
MONDAY, MAY 16, 2005

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

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

MONTHLY MEETING W/ JIM ATKINSON, AOA

9:09:15 AM

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne
Commissioner Joseph D. Brenneman

Others present:

Clerk Kimberly Moser, AOA Director Jim Atkinson

Others absent:

Assistant Michael Pence

Discussion was held relative to the armory building progress and the receipt of a letter from the department of the army stating that they had received the request for the building, a request was also received to find out how much it would cost to renovate the building, on May 26th there will be an architectural review done of the building, transportation union negotiations, the two new buses are down with electrical problems, a national conference on the mobility of elders being held in Helena, a service provided by Airworks to do free heating checks for the elderly, June 10 older Americans picnic and the Senior award, and the attempt to budget another information and assistance person for AOA.

PUBLIC HEARING: H&H DEVELOPMENT ZONE CHANGE / BIGFORK ZONING DISTRICT

9:31:07 AM

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne
Commissioner Joseph D. Brenneman

Others present:

Clerk Kimberly Moser, Erica Wirtala, Dave House, Slade House, James Ramlow, Planner BJ Grieve, Deputy County Attorney Jonathan Smith

Others absent:

Assistant Michael Pence

Grieve reviewed the application submitted by H&H Development regarding a zone change request in the Bigfork Zoning District from RC-1, Residential Cluster to R-2, One-Family Limited Residential. The change meets eleven of the twelve statutory criteria. Staff recommends denial.

Chairman Hall opened the public hearing to anyone wishing to speak in favor

Erica Wirtala spoke as a representative of H&H Development. She stated that Eagle Rock subdivision had been approved by the commissioners and then in January it came to the attention of the developers that Eagle Bend did not have the density available to give any additional property to the subdivision. By doing the zone change they could still go ahead with the subdivision. She showed the plans for the amended preliminary plat of Eagle Rock and that the developer has no intention of utilizing the 39 lots option available with a PUD. If the Zone Change were not approved litigation would be the only way out for H&H Development. She made the recommendation that the commissioners could approve the Resolution of Intent and not sign the final Resolution until the amended preliminary plat is approved.

James Ramlow stated that he was here representing H&H. He stated that the planning board

Slate House stated that this is a very interesting project. In late January they were informed that there could be a potential density problem. The solution that they came up with for the project is what he thinks is a good solution. He stated that they are actively trying to reach a good solution to the problem.

No one else rising to speak, Chairman Hall asked for anyone wishing to speak in opposition

Bob Kimball stated that he is the president of the Eagle Bend homeowners association. He believes personally that the project complements the community in a whole. As the president of the Homeowners association the project thirty nine lots would be too much, also that the Eagle Bend Covenants only allow for a golf course on this piece of property. He does not believe that the project has come together. He stated that they do not need to make the project an R-2 that it would still be able to be an R-1 Zoning.

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

Commissioner Watne made a **motion** to approve Resolution 956BL. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

RESOLUTION NO. 956 BL

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 16th day of May, 2005, concerning a proposal by H and H Development, LLC and House Investments, LLC to change the zoning designation in a portion of the Bigfork Area Zoning District from RC-1 (Residential Cluster) to R-2 (Residential);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on May 3 and May 10, 2005;

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

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

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby adopts 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., adopts this resolution of intention to change the zoning designation in a portion of the Bigfork Area Zoning District from AG RC-1 (Residential Cluster) to R-2 (Residential), that area being described on Exhibit "A" hereto.

BE IT FURTHER RESOLVED that notice of the passage of this resolution, stating the boundaries of the portion of the Bigfork Area Zoning District to be changed, the general character of the proposed designation for the area to be changed, that the regulations for said district are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication of thereof, the Board will receive written protests to the change to the Bigfork Area 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 Bigfork Area 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 within the Bigfork Area Zoning District protest the proposed change in said district, then the change will not be adopted.

DATED this 16th day of May, 2005

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST:
Paula Robinson, Clerk

By/s/Kimberly Moser
Kimberly Moser

Deputy

Exhibit A
EAGLE ROCK SUBDIVISION
ZONE CHANGE FROM RC-1 TO R-2

Location and Legal Description of Property:

The property is located in the Bigfork Zoning District, northwest of Bigfork, and is situated on the south side of the intersection of Holt Drive and Hanging Rock Drive. The subject properties may be described as Tracts 2, 2E and 2F in Section 26 and Tract 8AA in Section 23, Township 27 North, Range 20 West, P.P.M., Flathead County, Montana.

Commissioner Brenneman made a **motion** to approve the notice of passage and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION
BIGFORK AREA 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. 956BL) on May 16, 2005, to change the zoning designation in a portion of the Bigfork Area Zoning District from RC-1 (Residential Cluster) to R-2 (Residential):

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

The proposed change would generally change the character of the zoning regulations applicable to the property from a district to provide a residential theme in a rural environment primarily intended to encourage a master planned community with a central recreational focus with a full range of public services, such as public water supplies and sewage treatment to a residential district with a minimum lot size of 20,000 square feet, intended to provide for large tract development, in suburban areas, beyond sanitary sewer and/or water lines.

The regulations defining the RC-1 to R-2 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 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 Bigfork Area Zoning District from persons owning real property within the

Bigfork Area Zoning District whose names appear on the last completed assessment roll of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

DATED this 16th day of May, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

By/s/Kimberly Moser
Kimberly Moser Deputy

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

Publish on May 19 and May 26, 2005.

