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**MONDAY, JULY 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.**

**MONTHLY MEETING W/ JIM ATKINSON, AOA**

9:10:20 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, Jim Atkinson

Discussion was held relative to funding difficulties, a letter from an employee terminating employment on why she was leaving, Jim read a news article on the implementation of a new Senior funding license plat, the plans for the county armory building that have been submitted by Architectural Design Group.

**PUBLIC HEARING: EASTVIEW DRIVE, MAPLE RIDGE, LEDOUX DRIVE, JANENS WAY, WOODSIDE WAY, SHELTER MEADOW LANE AND SHELTER MEADOW COURT ROAD NAMING**

9:32:05 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, Karen Yerian, Renee Ren, Helen Kubes

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

Renee Ren stated that she was here for the LeDoux Drive hearing, and would prefer that it remain as Church Drive. She stated that this road is off of Church Drive but their addresses are Church Drive.

Helen Kubes spoke in regards to Janens Way. She stated that she owns Kinickinick Road. She sold this property to this gentleman and the road turns off of Kinickinick Road. He informed her that this easement would be for one house only, and he is now creating rental cabins.

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

After Renee Ren spoke with the staff she now agrees to the road naming of Janens Way.

Commissioner Brenneman stated that he has a letter from Robert Borden and Mary Lou Borden disputing the road naming of Shelter Meadow Court due to the fact that they do not want to pay for the new road signs.

Karen Yerian stated that a majority of the landowners signed the petitions for Road Naming.

Commissioner Brenneman questioned the Janens Way road naming.

Karen Yerian stated that this road access two or more roads and will affect no ones address but the applicant.

Commissioner Brenneman made a **motion** to adopt Resolution 1857-1863. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

RESOLUTION NO. 1861

WHEREAS, Flathead County has proposed to name a private road generally running westerly off Lone Elk Trail and located in the SE ¼ of the NE 1/4, Section 7, and in the SW ¼ of the NW ¼, Section 8 all in 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 July 18, 2005 concerning the proposal, after publication and mailing of notice thereof on July 5, 2005 and July 12, 2005; and

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

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running westerly off Lone Elk Trail and located in the SE ¼ of the NE 1/4, Section 7, and in the SW ¼ of the NW ¼, Section 8 all in Township 27 North, Range 22 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **WOODSIDE WAY**.

BE IT FURTHER RESOLVED that the naming of **WOODSIDE WAY** shall be effective on July 18<sup>th</sup>, 2005.

Dated this 18<sup>th</sup> day of July, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By \_\_\_\_\_  
Gary D. Hall, Chairman  
By /s/Robert W. Watne  
Robert W. Watne, Member  
By Joseph D. Brenneman  
Joseph D. Brenneman, Member

ATTEST:  
Paula Robinson, Clerk  
By /s/Kimberly Moser

Deputy

RESOLUTION NO. 1860

WHEREAS, Flathead County has proposed to name a private road generally running westerly off Kinnikinnick Lane and located in the SE ¼ of the NW 1/4, Section 15, Township 30 North, Range 21 West, P.M.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on July 18, 2005 concerning the proposal, after publication and mailing of notice thereof on July 5, 2005 and July 12, 2005; and

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

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running westerly off Kinnikinnick Lane and located in the SE ¼ of the NW 1/4, Section 15, Township 30 North, Range 21 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **JANENS WAY**.

BE IT FURTHER RESOLVED that the naming of **JANENS WAY** shall be effective on July 18<sup>th</sup>, 2005.

Dated this 18<sup>th</sup> day of July, 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

Deputy

RESOLUTION NO. 1859

WHEREAS, Flathead County has proposed to name a private road generally running northerly off Church Drive and located in the Southeast ¼ of the Southwest ¼, Section 8, Township 29 North, Range 22 West, P.M.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on July 18, 2005 concerning the proposal, after publication and mailing of notice thereof on July 5, 2005 and July 12, 2005; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **LE DOUX DRIVE**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running northerly off Church Drive and located in the Southeast ¼ of the Southwest ¼, Section 8, Township 29 North, Range 22 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **LE DOUX DRIVE**.

BE IT FURTHER RESOLVED that the naming of **LE DOUX DRIVE** shall be effective on July 18<sup>th</sup>, 2005.

Dated this 18<sup>th</sup> day of July, 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

Deputy

RESOLUTION NO. 1858

WHEREAS, Flathead County has proposed to name a private road generally running easterly off White Tail Ridge and located in the East ½ of the West ½ and in the West ½ of the East ½, Section 19, 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 July 18, 2005 concerning the proposal, after publication and mailing of notice thereof on July 5, 2005 and July 12, 2005; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **MAPLE RIDGE**

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running easterly off White Tail Ridge and located in the East ½ of the West ½ and in the West ½ of the East ½, Section 19, Township 27 North, Range 22 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **MAPLE RIDGE**

BE IT FURTHER RESOLVED that the naming of **MAPLE RIDGE** shall be effective on July 18<sup>th</sup>, 2005.

Dated this 18<sup>th</sup> day of July, 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

Deputy

RESOLUTION NO. 1862

WHEREAS, Flathead County has proposed to rename a private road generally running westerly off My Way Lane renamed to Shelter Meadow Lane and located in the Northwest ¼ of the Northeast ¼, Section 8, Township 27, North Range 21 West, P.M.M., Flathead County, Montana. This road was previously named My Way Court.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on July 18, 2005 concerning the proposal, after publication and mailing of notice thereof on July 5, 2005 and July 12, 2005; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be renamed **SHELTER MEADOW COURT**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running westerly off My Way Lane renamed to Shelter Meadow Lane and located in the Northwest ¼ of the Northeast ¼, Section 8, Township 27, North Range 21 West, P.M.M., Flathead County, Montana, which was previously named My Way Court, should be, and it hereby is, named **SHELTER MEADOW COURT**.

