Lindsey Lane for its entire length.
Lone Pine Road from top of hill.
Lost Creek Drive for its entire length.
Lost Prairie Road for its entire length.
Lower Valley Road from US Highway 93 for 2.5 miles.
Lower Valley Road for the entire gravel portion.
Lupfer Road for its entire length.
Lutheran Camp Road for its entire length.
Managhan Lane from US Highway 2 to Batavia Lane.
Manning Road for its entire length.
Marken Loop for its entire length.
Martin Camp Road for its entire length.
McCaffery Road for its entire length.
McMannamy Draw for its entire length.
Meadow Lake Boulevard from US Highway 2 to Tamarack Lane.
Mooring Road for its entire length.
Morning View Drive for its entire length.
Mountain Creek Road for its entire length.
Mountain Meadow Road for its entire length.
Mud Lake Road for its entire length.
Muddy Lane for its entire length.
Muth Lane for its entire length.
North Ashley Lake Road for its entire length.

North Fork Road, from its intersection with Camas Creek Road, South to Canyon Creek.

North Fork Road, from its intersection with Glacier Park Road and to the point where the roadway surface changes from gravel to asphalt paving (approximately 6.5 miles north of the Glacier Park Intersection, a total of 6.5 miles).

North Fork Road, beginning approximately 1200 feet south of the Hay Creek Bridge and ending at the Canadian border (approximately 34 miles north of the Glacier Park Intersection, a total of 22.6 miles).

North Foys Lake Drive for its entire length.
North Hill Road for its entire length.
North Ramsfield Road for its entire length.
North Somers Road for its entire length.
Obryan Lane for its entire length.
Old US Highway 93 (Juniper Bay) for its entire length.
Old US Highway 93 (state shop) for its entire length.
Oldenberg Road for its entire length.
Olney Loop Road from Good Creek to RR Crossing.
Passmore Lane for its entire length.
Patrick Creek Road for its entire length.
Pederson Road for its entire length.
Phanco Lane for its entire length.
Pierce Lane for its entire length.
Pine Needle Lane for its entire length.
Pioneer Road for its entire length.
Pleasant Hill Drive for its entire length.
Pleasant Valley Road from Bitterroot Drive to end of asphalt paving.
Pleasant Valley Road from US Highway 2 to Bitterroot Drive.

Political Hill for its entire length.

Prairie View Road for its entire length.

Rabe Road for its entire length.

Ramsfield Road for its entire length.

Reimer Lane for its entire length.

Reservoir Road for its entire length.

River Bend for its entire length.

River Junction for its entire length.

River Road for its entire length.

Riverside Road for gravel portion.

Robocker Lane for its entire length.

Rocky Cliff Drive for its entire length.

Rocky Lane for its entire length.

Rogers Lake Road for its entire length.

Rogers Road for its entire length.

Rose Crossing (East of US Highway 2) for its entire length, except the school zone.

Rose Crossing (West of US Highway 2) for its entire length.

Scenic Ridge Road for its entire length.

School Addition Road for its entire length.

Schrade Road for its entire length.

Seville Lane for its entire length.

Siblerud Lane for its entire length.

Sickler Creek Road for its entire length.

Shermann Road for its entire length.

Skyline Drive for its entire length.

Smith Lake Road from Whalebone to end of asphalt paving.

Smith Lake Road for the gravel portion.

Smith Lake Road for its entire length.

Snowline Lane for its entire length.

Somers Road from Montana Highway 83 South for 1 mile.

Somers Stage for its entire length.

Sonstelie Lane for its entire length.

Sonstelie Road for its entire length.

South Ashley Lake Road for its entire length.

South Fork Road for its entire length.

South Hilltop Road for its entire length.

South Many Lakes Drive for its entire length.

Spotted Bear Road for its entire length.

Spring Creek Road for its entire length.

Spring Creek Drive for its entire length.

Spring Hill Road for its entire length.

Spring Prairie Road for its entire length.

Star Meadows Road for its entire length.

State Park Road for its entire length.

Steel Bridge Road for its entire length.

Stillwater Road for its entire length.