Exhibit A
EAGLE ROCK SUBDIVISION
ZONE CHANGE FROM RC-1 TO R-2

Location and Legal Description of Property:

The property is located in the Bigfork Zoning District, northwest of Bigfork, and is situated on the south side of the intersection of Holt Drive and Hanging Rock Drive. The subject properties may be described as Tracts 2, 2E and 2F in Section 26 and Tract 8AA in Section 23, Township 27 North, Range 20 West, P.P.M., Flathead County, Montana.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD ABANDONMENT #432 (OFF OF BLANCHARD LAKE ROAD)

[10:26:03 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve Road Abandonment #432. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

**NOTICE OF DISCONTINUANCE
OF PUBLIC ROADWAY
NO. 432**

Notice is hereby given that the Board of Viewers have reported favorably to the Board of Flathead County Commissioners on the discontinuance of that certain public roadway in Flathead County, Montana, described as follows:

A 60 foot declared county road, situated, lying and being in the east half of the east half of Section 12, Township 30 North, Range 22 west, P.M.M. and in Government Lots 1,2,3 and 4 of Section 18, Township 30 North, Range 21 West, P.M.M., Flathead County, Montana and more particularly described as follows to wit:

The East 30 feet of Section 13, Township 30 North, Range 22 West, P.M.M., and the west 30 feet of Section 18, Township 30 North, Range 21 West, P.M.M., Flathead County Montana.

Notice is hereby given to the petitioners or landowners as disclosed by the last assessment roll of Flathead County, owning land abutting the roadway described above and being considered for abandonment.

The hearing on this petition for abandonment is set for **Wednesday, June 1, 2005 at 10:00 a.m.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 16th day of May, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

PAULA ROBINSON,
CLERK AND RECORDER

By: /s/Kimberly Moser
Kimberly Moser, Deputy

Publish on April 14th and 21st, 2005

DOCUMENT FOR SIGNATURE: INTERLOCAL AGREEMENT / CONSERVATION DISTRICT

[10:17:30 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Deputy County Attorney Jonathan Smith, Debbie Boreson, Bill Myers, Mark Iavicoli, Pete Woll, Larry Van Rinsum.

Commissioner Brenneman made a **motion** to approve the interlocal agreement between Flathead County and the Flathead Conservation District and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

CONSIDERATION OF HR TRANSMITTAL FORM: REVISED OA II / COMMISSIONER OFFICE

[10:27:14 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Watne made a **motion** to approve the Revised HR Transmittal Form. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

PUBLIC HEARING: SID TEXT AMENDMENT / FLATHEAD COUNTY SUBDIVISION REGULATIONS

[10:34:23 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Planner BJ Grieve

Chairman Hall opened the public hearing to anyone wishing to speak in favor

No one rising to speak, Chairman Hall asked for anyone wishing to speak in opposition

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

Commissioner Brenneman made a **motion** to continue the decision until an attorney could be consulted. Commissioner Watne **seconded** the motion. **Aye** – Watne and Brenneman. **Nay** – Hall. Motion carried by quorum.

PRELIMINARY PLAT: SOMERS TOWNSITE, AMENDED PLAT OF LOT 17, BLOCK 2

[10:58:36 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Planner BJ Grieve

Grieve reviewed the application submitted by Morey D. Grove and Nyla L. Sterner for preliminary plat approval of Somers Townsite Amended Plat of Lot 17, Block 2, a minor subdivision that will create two single-family residential lots on approximately 32,884 square feet. The subdivision is located in the Somers area approximately 11.5 road miles south of Kalispell. The property is unzoned. There are 8 conditions of approval. Staff recommends approval.

Commissioner Brenneman made a **motion** to adopt Staff Report #FSR-05-20 as findings of fact. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve the preliminary plat of Somers Townsite, amended plat of lot 17, Block 2, subject to 9 conditions including the addition of the RSID waiver language pending approval. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

Conditions:

1. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with a plan approved by the County Weed and Parks Department (7-22-2116 M.C.A., Section 3.12(J), Flathead County Subdivision Regulations).
2. The following statements shall be placed on the face of the final plat applicable to all lots:
 - A. All house addresses will be visible from the road, either at the driveway entrance or on the house (Section 3.20(D) Flathead County Subdivision Regulations).
 - B. All utilities shall be extended underground (3.17(A) Flathead County Subdivision Regulations).
 - C. All areas disturbed during development shall be re-vegetated in accordance with a plan approved by the County Weed Department. All lot owners are responsible for the eradication and control of noxious weeds upon their property (7-22-2116 M.C.A., Section 3.12(J), Flathead County Subdivision Regulations).