BE IT FURTHER RESOLVED that the naming of **SHELTER MEADOW COURT** shall be effective on July 18<sup>th</sup>, 2005.

Dated this 18<sup>th</sup> day of July, 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

Deputy

RESOLUTION NO. 1863

WHEREAS, Flathead County has proposed to rename a private road generally running westerly off Shelter Valley Drive and located in the Northwest ¼ of the Northeast ¼, Section 8, Township 27, North Range 21 West, P.M.M., Flathead County, Montana. This road was previously named My Way Lane.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on July 18, 2005 concerning the proposal, after publication and mailing of notice thereof on July 5, 2005 and July 12, 2005; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be renamed **SHELTER MEADOW LANE**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running westerly off Shelter Valley Drive and located in the Northwest ¼ of the Northeast ¼, Section 8, Township 27, North Range 21 West, P.M.M., Flathead County, Montana which was previously named My Way Lane, should be, and it hereby is, named **SHELTER MEADOW LANE**.

BE IT FURTHER RESOLVED that the naming of **SHELTER MEADOW LANE** shall be effective on July 18<sup>th</sup>, 2005.

Dated this 18<sup>th</sup> day of July, 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

Deputy

RESOLUTION NO. 1857

WHEREAS, Flathead County has proposed to name a private road generally running southerly off of Three Mile Drive and located in the East ½ of the Northwest ¼ of Section 10, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on July 18, 2005, concerning the proposal, after publication and mailing of notice thereof on July 5 & July 12, 2005 ; and

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

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running southerly off of Three Mile Drive and located in the East ½ of the Northwest ¼ of Section 10, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana, should be, and hereby is, named **Eastview Drive**.

BE IT FURTHER RESOLVED that the naming of **Eastview Drive** shall be effective on July 18, 2005.

Dated this 18<sup>th</sup> day of July, 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

Deputy

**BUDGET AMENDMENT: AOA AND RIVER ROAD BIKE PATH**

[9:45:30 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, Wes Hula

Commissioner Brenneman made a **motion** to adopt Resolution 1864. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

**BUDGET AMENDMENT RESOLUTION  
RESOLUTION NO. 1864**

**WHEREAS**, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2004-2005, are required, and;

**WHEREAS**, Section 7-6-4031, M.C.A. and Budget Resolution No. 1689, allow budget transfers to be made between items in the same fund.

**NOW, THEREFORE, BE IT RESOLVED**, that the attached list of transfers and revisions shall be made in the budget for Flathead County for Fiscal Year 2004-2005; and

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

DATED this 18<sup>th</sup> day of July, 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

**COUNTY OF FLATHEAD**  
**GENERAL JOURNAL VOUCHER**  
**BUDGET AMENDMENT**  
**RESOLUTION # 1864**

DATE ISSUED:  
DATE OF RECORD:

VOUCHER  
NO.: 0506-132

MCA 7-6-4006	ACCOUNTING COPY	"B" Entry		
Account Number	Description	Line	Debit General Ledger	Credit General Ledger
2280-0726-331181	111-A Fed Grant	1	\$ 3,000.00	
2280-172000	Revenue Control	2		\$ 3,000.00
		3		
2888-0190-331161	111-B Fed Grant	4	\$ 280.00	
2888-0190-331168	111-E Fed Grant	5		\$ 2,727.00
2888-0190-331173	Ombudsman Grant	6		\$ 72.00
2888-0190-334131	State General Funds	7	\$ 13,526.00	
2888-0190-334132	SHIP	8	\$ 1,546.00	
2888-172000	Revenue Control	9		\$ 12,553.00
2888-0190-450323-110	Salaries	10		\$ 13,000.00
2888-0190-450323-141	Unemployment	11		\$ 33.00
2888-0190-450323-142	Work-Comp	12		\$ 6.00
2888-0190-450323-143	Health Ins	13		\$ 411.00
2888-0190-450323-144	FICA	14		\$ 806.00
2888-0190-450323-145	PERS	15		\$ 884.00
2888-0190-450323-147	Medicare	16		\$ 188.00
2888-0190-450323-210	Office Supplies	17		\$ 2,251.00
2888-0190-450323-215	Computer Equipment	18	\$ 1,000.00	
2888-0190-450323-345	Communications	19	\$ 275.00	
2888-0190-450323-378	Travel/Training	20		\$ 600.00
2888-242000	Expense Control	21	\$ 16,904.00	
		22		
2983-0190-331163	Cash-in-Lieu	23		\$ 1,458.00
2983-0190-331166	111-C1	24		\$ 510.00
2983-0190-331167	111-C2	25		\$ 1,187.00
2983-0190-334131	State Funds	26	\$ 6,131.00	
2983-172000	Revenue Control	27		\$ 2,976.00
2983-0190-450322-110	Salaries	28	\$ 1,350.00	
2983-0190-450322-141	Unemployment	29	\$ 1.00	
2983-0190-450322-142	Work-Comp	30	\$ 3.00	
2983-0190-450322-143	Health Ins	31	\$ 31.00	
2983-0190-450322-144	FICA	32	\$ 84.00	
2983-0190-450322-145	PERS	33	\$ 92.00	
2983-0190-450322-147	Medicare	34	\$ 19.00	
2983-242000	Expense Control	35		\$ 1,580.00
	Total		\$	\$

		44,242.00	44,242.00
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Explanation:

by: Gary L Como,  
Finance

Approved by: Commissioners by Resolution

Commissioner Brenneman made a **motion** to adopt Resolution 1866. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

**BUDGET AMENDMENT RESOLUTION  
RESOLUTION NO. 1866**

**WHEREAS**, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2004-2005, are required, and;

**WHEREAS**, Section 7-6-4031, M.C.A. and Budget Resolution No. 1689, allow budget transfers to be made between items in the same fund.