Stoner Creek Road for its entire length.

Sullivan Crossroad for its entire length.

Sullivan Gulch Road for its entire length.

Sunday Lane for its entire length.

Swan Hill Drive for its entire length.

Swan River Road for its entire length.

Sylvan Drive for its entire length.

Tamarack Creek Road for its entire length.

Tamarack Lane for its entire length.

Tavern Lane from Montana Highway 206 to Mooring Road.

Tetrault Road for its entire length.

Therriault Lane (West of river) for its entire length.

Thompson River Road for its entire length.

Three Eagle Lane for its entire length.

Three Mile Drive (West of Farm-to-Market) for its entire length.

Three Mile Drive from its intersection with West Springcreek Road to its intersection with West Valley Drive.

Three Mile Drive from West Valley Drive, West to the end of the road.

Trap Road for its entire length.

Tronstad Road for its entire length.

Truman Creek Road, from the end of the asphalt paving to the end of the road.

Truman Creek Road from Browns Meadow to end of asphalt paving.

Trumble Creek Road for its entire length.

Twin Bridges Road (Lodgepole-Farm-to-Market) for its entire length.

Two Mile Drive (West of Greenbriar Court) for its entire length.

Valley View Drive from Foys Lake Road to the trailhead.

Van Sant Road for its entire length.

Veterans Drive, from its intersection with US Highway 2 to its intersection with Talbot Road.

Voerman Road from Monegan east 900 ft.

Vonderheide Lane for its entire length.

Wagner Road for its entire length.

Weaver Lane for its entire length.

West Evergreen Drive for its entire length, except the school zone.

West Springcreek Drive for its entire length.

West Valley Drive from US Highway 2 to Kuhns Road.

Wagner Lane for its entire length.

Whalebone Drive for its entire length.

Whalebone Drive, for its entire length from its intersection with US Highway 2 to its intersection with Foys Lake Road. 818

White Birch Lane for its entire length.

Wiley Dike Road for its entire length.

Winfield Lane for its entire length.

Wishart Road for its entire length.

Witty Lane for its entire length.

Wolf Creek Drive for its entire length.

Woodland Road for its entire length.

Yeoman Hall Road from Montana Highway 206 to Van Sant.

Yeoman Hall Road from Van Sant to end of Road.

Forty (40) miles per hour:

Browns Meadow Road/Mount Road, beginning at its intersection with Smith Lake Road and ending approximately 700 feet east of the end of the asphalt paving (a total of 2500 feet).

Hodgson Road from US Highway 93 to Whitefish Stage.

Forty Five (45) miles per hour:

Aluminum Drive for its entire length.

Columbia Falls Stage Road for its entire length.

Dillon Road from Voerman to Montana Highway 40.

East Reserve Drive from US Highway 2 to Helena Flats Road.

East Lakeshore Drive Big Mountain Road to W for 1.8 miles.

Helena Flats Road on all other segments.

Hodgson Road from Whitefish Stage to US Highway 2.

Kelley Road (West of 206) from Montana Highway 206 to Columbia Falls Stage Road.

Lake Blaine Road from Montana Highway 35 to Foothill, except the school zone.

Lower Valley Road from 2.5 miles East of US Highway 93 to end of asphalt pavement.

Middle Road from Sullivan Cross Road to Kelly Road.

Middle Road from Montana Highway 35 to Fairview Crossroad.

Middle Road from Gosney Crossroad to Kelly Road.

Montana Highway 83, for 600 feet on either side of the Swan River School crosswalk, during the entire school year.

North Fork Road, beginning approximately 6.5 miles north of its intersection with Glacier Park Road and ending at approximately 11.5 miles north of that intersection (approximately 1200 feet south of the Hay Creek Bridge, a total of 5 miles). 562

Rhodes Draw Road, from its intersection with Farm-to-Market Road to its intersection with Bald Rock Road. 642

Rhodes Draw from Farm-to-Market to Bald Rock Road.

Riverside Road from Montana Highway 35 to North Ramsfield.