- D. Lot owners are advised that they are moving into an area frequented by large and potentially dangerous wild animals. As such, lot owners are strongly encouraged to contact the Montana Department of Fish, Wildlife and Parks to obtain information on living with wildlife.
 - E. Only Class A and Class B fire resistant roofing materials are allowed. Wood shake shingles, treated or otherwise, are prohibited (3.21, Flathead County Subdivision Regulations).
 - F. Defensible Space Standards shall be incorporated around all primary structures as described in Appendix G of the Flathead County Subdivision Regulations (3.21, Flathead County Subdivision Regulations).
3. The lots will be reviewed and approved by Flathead City-County Health Department and the Montana Department of Environmental Quality for sewer, water and storm water drainage prior to final plat (Sections 3.12, 3.14 and 3.15 Flathead County Subdivision Regulations).
 4. If required by the local postmaster, the developer shall install a common mail delivery facility and pull-off area as outlined in Section 3.22 of the Flathead County Subdivision Regulations.
 5. Electrical and telephone utilities shall be extended underground to abut and be available to each lot in accordance with Flathead County Subdivision Regulations (see Sections 3.17 and 3.18).
 6. Valid approach permits for access off of Swede Hill Avenue to each proposed lot must be obtained from the Flathead County Road Department (Section 3.8(A) Flathead County Subdivision Regulations).
 7. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions (Section 2.7, Flathead County Subdivision Regulations).
 8. Preliminary plat approval is valid for three years (Section 2.4, Flathead County Subdivision Regulations).
 9. Subject to approval of FSTA-05-01, the following shall appear on the face of the final plat.

Waiver of Protest

Participation in Special Improvement District

(Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that _____ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District.

_____ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for _____ Subdivision.

TAX REFUND: GRAHAM

[11:11:36 AM](#)

Members present:

Chairman Gary D. Hall
 Commissioner Robert W. Watne
 Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
 Clerk Kimberly Moser

Commissioner Watne made a **motion** to approve the recommendation from the Department of Revenue and approve the tax refund request for Graham. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

CONTINUATION OF ROAD ABANDONMENT #420

[11:15:53 AM](#)

Members present:

Chairman Gary D. Hall
 Commissioner Robert W. Watne
 Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
 Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve Road Abandonment #420 subject to the conditions listed on the viewers report. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

FINAL PLAT: OREM SUBDIVISION

[11:37:29 AM](#)

Members present:

Chairman Gary D. Hall
 Commissioner Robert W. Watne
 Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
 Clerk Kimberly Moser, Planning and Zoning Interim Director Johna Morrison, Ardis Larsen with Larsen Engineering and Surveying

Morrison reviewed the application submitted by Larsen Engineering and Surveying on behalf of Orem Family Trust for final plat approval of Orem Subdivision, a subdivision that will create four residential lots. Preliminary plat approval was waived on April 5, 2005, subject to seven conditions. All conditions have been met. Staff recommends approval.

Commissioner Brenneman made a **motion** to adopt Staff Report #FWP-05-25 as findings of fact as amended. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

Commissioner Watne made a **motion** to approve the Final Plat of Orem Subdivision. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

BOARD APPOINTMENTS: MARION FIRE DISTRICT

[11:13:28 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Watne made a **motion** to appoint Phillip Jones and Jeff Hargrove to the Marion Fire District. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

CONSIDERATION OF SURPLUS COMPUTER REQUEST: JUSTICE COURT

[10:29:17 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Computer Services Director Norm Calvert.

Commissioner Brenneman made a **motion** to approve that Norm Calvert work with Judge Ortle to supply the Highway Patrol four used computers. Commissioner **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously. Implementing

1:00 p.m. Commissioner Hall and Brenneman to attend Spring Wildfire Coordination meeting at the Forest Service

4:00 p.m. Commissioner Hall to attend RAC meeting at the Commissioners' Meeting Room

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 17, 2005.

TUESDAY, MAY 17, 2005

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

[9:17:07 AM](#)

Commissioner Watne PT opened the public comment on matters within the Commissions' Jurisdiction,

Kathleen Sudan talked in regards to a meeting scheduled with Kurt Hafferman at 10:00 today. She presented the commissioners with a petition. She informed the commissioner that the controlled ground water area is not in the commissioner jurisdiction and is not sure why Kurt Hafferman is coming before the commissioners. She does not believe that there is a water problem in the Smith Valley area.

No one present to speak, Commissioner Watne PT closed the public comment period.

PRELIMINARY PLAT: EASTLAND ESTATES

[9:30:25 AM](#)

Members present:

Commissioner Robert W. Watne
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Clerk Kile, Planner Kirsten Holland, Michelle Gentry, Dawn Marquardt and Debbie Shoemaker with Marquardt Surveying

Holland reviewed the application submitted by Michelle Gentry for preliminary plat approval of Eastland Estates, a minor subdivision creating two single-family residential lots. The subdivision is located east of Columbia Falls Stage Road. The property is unzoned. There are 13 conditions of approval.

Commissioner Brenneman made a **motion** to adopt Staff Report #FSR-05-30 as findings of fact. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the preliminary plat of Eastland Estates subject to 14 conditions including the condition on the RSID waiver language pending approval. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