**NOW, THEREFORE, BE IT RESOLVED**, that the attached list of transfers and revisions shall be made in the budget for Flathead County for Fiscal Year 2004-2005; and

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

DATED this 18<sup>th</sup> day of July, 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

**COUNTY OF FLATHEAD  
GENERAL JOURNAL VOUCHER  
BUDGET AMENDMENT  
RESOLUTION # 1866**

DATE ISSUED:  
DATE OF RECORD:

VOUCHER NO.: 0506-133

MCA 7-6-4006	ACCOUNTING COPY	"B" Entry		
Account Number	Description	Line	Debit General Ledger	Credit General Ledger
2982-0190-331161	111-B Fed Grant	1		\$ 10,591.00
2982-0190-331168	111-E Grant	2	\$ 3,851.00	
2982-0190-331170	111-F Fed Grant	3		\$ 38.00
2982-0190-334131	State Funds	4		\$ 18,542.00
2982-172000	Revenue Control	5	\$ 25,320.00	
2982-0190-450321-110	Salaries	6		\$ 180.00
2982-0190-450321-144	FICA	7		\$ 11.00
2982-0190-450321-145	PERS	8		\$ 12.00
2982-0190-450321-147	Medicare	9		\$ 3.00
2982-0190-450321-210	Office Supplies	10	\$ 550.00	
2982-0190-450321-212	Small Equipment	11	\$ 2,900.00	
2982-0190-450321-352	Legal Services	12		\$ 2,337.00

2982-0190-450321-378	Travel	13		\$ 1,400.00
2982-0190-450321-398	Contracted Services	14		\$ 19,285.00
2982-242000	Expense Control	15	\$ 19,778.00	
		16		
		17		
		18		
		19		
		20		
		21		
		22		
		23		
		24		
		25		
		26		
		27		
		28		
		29		
		30		
		31		
		32		
		33		
		34		
		35		
	Total		\$ 52,399.00	\$ 52,399.00

Explanation:

by: Gary L Como,  
Finance

Approved by: Commissioners by Resolution

**COUNTY OF FLATHEAD**

**GENERAL JOURNAL VOUCHER  
BUDGET AMENDMENT  
RESOLUTION # 1866 continued**

DATE ISSUED:  
DATE OF RECORD:

VOUCHER NO.: 0506-134

MCA 7-6-4006	ACCOUNTING COPY	"B" Entry		
Account Number	Description	Line	Debit General Ledger	Credit General Ledger
2901-0201-410100-301	Allocate Budget to 820	1	\$ 1,982.00	
2901-0201-521000-820	Allocate Budget from 301	2		\$ 1,982.00
		3		
2957-0201-383000	Transfer-In 2901	4	\$ 1,982.00	
2957-172000	Revenue Control	5		\$ 1,982.00
		6		
	To cover the outstanding deficit	7		
	in CTEP Project- As per	8		
	attached memo	9		
		10		
		11		
		12		
		13		
		14		
		15		
		16		
		17		
		18		
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		22		
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		25		
		26		
		27		
		28		



		29		
		30		
		31		
		32		
		33		
		34		
		35		
	Total		\$ 3,964.00	\$ 3,964.00

Explanation:

by: Gary L Como,  
Finance

Approved by: Commissioners by Resolution

**DOCUMENT FOR SIGNATURE: MOU / USDA WILDLIFE SERVICES**

[9:48:02 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

Commissioner Brenneman made a **motion** to approve the MOU / USDA Wildlife Services document and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

**DOCUMENT FOR SIGNATURE: 2005 FALL JURY PANEL, CLERK OF DISTRICT COURT**

[9:48:51 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

Commissioner Brenneman made a **motion** to approve the 2005 Fall Jury Panel for the Clerk of District Court. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

**MEETING W/ BONNIE OLSON / LITTLE BITTERROOT LAKE ASSOCIATION RE: ADOPT-A-ROAD PROGRAM**

[9:57:24 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, Bonnie Olson

Discussion was held relative to the Little Bitterroot Lake Association adopting a road that they would be responsible for picking up garbage. The commissioners agreed that they that it would be a good idea to start the program throughout the county. They asked Bonnie Olson to get a hold of Jon Smith and see if a resolution would be needed to implement the program.

**COS REVIEW: HESER**

[10:18:57 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, Peggy Goodrich, Delores Hesper, LeRoy Hesper, C.W. Doyle

Goodrich reviewed the Hesper family transfer request.

LeRoy Hesper stated that due to health reasons they can not live in the two story home that they have, and would like to build on the other piece of property with a house more suitable to their needs.



Commissioner Brenneman made a **motion** to approve the Hesel family transfer. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

#### **MEETING W/ JAY SCOTT, FAIRGROUNDS**

[10:28:38 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, Jay Scott, Raeann Campbell, Jon Smith

Discussion was held relative to the construction of the new fair building, Jay stated that the crew that was working on it have quit and left for Seattle. They are currently waiting to see what crew is going to come in and work on the building. He stated the new roof is a much better job, but that the patches they also put up would not be accepted.