US Highway 2, West of Kalispell, for 600 feet on either side of the Smith Valley School crosswalk, between the hours of 7:30 a.m. and 8:45 a.m. and 2:00 p.m. and 3:45 p.m., on days when children are present at school.

Voerman Road, from its intersection with Dillon Road to 900 feet East of its intersection with Monegan Road. 609

Voerman Road from 900 feet East of Monegan to Dillon.

Walsh Road for its entire length.

West Springcreek Road, from its intersection with US Highway 2 to its intersection with Three Mile Drive. 676

Whitefish Stage from Reserve Drive South to Fairway Blvd.

Fifty Five (55) miles per hour:

Farm-to-Market Road (US Highway 93 to Lodgepole) from Lodgepole to Tally Lake Road.

Section Two. School Zone Limits on Highways.
(Section 61-8-310(1)(d), M.C.A.)

School zone speed limits, which shall be 25 miles per hour for 300 feet on each side of a school cross walk across a public roadway or highway and 35 miles per hour for a distance of from 300 feet to 600 feet on each side of a school cross walk across a public roadway or highway (See Appendix 1), are hereby imposed adjacent to the following listed schools on the following listed roadways:

1. Deer Park School located on Middle Road.
2. Cayuse Prairie School on Lake Blaine Road and Cayuse Lane.
3. Helena Flats School located on Helena Flats Road and Rose Crossing Road.
4. Pleasant Valley School located on Pleasant Valley Road.
5. Somers School located School Addition Road.
6. Marion School located on Gopher Lane.
7. Smith Valley Primary School located on Batavia Lane.
8. Smith Valley Intermediate located on Batavia Lane and Boorman Road.

9. Bissell School located on Farm-to-Market Road.
10. Montana Highway 83, for one-quarter of a mile on each side of its intersection with the Echo Lake Road. 855
11. Thirty Five miles per hour on Whitefish Stage Road from 400 feet South of the intersection of Whitefish Stage Road with Winchester Street and continuing North to a point 400 feet North of the intersection of Whitefish Stage Road with Mission Way Road, an approximate distance of 6,500 feet, on school days during the morning and afternoon crossing periods.
12. Twenty Five Miles per hour for 400 feet on either side of the Hawthorne Street school crosswalk on Three Mile Drive, on school days during the morning and afternoon crossing periods.

Section Three. Other County Roads.

The following speed limits are hereby imposed on all County roads and highways not previously named:

Thirty Five miles per hour on all County gravel roads.

Fifty Five miles per hour on all paved County roads and on Montana State Montana Highway 206 and Montana State Highway 209.

Section Four. Violation of Ordinance - Penalties
(Section 61-8-711, M.C.A.)

- A. It is a misdemeanor for any person to violate any of the speed limits set forth in this ordinance.
- B. Every person convicted of a violation of this ordinance shall for a first conviction be punished by a fine of not less than \$10 or more than \$100 or by imprisonment for not more than 10 days. For a second conviction within 1 year thereafter, the person shall be punished by a fine of not less than \$25 or more than \$200 or by imprisonment for not more than 10 days or by both such fine and imprisonment. Upon a third or subsequent conviction within 1 year after the first conviction, he person shall be punished by a fine of not less than \$50 or more than \$500 or by imprisonment for not more than 6 months or by both such fine and imprisonment.
- C. On failure of payment of a fine, the offender shall be imprisoned in the Flathead County Detention Center, and the imprisonment shall be computed upon the basis of 1 day's incarceration for each \$25 of the fine.
- D. Upon conviction, the court costs or any part thereof may be assessed against the Defendant in the discretion of the Court.

Section Five. Signage.

The Flathead County Road Department shall install and maintain speed limit and other appropriate signs in accordance with this Ordinance.

No speed limit enacted by this ordinance shall be enforced until the appropriate signage is installed. (Section 61-8-310(4), M.C.A.)

Section Six. Severability.

If any provision of this ordinance is held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision. To this end the provisions of this ordinance are declared to be severable.