CONDITIONS

1. All areas disturbed during development of the subdivision shall be revegetated in accordance with a plan approved by the County Weed Department. [Section 3.12 (J), Flathead County Subdivision Regulations]
2. The developer shall obtain and show proof of necessary approach permits from the Flathead County Road Department. [Section 3.8 (A), FCSR]
3. The lots within the subdivision shall be reviewed for water and sewage by the Flathead City-County Health Department and approved by the State of Montana Department of Environmental Quality. [Sections 3.14 (A) and 3.15 (A), FCSR]
4. All drainage system and facilities required for any surface runoff shall be designed by a licensed professional engineer. [Section 3.12, FCSR]
5. Electrical and telephone utilities shall be extended underground to abut and be available to each lot. Utility plans shall be approved by the applicable utility companies. [Sections 3.17 and 3.18, FCSR]
6. The developer shall dedicate a ten-foot pedestrian/bicycle easement on Lot 1. [Section 3.18 (A), FCSR]
7. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a) All addresses shall be visible from the road, either at the driveway entrance or on the house. [3.20 (D), FCSR]
 - b) All utilities shall be placed underground. [3.17 (A), FCSR]
 - c) Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed. [3.12 (J), FCSR]
8. The developer shall contact the local postmaster to confirm area mail delivery and establish an appropriate location for mailbox placement in accordance with Flathead County Subdivision Regulations. [Section 3.22, FCSR]
9. The applicant shall receive physical addresses and name all roads in accordance with Flathead County Resolution #1626. [Section 3.9 (I) (7), FCSR]
10. The addresses and road names shall appear on the final plat. [Appendix C, Section B (19), FCSR]
11. Except as modified above, the subdivision shall comply with all Design Standards of the Flathead County Subdivision Regulations. [Chapter 3, FCSR]
12. Preliminary plat approval is valid for three (3) years. [Section 2.5 (D)(6), FCSR]
13. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7 (E), FCSR]
14. *The following statement shall appear on the face of the final plat [pending approval]*

(Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes _____ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that _____ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. _____ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for _____ Subdivision.

PRELIMINARY PLAT: MISTY MEADOWS

[9:40:37 AM](#)

Members present:

Commissioner Robert W. Watne
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Clerk Kile, Planner Kirsten Holland, Dawn Marquardt and Debbie Shoemaker with Marquardt Surveying

Holland reviewed the application submitted by Spoklie & Hoover for preliminary plat approval of Misty Meadows, a minor subdivision creating two single-family residential lots. The subdivision is located off Kienas Road, west of Kalispell. The property is unzoned. There are 12 conditions of approval.

Commissioner Brenneman made a **motion** to adopt Staff Report #FSR-05-30 as findings of fact. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the preliminary plat of Misty Meadows subject to 13 conditions including the condition on RSID waiver language pending approval. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

CONDITIONS

15. All areas disturbed during development of the subdivision shall be revegetated in accordance with a plan approved by the County Weed Department. [Section 3.12(J), Flathead County Subdivision Regulations]

16. The developer shall obtain and show proof of necessary approach permits from the Flathead County Road Department. [Section 3.8(A), FCSR]
17. The lots within the subdivision shall be reviewed for water and sewage by the Flathead City-County Health Department and approved by the State of Montana Department of Environmental Quality. [Sections 3.14(A) and 3.15(A), FCSR]
18. All drainage system and facilities required for any surface runoff shall be designed by a licensed professional engineer. [Section 3.12, FCSR]
19. Electrical and telephone utilities shall be extended underground to abut and be available to each lot. Utility plans shall be approved by the applicable utility companies. [Sections 3.17 and 3.18, FCSR]
20. The following statements shall be placed on the face of the final plat applicable to all lots:
 - d) All addresses shall be visible from the road, either at the driveway entrance or on the house. [3.20(D), FCSR]
 - e) All utilities shall be placed underground. [3.17(A), FCSR]
 - f) Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed. [3.12(J), FCSR]
21. The developer shall contact the local postmaster to confirm area mail delivery and establish an appropriate location for mailbox placement in accordance with Flathead County Subdivision Regulations. [Section 3.22, FCSR]
22. The applicant shall receive physical addresses and name all roads in accordance with Flathead County Resolution #1626. [Section 3.9(I)(7), FCSR]
23. The addresses and road names shall appear on the final plat. [Appendix C, Section B(19), FCSR]
24. Except as modified above, the subdivision shall comply with all Design Standards of the Flathead County Subdivision Regulations. [Chapter 3, FCSR]
25. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]
26. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]
27. *The following statement shall be placed on the face of the final plat: [pending approval]*

(Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes _____ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that _____ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. _____ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for _____ Subdivision.

PRELIMINARY PLAT: ROWE SUBDIVISION

[9:50:16 AM](#)

Members present:

Commissioner Robert W. Watne
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Clerk Kile, Planner Peggy Goodrich and Brian Sullivan

Goodrich reviewed the application submitted by Steven Rowe for preliminary plat approval of Rowe Subdivision, creating two single-family residential lots. The subdivision is located northeast of Whitefish, north of Northwood's Subdivision No. 2. The property is unzoned. There are 10 conditions of approval.

Commissioner Brenneman made a **motion** to adopt Staff Report #FSR-05-32 as findings of fact. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the variance on the road width. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum

Commissioner Brenneman made a **motion** to approve the preliminary plat of Rowe Subdivision subject to 10 conditions. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

MEETING W/ KURT HAFFERMAN / WATER RESOURCES RE: SMITH VALLEY PETITION

[10:09:28 AM](#)

Members present:

Commissioner Robert W. Watne
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Clerk Kile, Kurt Hafferman, Kim Morrison, Addy Gibson, Dawn Marquardt and Debbie Shoemaker with Marquardt Surveying, Kathleen Sudan, Gina Klempel.