Jay also came in to speak on the background checks for the fairgrounds. He stated that they employ about 244 people temporarily in the summer and felt that it is a complete waste to require the background checks on these individuals. He stated that a lot of these individuals are hired around the day they need them to start.

The commissioners requested that Jay work with Raeann and just doing the instant check and not the full background check.

Jay questioned the commissioners about the required insurance on the commercials booths. He asked the commissioners to waive the requirement for the million dollar policy due to the high cost of insurance.

Raeann Campbell stated that she could not find any previous action taken that waived the requirement. He stated that MACO informed her that it would be a huge mistake to waive that requirement, and that they will soon be requiring it for all counties.

Commissioner Brenneman suggested that Robin Boon be contacted about getting a rider that would cover the exhibitors during the fair.

Both Raeann Campbell and Jonathan Smith stated that they felt that they should get the additional coverage from Robin Boon.

#### **CONSIDERATION OF BACKGROUND CHECK / HUMAN RESOURCE OFFICE**

[10:55:34 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, Jay Scott, Raeann Campbell, Jon Smith

Raeann stated that they would like to use an available internet site that gives instant results on sex offender and felony convictions.

This meeting was included in the discussion for the previous meeting with Jay Scott.

#### **CONSIDERATION OF PRINTING BIDS: PLANNING & ZONING OFFICE**

[10:02:16 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

Commissioner Brenneman made a **motion** to approve the bid submitted by Great Northern Printing for 2 sets of 500 business cards for the planning and zoning office in the amount of \$39.90. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

#### **CONSIDERATION OF ADOPTION OF RESOLUTION: CERTIFYING OFFICIAL / PLANNING & ZONING OFFICE**

[10:03:03 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

Commissioner Brenneman made a **motion** to adopt Resolution 1865. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

RESOLUTION NO. 1865

A RESOLUTION APPOINTING THE DIRECTOR OF THE FLATHEAD COUNTY PLANNING AND ZONING DEPARTMENT AS THE ENVIRONMENTAL CERTIFYING OFFICIAL FOR ALL ACTIVITIES ASSOCIATED WITH THE ENVIRONMENTAL REVIEW PROCESS FOR GRANTS

WHEREAS, the State of Montana requires that the Environmental Certifying Officer responsible for the environmental review process for grants be appointed by County Resolution; and

WHEREAS, to conform to the grant requirements Flathead County is designating the Director of the Flathead County Planning and Zoning Office as the qualified person responsible for all activities associated with the environmental review process for grants.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Flathead County Board of Commissioners hereby appoints the Director of the Flathead County Planning and Zoning Office as the Environmental Certifying Officer all grants for which an Environmental Certifying Officer is required, including when appropriate, but not limited to, the following:

- CDBG Housing and Public Facility Grants
- CDBG Economic Development Grants
- CDBG Wildfire Impacts Grants
- Flood Grants
- HOME Grants
- U.S. Department of Commerce Economic Development Administration Grants
- Treasure State Endowment Grants
- CTEP Grants.

Dated this 18<sup>TH</sup> day of July, 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  
Deputy

**TAKE ACTION: SUBDIVISION No. 205**

- Members present:
  - Commissioner Robert W. Watne
  - Commissioner Joseph D. Brenneman
- Members absent:
  - Chairman Gary D. Hall
- Others present:
  - Assistant Michael Pence
  - Clerk Kimberly Moser

The commissioners read into the minutes that Subdivision No. 205 had died due to the failure to meet the time limit set in place.

**11:30 a.m. Commissioner Hall to attend a meeting w/ Paul Detoni**  
**7:00 p.m. Fair Board meeting at the Fair Office**

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

\*\*\*\*\*

**TUESDAY, JULY 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, no one present to speak, Chairman Hall closed the public comment period.**

**QUARTERLY MEETING W/ JIM DUPONT, SHERIFF**

This meeting was not held.

**CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: PING ZONE CHANGE / S.E. RURAL WHITEFISH ZONING DISTRICT**

[10:37:58 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 adopt Resolution 1201E. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

RESOLUTION NO. 1201E

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 31<sup>st</sup> day of May, 2005, concerning a proposal to change the zoning designation in a portion of the Southeast Rural Whitefish Zoning District from AG-20 (Agricultural) to SAG-10 (Suburban Agricultural);

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

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Southeast Rural Whitefish 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. 1201D, dated May 31<sup>st</sup>, 2005) to change the zoning designation of the property described on Exhibit A, in a portion of the Southeast Rural Whitefish Zoning District from AG-20 (Agricultural) to SAG-10 (Suburban Agricultural); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on June 4 and June 11, 2005, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders in the Southeast Rural Whitefish Zoning District.

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 Southeast Rural Whitefish Zoning District to change the zoning designation in a portion of the Southeast Rural Whitefish Zoning District from AG-20 (Agricultural) to SAG-10 (Suburban Agricultural), that property being described on Exhibit A.

DATED this 19<sup>th</sup> day of July, 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  
Deputy

**SCOTT PING**  
**ZONE CHANGE FROM AG-20 to SAG-10**  
**STAFF REPORT #FZC-05-05**  
**April 21, 2005**

**Location and Legal Description of Property:**

The property proposed for the map amendment is located at 880 and 900 Monegan Road and contains 36.58 acres. The property's legal description is Tracts if and 4AC in Section 9, Township 30 North, Range 21 West, P.M.M, Flathead County, Montana.