DATED this 10th day of November, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

By /s/ Gary D. Hall, P.T.
Howard G. Gipe, Chairman

By /s/ Monica R. Eisenzimer
Deputy

1. Adopted July 5, 1995
2. Amended September 25, 1995
3. Amended November 22, 1995
4. Amended December 20, 1995
5. Amended July 15, 1996
6. Amended September 16, 1997
7. Amended November 25, 1997
8. Amended November 19, 1998
9. Amended May 10, 1999
10. Amended December 5, 2000
11. Amended October 15, 2001
12. Amended August 12, 2003
13. Amended March 29, 2004
14. Amended November 10, 2004

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: FAIRCHILD LANE ROAD NAMING

Present at the November 10, 2004 9:30 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

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

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **FAIRCHILD LANE**.

Road generally running southerly off Bierney creek Road and ocated in the Northeast 1/4 of the Northwest 1/4 of Section 11, Township 26 North, Range 21 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **29th day of November, 2004, at 9:30 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 naming of **FAIRCHILD LANE**.

This notice shall be mailed to each landowner who has access off of the proposed **Fairchild Lane**, who has an address assignment on the proposed **Fairchild Lane** or who owns property along the proposed **Fairchild Lane**.

Dated this 10th day of November, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: /s/ Gary D. Hall, P.T.
Howard W. Gipe, Chairman

ATTEST:
Paula Robinson, Clerk

By: /s/ Monica R. Eisenzimer
Deputy

Publish on November 14th & 21st, 2004.

FINAL PLAT: ALPINE INDUSTRIAL PARK SUBDIVISION

Present at the November 10, 2004 9:30 A.M. Meeting were Commissioners Hall and Watne, Planner Kirsten Holland, Assistant Webb, and Clerk Eisenzimer.

Holland reviewed the final plat application submitted by Thomas Dean & Hoskins for approval of Alpine Industrial Park Subdivision, which will create five industrial lots off US Highway 93. The subdivision is located between Bell Industrial Park and Kalispell Industrial Center. The property is described as Assessor's Tracts 6C & 7A, in Section 10, Township 27 North, Range 21 West, P.M.M., Flathead County, Montana. The property is in an unzoned portion of Flathead County. Preliminary plat approval was granted on April 22, 2003 subject to seven conditions. Holland advised that all conditions have been met or otherwise addressed. Staff recommends approval of the final plat.

Commissioner Watne made a **motion** to approve the Subdivision Improvement Agreement for completion of improvements in the amount of \$12,684.38 and authorize Chairman to sign. Commissioner Hall PT **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Watne made a **motion** to approve Final Plat of Alpine Industrial Park Subdivision. Commissioner Hall **seconded** the motion. **Aye** –Watne and Hall. Motion carried by quorum

FINAL PLAT: FOX HILL ESTATES

Present at the November 10, 2004 9:30 A.M. Meeting were Commissioners Hall and Watne, Planner Johna Morrison, Tom Sands of Sands Surveying, Richard Lapp, Assistant Webb, and Clerk Eisenzimer.

Morrison reviewed the final plat application submitted by Sands Surveying of Fox Hill Estates, Phase 1 Subdivision, a subdivision creating twenty four (24) single family residential lots (lots 7 through 32). The subdivision is located off Mennonite Church Road in Section 10, Township 28 North, Range 20 West, P.M.M., Flathead County, Montana. The preliminary plat approval was granted on April 19, 2003 subject to 15 conditions of approval. Morrison advised that all conditions have been met or otherwise addressed. Staff recommends approval of the final plat.

Commissioner Watne made a **motion** to approve Final Plat of Fox Hill Estates, Phase I. Commissioner Hall **seconded** the motion. **Aye** –Watne and Hall. Motion carried by quorum.

COS REVIEW: GREENE

Present at the November 10, 2004 10:15 A.M. Meeting were Commissioners Hall and Watne, Planning and Zoning Director Forrest Sanderson, Steven (Jim) Greene, Debbie Greene, Jane Eby, Assistant Webb, and Clerk Eisenzimer.

Sanderson presented the Immediate Family Transfer request for Mr. and Mrs. Greene.

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

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: GARVEY ZONE CHANGE/EVERGREEN & VICINITY ZONING DIST.