Discussion was held relative to a petition for controlling the ground water in the Smith Valley. Kurt Hafferman presented the commissioners with information that he received from a conference in the year 2000. He stated that he had spoken with the

planning department and had been referred to the commissioners. He quoted Montana code 85-2506. Hafferman stated what the process of Water Resources is once they receive a petition. He stated that there was not enough scientific data in the petition for Smith Valley for his department to do anything. His department will offer an opinion on the ground water in the Smith Valley. The hearing on the petition has been requested and the public notice will most likely go out in the next two weeks and the hearing itself should be sometime this summer. His opinion is that if the Smith Valley becomes a controlled ground water area it could mean, for the planning office, requiring water rights be obtained before final plat if approved. Commissioner Watne questioned Kurt Hafferman as to if he knew that there is an underground stream in the Smith Valley. Kurt Hafferman stated that he was not aware. Commissioner Watne stated that he owns property in the Smith Valley and his wells are overflowing with water. Kurt Hafferman stated that if the Smith Valley became a controlled ground water area than no one would be exempt from getting a permit.

PUBLIC HEARING: NORTH SHORE VISTAS PUD

10:38:44 AM

Members present:

Commissioner Robert W. Watne
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Clerk Kile, Doug Kauffman, and Planner Peggy Goodrich.

Goodrich reviewed Staff Report #FPUD-05-03.

Commissioner Watne PT opened the public hearing to anyone wishing to speak in favor

Doug Kauffman stated that he is here representing TD&H and is available for any questions.

No one else rising to speak, Commissioner Watne PT asked for anyone wishing to speak in opposition

No one else in the audience, Commissioner Watne PT closed the public hearing.

Commissioner Brenneman made a **motion** to adopt Staff Report #FPUD-05-03 as findings of fact. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve Resolution 1827. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

RESOLUTION NO. 1827

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following the publication of legal notice, on the 17th day of May, 2005, to consider a proposal to approve a Planned Unit Development (PUD) in the Bigfork Zoning District on property zoned R-1 (Suburban Residential);

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

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

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 3.31.020.4, Flathead County Zoning Regulations, hereby conditionally approves the proposed Planned Unit Development (PUD) in the Bigfork Zoning District allowing overlay of approximately 5 acres to be developed in 2 phases. Deviations from the R-1 requirements that are conditionally approved are to increase the gross density to two units per acre, to decrease minimum lot size, minimum lot width and side and side-corner setbacks, and to allow duplexes in place of single family residences. The deviations are proposed in order to allow clustering of residences and preservation of open space, including steep slopes.

BE IT FURTHER RESOLVED that the property to be overlaid is described as Assessor's Tract 5, in Section 26, and Assessor's Tract 3I in Section 25, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana. The property is located on Chapman Hill Road just east of the Eagle Bend Development in Bigfork, Montana, to be known as North Shore Vista.

BE IT FURTHER RESOLVED that the applicant shall submit a final plan or plat showing compliance with the proposed overlay prior to redesignation of the property as a Planned Unit Development.

DATED this 17th day of May, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: _____
Gary D. Hall, Chairman

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

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

ATTEST:
Paula Robinson, Clerk

By /s/Kimberly Moser
Kimberly Moser Deputy

PRELIMINARY PLAT: NORTH SHORE VISTAS

[10:42:49 AM](#)

Members present:

Commissioner Robert W. Watne
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Planner Peggy Goodrich, Doug Kauffman.

Grieve reviewed the application submitted by James Moore for preliminary plat approval of North Shore Vistas, a major subdivision that will create 10 residential lots. There are 20 conditions of approval. Staff recommends approval.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP-05-03a as findings of fact. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum

Commissioner Brenneman made a **motion** to approve the preliminary plat of North Shore Vistas subject to 20 conditions. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

CONDITIONS

1. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with a plan approved by the County Weed Department.
2. That the R-1 PUD overlay be approved prior to approval of the North Shore Vista Preliminary Plat.
3. All internal subdivision roads shall be paved. All road construction must comply with Section 3.9 of the Flathead County Subdivision Regulations and shall be inspected, approved, and signed off by a licensed engineer.
4. A Road Users Agreement or a Property Owners Association shall be formed which will require each property owner to bear their pro-rata share for the maintenance of all internal subdivision roads and open spaces.
5. The developer shall obtain approach permits from the Flathead County Road Department for the accesses to Chapman Hill Road.
6. The developer shall install a stop sign and a road identification sign at the intersection of Shore Vista Loop and Chapman Hill Road in accordance with county standards.
7. Road right-of-way shall be dedicated on the final plat as being open to public use.
8. The developer shall dedicate a ~~40~~ 15' wide bicycle path easement adjacent to Chapman Hill Road from the south side of the property to the north side of the property.
9. The developer shall provide written documentation from the Bigfork Fire Department approving names of subdivision roads and placement of fire hydrants. This letter shall be submitted with the final plat of Phase 1.
10. Electrical and telephone utilities shall be extended underground to abut and be available to each lot in accordance with Flathead County Subdivision Regulations (see Sections 3.17 and 3.18).
11. If required by the local postmaster, the developer shall provide a common mailbox facility in accordance with Flathead County Subdivision Regulations (Section 3.22).
12. The developer shall contact the local school district and, if required, provide and improve a location for the safe loading and unloading of students.
13. The applicant shall receive physical addresses and name all roads in accordance with Flathead County Resolution #1626. The addresses and road names shall appear on the final plat.
14. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a) The property owners association shall be responsible for maintenance of roads, sidewalks, and common areas. Roads shall be maintained, including necessary repairs and snow removal, to insure safe all-weather travel for two-way traffic.
 - b) Dogs shall be kenneled or kept on leashes at all times. Feeding of wildlife and use of wildlife attractants is prohibited.
 - c) Temporary erosion control measures, such as hay-bale sediment barriers, shall be undertaken during construction of driveways and ancillary buildings. Any disturbed areas shall be revegetated as soon as practicable.
 - d) Addresses shall be readable from the road either on the structure or at the driveway approach.
 - e) The landscaped/common areas within the subdivision shall be maintained by the property owners within the subdivision. Flathead County accepts no responsibility for maintenance of such landscape, buffer or common areas.
 - f) Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed/Parks/Recreation and Building Maintenance Department agreed.
 - g) Lot owners should be aware that they are living in a dispersed rural area and can expect delayed response times for law enforcement services.
15. The lots within the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality for sewer and water facilities.
16. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions.
17. All dwellings shall provide at least 2 parking spaces per dwelling unit. The parking spaces can be inside townhouse garages or outdoor parking.
18. Any signs in the subdivision shall meet the standards for signs in an R-1 zone listed in the Flathead County Zoning Regulations.
19. The following shall appear on the face of the final plat:

Waiver of Protest
Participation in Special Improvement District

_____ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes _____ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that _____ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District.

_____ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for _____ Subdivision.

20. Preliminary plat approval is valid for three (3) years for each phase of development as proposed. If preliminary plat approval expires, PUD zoning shall be automatically voided on the portion of the site on which final plat approval has not been attained.

DOCUMENT FOR SIGNATURE: HIPAA PRIVACY & SECURITY INFORMATION / ALLEGIANCE BENEFIT PLAN

[10:56:39 AM](#)

Members present:

Commissioner Robert W. Watne
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Human Resource Director Raeann Campbell

Commissioner Brenneman made a **motion** to approve the HIPAA Privacy Document and the Allegiance Benefit Plan Document. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 18, 2005.

WEDNESDAY, MAY 18, 2005

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

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

9:00 a.m. Commissioners Water, Hall and Brenneman and Assistant Pence to attend a Tour of the Plum Creek MDF Plant

11:00 a.m. County Attorney meeting at the County Attorney's Office

12:00 p.m. Commissioner Brenneman to attend DUI Task Force meeting at The Summit.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 19, 2005.

THURSDAY, MAY 19, 2005

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

Chairman Hall opened the public comment on matters within the Commissions' Jurisdiction,

[8:48:32 AM](#)

Brian Woods spoke in regards to Cottonwood Estates and the fact that no one is speaking in favor of this development other than the developer. The neighborhood isn't opposed to a change but believe that either an R1 or R2 would better suit the neighborhood. He believes the commissioners have the obligation to deny the request.

Linda Christensen spoke in regards to Cottonwood Estates. She lives over the aquifer and is concerned about the quality of the water which needs to be maintained.

Angie Clark spoke in regards to the gravel pit issues and her concerns about the direction the growth in the valley is taking.

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

MEETING W/ RON BUENTEMEIER / STOLTZE LUMBER RE: TIMBER SALE FIRES

[9:04:45 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence

Clerk Diana Kile, Deputy County Attorney Jonathan Smith, Ron Buentemeier

Discussion was held relative to the lawsuit from the Swan View Coalition Friends of the Wild Swan. The impact the lawsuit will have in Flathead County with the loss of 4.4 million in stumpage revenue that the county will not get if the injunction is set. Of the 10 sales F H Stoltz has, 9 are being proposed for the injunction. Stoltz puts 24 million into the local economy. They are short on logs and the sales are needed. Mr. Buentemeier was asking the commissioners to be an intervener with the lawsuit. He believes that Judge Malloy will file an injunction and that will stop the work. If we sit back and let the forest service handle the case we will have nothing. Gary wants to send a message to Flathead County in regards to the fact that Flathead County doesn't want the frivolous lawsuits. Jonathan was concerned about where the money would come from to support the lawsuit if the county intervenes. Ron Buentemeier said the lawsuit would not cost the county anything; they would just be named in the lawsuit. Watne said we have already lost mills because of these kinds of lawsuits. Joe said he agrees, the logs need to come out this summer. He doesn't think by Flathead County intervening it will help anything.

Commissioner Watne made a **motion** for Flathead County to intervene in the lawsuit. Commissioner Hall **seconded** the motion. **Aye** - Hall, Watne. Brenneman – Present. Motion carried by quorum.

FINAL PLAT: COLUMBIA MOUNTAIN VIEW

[9:36:02 AM](#)

Members present:

Chairman Gary D. Hall

Commissioner Robert W. Watne

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence

Clerk Diana Kile, Kirsten Holland, Rick Breckenridge and Peggy Mathiason with Mt Mapping, Walt Redding, Kiley Clark

Holland reviewed the application submitted by Montana Mapping for final plat approval of Columbia Mountain View Subdivision, which will create five residential lots in section 28, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana. The site is located west of Montana Highway 206, north of Badrock Drive and is situated two miles south of Columbia Heights. The site is unzoned. Preliminary plat approval was granted on October 14, 2004 subject to 18 conditions. All conditions have been met or otherwise addressed.