**CONSIDERATION OF ADOPTION OF FINAL RESOLUTION : MASON FAMILY TRUST ZONE CHANGE / SWAN RIVER ZONING DISTRICT**

[10:38:58 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 adopt Resolution 820C. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

RESOLUTION NO. 820C

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 6th day of June, 2005, concerning a proposal to change the zoning designation in a portion of the Swan River Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural);

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

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Swan River 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. 820 B, dated June 6th, 2005) to change the zoning designation of the property described on Exhibit A, in a portion of the Swan River Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on June 9 and June 16, 2005, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders in the Swan River Zoning District.

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 Swan River Zoning District to change the zoning designation in a portion of the Swan River Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural), that property being described on Exhibit A.

DATED this 19<sup>th</sup> day of July, 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

Deputy

**Mason Family Trust**

**STAFF REPORT It FZC-05-06**

**April 20, 2005**

**Location and Legal Description of Property:**

The properties are all located north of Ferndale Highway 209, two off of Kirby Lane and the third off of Ferndale Drive. The properties can be described as Tract 1GA (Mason), Tract 2AB (Vornbrock), Tract 1GB (Bales), all in Section 33, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana. The properties contain 30.73 acres total.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD ABANDONMENT #435**

10:39:31 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 the notice for Road Abandonment #435 and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

**NOTICE OF DISCONTINUANCE  
OF PUBLIC ROADWAY  
NO. 435**

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:

The following parcels lying and being in the Gov't Lot seven (7) of Section ten (10) and in Gov't Lot one (1) and in the NW1/4 NW1/4 of Section fifteen (15) of Township Twenty eight (28) North, Range Twenty four (24) West, P.M.M., Flathead County and more particularly described as follows to wit:

Commencing at the SW corner of Tract 3 of C.S. # 14306, Records of Flathead County; thence S 84° 57' 33" E along the south boundary of said Tract 3, a distance of 20.09 feet to a found iron pin on the easterly R/W of North Ashley Lake Road, said point being the TRUE POINT OF BEGINNING; which point is a point of curvature of a tangent curve, concave to the West, having a radius of 184.80 feet, a central angle of 35° 52' 03", and a chord of 113.81 feet bearing N 18° 22' 54" W; thence Northerly along said curve, a distance of 115.69 feet; thence N 36° 18' 56" W, a distance of 8.46 feet; thence N 0°

26' 53" W, a distance of 439.78 feet to the South Boundary of Parcel 1 of C.S.#13167, records of Flathead County; thence N 0° 26' 26" W, a distance of 573.90 feet to the North Boundary of said Parcel 1; thence N 89° 26' 50" E along the said North Boundary, a distance of 40.00 feet; thence S 0° 26' 26" E, a distance of 574.67 feet to the South Boundary of said Parcel 1; thence S 0° 28' 37" E, a distance of 138.48 feet to the South Boundary of Tract 1 of C.S.#14306, records of Flathead County; thence S 0° 26' 59" 8, a distance of 277.89 feet to the North Boundary of said Tract 3; thence S 0° 24' 56" E, a distance of 137.85 feet to the POINT OF BEGINNING; said described road abandonment containing 0.965 acre, more or less. Subject to all appurtenant easements of record.

Commencing at the NE corner of Tract 1 of C.S. #14092, records of Flathead County, said point being the TRUE POINT OF BEGINNING; thence S 89° 53' 54" E along the said north boundary, a distance of 39.99 feet; thence S 0° 00' 07" W, a distance of 53.63 feet; thence S 14° 21' 25" 8, a distance of 102.82 feet; thence S 31° 25' 11" E, a distance of

116.91 feet; thence S 37° 32' 57" E, a distance of 125.18 feet; thence S 39° 48' 19" E, a distance of 646.61 feet; thence continuing southeasterly along said line, a distance of 41.49 feet to the point of curvature of a tangent curve, concave to the West, having a radius of 593.00 feet and a central angle of 39° 36' 21"; thence Southerly along said curve, a distance of 409.91 feet; thence S 0° 11' 58" E, a distance of 49.35 feet to the south boundary of said Tract 1; thence S 89° 26' 50" W along the said south boundary, a distance of 40.00 feet; thence N 0° 11' 58" W, a distance of 49.59 feet to the point of curvature of a tangent curve, concave to the West, having a radius of 553.00 feet and a central angle of 39° 36' 21"; thence Northerly along said curve, a distance of 382.26 feet; thence N 39° 48' 19" W, a distance of 688.89 feet; thence N 37° 32' 57" N, a distance of 128.11 feet; thence N 31° 25' 11" N, a distance of 125.05 feet; thence N 14° 21' 25" W, a distance of 113.87 feet; thence N 0° 00' 55" E, a distance of 58.73 feet to the POINT OF BEGINNING; said described Parcel containing 1.420 acres more or less. Subject to all appurtenant easements of record.

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 **August 8<sup>th</sup>, 2005 at 9:30 a.m.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 19<sup>th</sup> day of July, 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 July 23 and July 30, 2005

#### **CONSIDERATION OF RELEASE OF COLLATERAL: APPLE RIDGE ESTATES**

[10:42:21 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 release of collateral for Apple Ridge Estates. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

#### **DOCUMENT FOR SIGNATURE: EXTENSION SERVICES AGREEMENT**

[10:42:51 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 the Extension Services Agreement. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

#### **MEETING W/ RAEANN CAMPBELL / HUMAN RESOURCE OFFICE & KIM THOMAS / WESTERN STATES INSURANCE**

[10:47:21 AM](#)

Members present:

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

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser



Discussion was held relative to the commissioners asking Raeann to have the fairgrounds make sure that they print out the results on the internet checks for temporary employees. She also reviewed the reasons for wishing to leave the MACo workcomp insurance and to now be a part of the state fund insurance. The cost with the state fund would save the county approximately \$70,000 dollars. The commissioners agreed that moving to the state fund makes more sense.