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

Commissioner Watne made a **motion** to adopt Resolution No. 797DD. Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

RESOLUTION NO. 797 DD

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the on the 16th day of September, 2004, to consider a proposal 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);

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

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

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 797 DC, dated September 16, 2004) to change the zoning designation from R-2 (One Family Limited Residential) to R-5 (Two Family Residential); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on September 21 and September 28, 2004, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby adopts the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board, and amends the Evergreen and Vicinity Zoning District to change the zoning designation, on the property described on Exhibit "A" hereto, from R-2 (One Family Limited Residential) to R-5 (Two Family Residential), as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 93270 13500, in the Flathead County Clerk and Recorder's Office.

DATED this 10th day of November, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: _____
Howard W. Gipe, Chairman

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

ATTEST:
Paula Robinson, Clerk

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

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.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: CALVARY LUTHERAN ZONE CHANGE/EVERGRFEEN & VICINITY ZONING DIST.

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

Commissioner Watne made a **motion** to adopt Resolution No. 797 DB. Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

RESOLUTION NO. 797 DB

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the on the 16th day of September, 2004, to consider a proposal 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);

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

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

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 797 DA, dated September 16, 2004) to change the zoning designation from R-2 (One Family Limited Residential) to R-5 (Two-Family Residential); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on September 21 and September 28, 2004, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby adopts the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board, and amends the Evergreen and Vicinity Zoning District to change the zoning designation, on the property described on Exhibit "A" hereto, from R-2 (One Family Limited Residential) to R-5 (Two-Family Residential), as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 93270 13500, in the Flathead County Clerk and Recorder's Office.

DATED this 10th day of November, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: _____
Howard W. Gipe, Chairman

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

ATTEST:
Paula Robinson, Clerk

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

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.

PRELIMINARY PLAT: SUNCATCHER ESTATES

Present at the November 10, 2004 9:30 A.M. Meeting were Commissioners Hall and Watne, Planner Johna Morrison, Ernest Motichka, Mary Motichka, Greg Stevens, Jane Eby of Eby and Associates, Assistant Webb, and Clerk Eisenzimer.

Morrison introduced the preliminary plat filed by Ernest & Mary Motichka for approval of Suncatcher Estates, a major subdivision creating four residential lots. Suncatcher Estates is a resubdivision of Lot 3 of Trails End Subdivision and is therefore reviewed as a major subdivision. The subdivision is proposed on 20.525 acres and will be served by individual on-site wells and septic systems. The lots will be accessed from Rainbow Court, a private cul-de-sac off Middle Road, north of Montana Highway 35.

Commissioner Watne made a **motion** to adopt Staff Report #FPP-04-31 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 of Suncatcher Estates subject to 14 conditions as amended. Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: INDEPENDENT CONTRACTOR SERVICES/S. NICOSIA

Present at the November 10, 2004 11:00 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to approve the Independent Contractor Services contract for Susan Nicosia. Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #05-07-5-21-008-0

Present at the November 10, 2004 11:00 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Hall presented the Contract for the WIC Program from the Department of Public Health and Human Services.

Commissioner Watne made a **motion** to approve the contract as requested. Commissioner Hall PT **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: COPIER MAINTENANCE AGREEMENT/AOA

Present at the November 10, 2004 11:00 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to approve the copier maintenance agreement for Agency on Aging. Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONSIDERATION OF REQUEST: MEALS ON WHEELS VAN/AOA

Present at the November 10, 2004 11:00 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to approve the Meals on Wheels Van for Agency on Aging. Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONSIDERATION OF HR TRANSMITTAL FORM: FINANCIAL ASSISTANT/TREASURER'S OFFICE

Present at the November 10, 2004 11:15 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Webb advised the Board that the Transmittal form is an update of duties for the financial assistant in the Treasurer's Office.

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

2:30 Commissioner Hall attended Somers Trail meeting at Planning & Zoning Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 11, 2004.

THURSDAY, NOVEMBER 11, 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.

COUNTY OFFICES CLOSED – VETERANS DAY

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 12, 2004.

FRIDAY, NOVEMBER 12, 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. Personnel Interview**
- 10:00 a.m. Personnel Interview**

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