Commissioner Watne made a **motion** to approve the final plat of Columbia Mountain View. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

MONTHLY MEETING W/ ALAN MARBLE, OES

[9:41:18 AM](#)

Members present:

Chairman Gary D. Hall

Commissioner Robert W. Watne

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence

Clerk Diana Kile, Alan Marble OES Director

General discussion was held relative to purchasing a new multi-purpose truck. He is looking at a truck that is a multi-purpose stubby nose truck. Total cost is \$120,000. They would finance it at \$10,000 per year. Hall inquired about possible grant money. Will check into possible FEMA money to help in purchasing the truck. Discussion was held relative to a possible earthquake in the Flathead Valley. Discussion was also held about the budget.

NW MONTANA HUMAN RESOURCES PUBLIC HEARING: CDBG

[10:08:27 AM](#)

Members present:

Chairman Gary D. Hall

Commissioner Robert W. Watne

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence

Clerk Diana Kile, Gary Winship, Bill Phillips & Kurt Reimer with Midway Rental, Liz Harris with Jobs Now, Carol Oberndorfer, Charlie Wright

Chairman Hall opened the public hearing to anyone wishing to speak in favor

Gary Winship, Director of NW Montana Resources spoke about the grants they have received so far which total 1.5 million dollars and the various business that have received the money. \$400,000 is available to each county per year. They are applying for money from last years funds and the upcoming years fund. The money is available to business's that are expanding as well as new business.

Midway Rental is there applicant for the grant money. Midway is a full functioning operation in rental equipment. Growth plan includes a satellite store and service pub. They are requesting funding for rental equipment additions totaling \$300,000 and \$70,000 for training / \$5,000 per employee.

Charlie Wright spoke in regards to the money that is available with the CDBG grants

Liz Harris spoke on behalf of Midway Rental and the service they provide for the valley.

Hall inquired about what the county needed to do. Provided the grant is approved the commissioners will need to sign the application.

Bill Phillips Controller of Midway Rental spoke about the training objectives they have for the business.

Kurt Reimer / Owner spoke about the business. He use to work for American Timber as a logger and saw that wasn't going to last. The first 2 years in business money was lost as they were learning the business. They had to learn the business themselves. Has 60 employees at present and need more. They need factory trained workers for liability reasons. Need to meet OSHA requirements where there is a lot of expense involved.

No one else rising to speak, Chairman Hall asked for anyone wishing to speak in opposition.

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

Commissioner Brenneman made a **motion** to support the application for the grant money. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: COTTONWOOD ESTATES AMENDMENT / FLATHEAD COUNTY MASTER PLAN

[10:47:42 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Diana Kile, Brian Woods, Scott Burch, Kerry Finley, Mary Sevier

Commissioner Brenneman made a **motion** to deny to adopt Resolution 789S. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

RESOLUTION NO. 789 S

WHEREAS, Cottonwood Estates, LLC, has requested a revision to the Flathead County Master Plan to change the designation of approximately 38 acres of property from agricultural to high-density residential, to allow for residential development of the property;

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

WHEREAS, the Board of Commissioners passed a resolution of intent (Resolution No. 789R) to consider the requested plan change on March 21, 2005, and gave notice that it would consider public comment received prior to April 25, 2005; and

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

NOW THEREFORE, BE IT RESOLVED, pursuant to Section 76-1-604, M.C.A., by the Board of Commissioners of Flathead County, Montana, that it hereby adopts a revision to the Flathead County Master Plan changing the designation of approximately 38 acres of property from agricultural to high-density residential, to allow for residential development of the property, the property being described as Lots 3A, 3AA and 3AB of Section 34, Township 29 North, Range 21 West, P.P.M., Flathead County, Montana.

DATED this 19th day of May, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By not approved
Gary D. Hall, Chairman

By not approved
Robert W. Watne, Member

By not approved
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk

By not approved
Deputy

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: COTTONWOOD ESTATES ZONE CHANGE / EVERGREEN & VICINITY ZONING DISTRICT

[10:57:04 AM](#)

Members present:

Commissioner Robert Watne
Chairman Gary Hall
Commissioner Joseph Brenneman

Others present:

Assistant Mike Pence
Clerk Diana Kile, Brian Woods, Scott Burch, Kerry Finley, Mary Sevier

RESOLUTION NO. 797 DL

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the on the 5th day of April, 2005, to consider a proposal to change the zoning designation on property in the Evergreen and Vicinity Zoning District from SAG-10 (Suburban Agricultural) to R-4 (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 DK, dated April 5, 2005) to change the zoning designation from SAG-10 (Suburban Agricultural) to R-4 (Two-Family Residential); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on April 9 and April 16, 2005, 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 amends the Evergreen and Vicinity Zoning District to change the zoning designation, on the property described as Lots 3A, 3AA and 3AB of Section 34, Township 29 North, Range 21 West, P.P.M., Flathead County, Montana, from SAG-10 (Suburban Agricultural) to R-4 (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 19th day of May, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By not approved
Gary D. Hall, Chairman

By not approved
Robert W. Watne, Member

ATTEST:
Paula Robinson, Clerk

By not approved
Joseph D. Brenneman, Member

By not approved

Deputy

CONSIDERATION OF BUDGET RESOLUTION: OES

It was decided to postpone consideration of this budget amendment until the next budget year.

PUBLIC HEARING: GROUSE TRAIL, LONE ELK TRAIL, WHITETAIL CROSSING ROAD NAMING

[11:04:00 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Diana Kile, Karen Yerian.

Chairman Hall opened the public hearing to anyone wishing to speak in favor

No one present in the audience to speak, Chairman Hall closed the public hearing.