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

\*\*\*\*\*

### WEDNESDAY, JULY 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.

**9:15 A.M. RSVP meeting at Windward Way**

#### **DOCUMENT FOR SIGNATURE: MAIL SERVICE AGREEMENT**

[10:36:03 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, Jonathan Smith

Commissioner Brenneman made a **motion** to approve the Mail Service Agreement. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

#### **MEETING W/ RAY BARNICOAT / MACO RE: WORKERS COMP**

[10:59:52 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, Jonathan Smith, Raeann Campbell, Ray Barnicoat, Patti Grosefield, MACO Finance Officer, Kim Thomas, Western States Insurance

Discussion was held relative to Ray Barnicoat explaining the Workman's Comp program as well as the history of the program, whereas the county would be reimbursed excess funds when the money in the fund is considered to be in excess of the funds required to run the program. Proposed premiums were explained by Patti Grosefield and the significant differences in premiums paid by Flathead County to the State Fund that Flathead County currently uses for their Workman's Comp insurance and what MACO'S premiums would be. MACO premiums would be less under any scenario for FY 06 than State Fund premiums are. 53 counties in Montana are currently insured thru MACO right now. Relative discussion continued.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 21, 2005.

\*\*\*\*\*

### THURSDAY, JULY 21, 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.**

#### **MEETING W/PAM BERRY RE: MAPT INSURANCE WAIVER REQUIREMENTS:**

[10:48:11 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, RaeAnn Cambell, Pam Berry

Discussion was held relative to a special event that Pam Berry has scheduled at the Fairground in June of 2006. She is asking the Commissioners for a waiver, so she doesn't have to provide liability insurance for the Rodeo Races, which are done with school buses and cones the drivers drive around. She doesn't feel the insurance is necessary. Raeann spoke about the county insurance and the recommendation from them that we require her to have liability insurance. Greg Jackson will be here next

Thursday to discuss this further and answer some questions. No decisions were made other than to hold the spot open for the event until a decision can be made.

**CONSIDERATION OF NOTICE OF PASSAGE & RESOLUTION OF INTENT: HELENA FLATS NEIGHBORHOOD PLAN**

[10:59:23 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, Jeff Harris, Shirley Anderson, John Korpi, John Horwich, Bob Anderson, Thomas Jodoin, Karen Morehouse, Loretta Olsen

Commissioner Hall expressed his appreciation for Shirley Anderson and all of the hard work she has done.

Jeff Harris reviewed staff report #FPMA-05-01, including changes that have been made up to this point.

Jeff Harris reviewed changes recommend by the Staff.

The commissioners reviewed and made changes to the plan. (See attached final plan)

Commissioner Brenneman made a **motion** to adopt Staff Report #FPMA-05-01 as amended as findings of fact. Commissioner Hall **seconded** the motion. **Aye** - Hall, and Brenneman. Motion carried by quorum.

Helena Flats Neighborhood Plan

**FINAL DRAFT**  
**(including changes made at the board of commissioners meeting)**

**July 21, 2005**  
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**INTRODUCTION**

On March 15<sup>th</sup> and 16<sup>th</sup> 2004 the Helena Flats community held three meetings at the Helena Flats School to discuss growth and development in their neighborhood. The meetings were organized in large part because of a recent spate of development proposals in the area that the residents felt would greatly alter the character and quality of their neighborhood.

Out of the above-mentioned meetings came the following main sentiments: a desire to preserve the rural atmosphere and all of its associated amenities (wildlife, agriculture and forests); a concern for the water supply due to the lack of public sewer and an increase in waste water systems; a concern that the roads are inadequate and unsafe to support increased traffic in the area; and a desire to see well-planned development in the area.

With input from the Helena Flats Land Use Coalition Committee, a draft Neighborhood Plan was prepared to reflect the sentiments expressed at the March 15 and 16, 2004 neighborhood meetings. Using June 1, 2004 county records at the Plat Room and a current GIS map, landowners in the area were notified by mail that the draft had been prepared, they were provided summaries of pertinent elements of the draft and they were advised how to review and obtain copies of the draft. All landowners were invited to attend one of two neighborhood meetings held on June 22, 2004. Public input at those meetings resulted in additional changes to the draft plan.

This document represents a formalized plan of the community’s vision for how growth should occur in its neighborhood and is meant to serve as a guideline for developers and property owners wishing to develop their land. Based on concerns and opinions expressed by the residents, this plan outlines goals and policies for the Helena Flats neighborhood.

The Helena Flats Neighborhood Plan is bounded by the Flathead River to the east; U.S. Highway 2 on the west; Pioneer Road on the north and Rose Crossing/Addison Roads close the planning area to the south. The entire area within these boundaries is included in the neighborhood plan. The planning area contains approximately 4,870 acres.

**I. HUMAN AND CULTURAL RESOURCES**

**A. HISTORY AND SETTLEMENT PATTERN**

In the mid 1930’s the population of the entire Flathead County was approximately 19,200 people. At that time, the Helena Flats area was sparsely populated compared to today’s standards. Helena Flats was primarily made up of 80 and 160 acre parcels that were used for agricultural purposes. Land owners made their living off of the land. In addition to agricultural lands, there was quite a bit of timber remaining among the fields. Highway 2, which forms the western boundary of the Helena Flats neighborhood, did not exist, as it is known today. Rather, LaSalle Road from Columbia Falls to Kalispell was nothing more than a dirt road. Helena Flats Road only went as far north as Reserve Street. Residents of the Helena Flats area were able to reach Kalispell by train from a siding at Rose Crossing and generally only did so about once a week or as the necessity arose.