Commissioner Brenneman made a **motion** to adopt Resolutions 1828, 1829, and 1830. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

RESOLUTION NO. 1828

WHEREAS, Flathead County has proposed to name a private road generally running southwesterly off Best View Drive and located in the Southwest ¼, Section 23, Township 27 North, Range 21 West, P.M.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on May 19, 2005 concerning the proposal, after publication and mailing of notice thereof on May 7, 2005 and May 14, 2005; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **GROUSE TRAIL**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running southwesterly off Best View Drive and located in the Southwest ¼, Section 23, Township 27 North, Range 21 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **GROUSE TRAIL**.

BE IT FURTHER RESOLVED that the naming of **GROUSE TRAIL** shall be effective on May 19, 2005.

Dated this 19th day of May, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By _____
Robert W. Watne, Member

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

ATTEST:
Paula Robinson, Clerk

By /s/Diana Kile
Diana Kile Deputy

RESOLUTION NO. 1829

WHEREAS, Flathead County has proposed to name a private road generally running westerly off U.S. Highway 2 West and located in the Southwest ¼ of the Northwest ¼, Section 8, Township 27 North, Range 22 West, P.M.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on May 19, 2005 concerning the proposal, after publication and mailing of notice thereof on May 7, 2005 and May 14, 2005; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **LONE ELK TRAIL**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running westerly off U.S. Highway 2 West and located in the Southwest ¼ of the Northwest ¼, Section 8, Township 27 North, Range 22 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **LONE ELK TRAIL**.

BE IT FURTHER RESOLVED that the naming of **LONE ELK TRAIL** shall be effective on May 19, 2005.

Dated this 19th day of May, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By _____
Robert W. Watne, Member

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

ATTEST:
Paula Robinson, Clerk

By /s/Diana Kile
Diana Kile Deputy

RESOLUTION NO. 1830

WHEREAS, Flathead County has proposed to name a road generally running westerly off Kienas Road and that portion of Kienas Road located in the Southwest ¼ of Section 7, Township 28 North, Range 22 West and in the Southeast ¼ of Section 12 and the Northeast ¼ of Section 13 all in Township 28 North Range 23, P.M.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on May 19, 2005 concerning the proposal, after publication and mailing of notice thereof on May 7, 2005 and May 14, 2005; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **WHITETAIL CROSSING**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running westerly off Kienas Road and that portion of Kienas Road located in the Southwest ¼ of Section 7, Township 28 North, Range 22 West and in the Southeast ¼ of Section 12 and the Northeast ¼ of Section 13 all in Township 28 North Range 23, P.M.M., Flathead County, Montana, should be, and it hereby is, named **WHITETAIL CROSSING**.

BE IT FURTHER RESOLVED that the naming of **WHITETAIL CROSSING** shall be effective on May 19, 2005.

Dated this 19th day of May, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By _____
Robert W. Watne, Member

By /s/Joseph D. Brenneman

ATTEST:
Paula Robinson, Clerk

Joseph D. Brenneman, Member

By /s/Diana Kile
Diana Kile Deputy

MEETING W/ HEALTH BENEFITS COMMITTEE

[11:19:18 AM](#)

Members present:

- Chairman Gary D. Hall
- Commissioner Joseph D. Brenneman

Members absent:

- Commissioner Robert W. Watne

Others present:

- Assistant Michael Pence
- Clerk Diana Kile, Elizabeth Sherwood, Raeann Campbell, Jim Mahn Benefits Health Committee, Deputy County
- Attorney Jonathan Smith

General discussion was held relative to the current trust fund balance of \$850,000 range, the raise in health coverage costs, the need for an increase in contributions by the county and the county employees, and the need to increase the costs for immunizations by adding a ten dollar fee for the administration of the vaccination,

Commissioner Brenneman made a **motion** to approve the 10 percent increase in contributions to the insurance premiums, and an increase in the fee structure for the health department. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried unanimously.

MEETING W/ PAT MC CLELLAND RE: CANYON AREA LAND USE REGULATORY SYSTEM

[11:36:31 AM](#)

Members present:

- Chairman Gary D. Hall
- Commissioner Joseph D. Brenneman

Members absent:

- Commissioner Robert W. Watne

Others present:

- Assistant Michael Pence
- Clerk Diana Kile, Pat McClelland & Reno Baldwin with Middle Canyon Zoning

General discussion was held relative to the Citizen Review Panel with the Middle Canyon Zoning and the role it played within its jurisdiction. Serving on the board are three members, Pat McClelland, Mary Smith and Reno Baldwin. Planning and Zoning office was informed that Reno Baldwin resided in Columbia Falls and not within the jurisdiction, therefore he was asked to resign. The Canyon Plan documents Implementation and Philosophical documents books were shown to the commissioners. They will consult the County Attorney and get back to Pat with an answer to whether Reno Baldwin can stay on the board. Reno Baldwin spoke in regards to only learning about this meeting one hour prior to the meeting.

2:00 p.m. Commissioner Watne to attend meeting at the Earl Bennett Building

4:00 p.m. Commissioner Hall to attend Transportation Committee meeting at the Kalispell Chamber of Commerce.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 20, 2005.

FRIDAY, MAY 20, 2005

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

7:00 a.m. Commissioner Brenneman to attend Ag Extension Breakfast at Julie's Restaurant

10:00 a.m. Commissioner Brenneman to attend CDC & Mental Health Council meeting in Libby

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 23, 2005.