Being so close in proximity to Kalispell, the area began to feel the pressures of development as early as the 1950’s. In the early 1950’s, the Harvey Aluminum Company purchased approximately 1500 – 2000 acres to install an aluminum plant. After purchasing the land for the aluminum plant, the Harvey Aluminum Company realized that the soil in the area was too unstable for construction of the proposed facility. Soil samples revealed a layer of quicksand under the topsoil and gravel layers. The Company had no use for the land so they sold it to Jim Edmiston. Mr. Edmiston turned the land into a large cattle ranch and farm, which fit in well with the uses of his many neighbors. The large cattle ranch and farm proved to be financially viable until sometime in the mid 1970’s. At that point Mr. Edmiston divided the ranch into fairly large acreages and sold most of it to a rancher from Roundup. The rancher from Roundup did the same thing as Mr. Edmiston. He used the land for a period of time as a ranch and then again divided it up into smaller parcels and sold a number of them. This trend continues to date. Many ranchers and farmers, as their profession becomes less and less financially viable, choose to subdivide and sell small portions of their land.

Currently, the highest density development in Helena Flats is in the southern portion of the Helena Flats Neighborhood. This is largely due to its proximity to the City of Kalispell and to the Helena Flats School.

It is important to note that the current settlement pattern in the Helena Flats Neighborhood has not been influenced much by government standards. There have been no zoning or other land use controls enacted in the area. The only type of governmental regulation in the area has been through the county’s subdivision review process.

**B. POPULATION**

Helena Flats’ population in 1990 was 566. The 2000 census claimed a population of 662. That equates to a population increase of 96 people or a rate of 16.9% over the decade. This is significantly lower than the growth rate for the entire Flathead County, which experienced a 25.8% rate of growth during the same period. Based on these previous years, it can be assumed that the population of Helena Flats will grow at least 1.7% per year.

**C. HOUSING**

**Existing Conditions**

The residents of Helena Flats realize that there must be adequate housing for future growth. At the present time there is a fairly wide spectrum of housing in the area. The densest development in Helena Flats is located in the southwest portion of the neighborhood. The housing in that area is, generally speaking, more affordable than the other housing throughout the area. The homes in the southwest section include a large proportion of manufactured homes and trailers. The southeast portion of the neighborhood, near the Flathead River, is less dense, with larger parcel sizes than the southwest. The southeast portion of the Neighborhood contains a mix of housing. There is some affordable housing as well as some modest homes in this area. The northern portion of Helena Flats is still composed of large parcels, many being used for agriculture. The development in this area is generally much less dense than in the southern sections and generally contains a mix of newer, expensive homes as well as older homes, barns, and outbuildings associated with agriculture.

There are currently 468 recorded lots in the Helena Flats Area (see Map 1), owned by 283 individual property owners. Clearly, some owners own multiple lots at this time. The lots are held by a number of different entities. Individuals own some of the lots, some are held in trust, some are held by various corporations, and some are held by speculators. Due to the varying types of ownership present in the area, not all lots are used for residential purposes.

It should be noted that unlike Flathead County as a whole, the population of Helena Flats is not seasonal and therefore the housing production is not expected to occur at a pace faster than the area’s population growth.

#### Goals

- Recognize the need for housing and cooperate to provide well-planned subdivided lots within the constraints of infrastructure and natural resources.
- Develop housing in appropriate locations in a manner that makes reasonable use of the land and respects natural resources.
- Develop housing in a manner that recognizes the economic value of variables such as open space and scenic view in maintaining a rural atmosphere.

#### Policies

- Encourage mixed use of land to enable agricultural landowners to develop portions of their land that are no longer suitable nor economically feasible for agricultural production.
- Allow development throughout the Helena Flats Neighborhood that respects the historic development patterns and the natural resources of the area.
- Encourage higher density development in the southern portion of Helena Flats realizing that section is the closest to Kalispell, has the best access to the school, is consistent with existing development patterns, and will most likely be the first section of Helena Flats to receive public sewer.
- Encourage cluster development in the areas of Helena Flats identified for less dense development in order to preserve agricultural lands, open space, wildlife habitat, and the rural atmosphere valued by residents.

### **D. ECONOMICS**

#### Existing Conditions

The Helena Flats area is primarily a residential area and most residents no longer make their living by utilizing the land as an agricultural resource. However, some residents of the Helena Flats area still engage in farming and ranching as their primary economic activity. These farms and ranches are beneficial in that they provide an economic base for the community. There are also numerous commercial and industrial operations in the area. The majority of the commercial and industrial uses are located in the southwest and northwest portion of Helena Flats.

In the southwest portion of Helena Flats, the largest commercial use is the JTL gravel pit. The gravel pit is an extractive industry that, once the gravel pit is no longer feasible, will be reclaimed by JTL. Other than the gravel pit, the businesses in the southwest portion of the neighborhood are mainly service and supply oriented. The northwestern portion of Helena Flats contains a nursery and greenhouse, a forest products supplier, and a construction company.

The commercial activities in the Helena Flats area are generally located in the northwest and southwest sections of the Neighborhood for several reasons. U.S. Highway 2, which makes up the western border of Helena Flats, is paralleled by railroad tracks the entire length of the neighborhood. There are three primary access points where traffic is able to cross the railroad tracks and enter Helena Flats. The first is Rose Crossing, the southern boundary of the neighborhood. The second is Pioneer Road, the northern boundary of Helena Flats. Lastly, there is an access at Birch Grove, which is just north of the midpoint between Pioneer Road and Rose Crossing. Most commercial activities in Helena Flats have located near these access points. In addition to the three primary access points, there are accesses which are limited to existing dwellings.

It is impractical to locate commercial activities in the interior of Helena Flats until the interior road system is sufficient to handle commercial traffic. (See Roads II.H). Because the current condition of the roads cannot handle commercial traffic, commercial activities should be confined to areas near the access points of Rose Crossing, Birch Grove and Pioneer Road to Helena Flats from Highway 2. Those areas adjacent to Highway 2 but without direct access to Highway 2 or Rose Crossing, Birch Grove Road or Pioneer Road will require a frontage road.

With the current trend of farms and ranches being subdivided into housing developments, Helena Flats is growing increasingly dependent on the City of Kalispell for employment. As was previously stated, at one point the Helena Flats area was self-sufficient in that residents of the area primarily relied on their land to provide a source of income. This is no longer the case. A large number of the residents in the Helena Flats area work in Kalispell and the surrounding communities. As ranch and farmland is continuously lost, the Helena Flats area can expect to generate less and less income. If the current trends continue, the Helena Flats area will develop into a residential community providing housing for a population that looks to Kalispell and the surrounding area for employment.

#### Goals

- Provide opportunities for business and industry to develop in Helena Flats.
- Encourage business and industry that does not infringe on the quality of life of the residents of Helena Flats.

#### Policies

- Encourage commercial activities to develop near access points to Highway 2 and existing commercial activities or on frontage roads parallel to Highway 2.
- Discourage commercial activities that pose a risk to surface and groundwater quality.
- Encourage uses that will have minimal impact on the roads of Helena Flats.
- Where commercial activities will be located adjacent to residential properties, encourage commercial activities that are compatible with the residential character of adjacent properties.
- Encourage commercial activities to minimize the amount of outdoor lighting and to utilize lighting fixtures shielded to avoid glare on adjacent properties and designed to avoid unnecessary illumination of the night sky.

## **II. FACILITIES AND SERVICES**

### **A. WATER SYSTEMS**

#### Existing Conditions

Private wells are the sole source of clean water for residents of Helena Flats. The wells tap into the fast-flowing aquifer running beneath the neighborhood. See Map 1 for the location of existing wells.

Currently there is no public water system infrastructure to Helena Flats.

Goals

- To maintain a clean, safe and sanitary water supply for all the residents of Helena Flats, free from the threats of degradation and depletion.

Policies

- Monitor areas of increasing density which utilize septic systems as the primary sewage treatment method to ensure that private wells continue to be safe. In areas where degradation is apparent, alternative solutions should be offered.

**B. SEWAGE**

Existing Conditions

Private septic systems that drain into individual or shared drain fields are the sole means of treating sewage in Helena Flats.

Currently there is no public sewage infrastructure to Helena Flats.

Goals

- To maintain and encourage safe, efficient, environmentally sound sewage disposal throughout the Helena Flats neighborhood.
- To maintain surface and groundwater resources free from contamination or the threat of contamination by sewage effluent.

Policies

- Monitor areas of increasing density, areas of known septic tank failures and areas of severe soil limitations to avoid health related problems and the ground and surface water contamination associated with ineffective on-site sewage disposal systems.
- In critical or sensitive locations or areas of failing septic systems, efforts should be made to utilize alternative disposal methods to safeguard the existing human and natural environment.
- Approach sewage disposal practices around surface water with extreme precaution to safeguard water quality.

**C. SOLID WASTE COLLECTION AND DISPOSAL**

Existing Conditions

Private contractors employed by individual residents primarily perform collection and disposal of solid waste in Helena Flats. Additionally, some residents occasionally burn some solid waste such as natural debris and paper products.

Goals

- To maintain environmentally-sound disposal of solid waste to preserve the quality of Helena Flats.
- To minimize accumulation of refuse, including junk vehicles.

Policies

- Encourage the Flathead County Planning and Zoning Office and the Board of County Commissioners to review all subdivision applications for multi-family, commercial and industrial developments to ensure suitable access by refuse collection vehicles.
- Encourage residents to dispose of hazardous wastes according to state and federal law.
- Encourage the county to rigorously enforce state and local laws regarding the storage of abandoned, discarded or junk vehicles.
- Encourage Flathead County to rigidly enforce its County Decay Ordinance.
- Discourage commercial salvage yards.

**D. LAW ENFORCEMENT**

Existing Conditions

The Flathead County Sheriff's Department is responsible for law enforcement in Helena Flats.

Goals

- To establish and maintain a crime-free neighborhood.
- To encourage a responsive, well-trained and well-maintained Flathead County Sheriff's Department.
- To encourage a neighborhood crime prevention program.

Policies

- Encourage the county sheriff's department to patrol Helena Flats (particularly areas of public use) on a regular basis.
- Encourage the development of Neighborhood Watch programs.

**E. FIRE PROTECTION**

Existing Conditions

Helena Flats is located within the Evergreen Fire District, which is bounded on the east by the Flathead River, the north by Pioneer Road, with irregular east and south boundaries extending almost to Highway 93 and Highway 35 in places.

The Evergreen Volunteer Fire Department ("EFD") has 28 active volunteers, seven trucks, a 55' aerial ladder truck, and two tenders. The main fire station, located on LaSalle near its intersection with East Evergreen, houses five trucks. A satellite station, located on Birch Grove across from Costco, houses two trucks and provides quicker response time to the northern part of the Evergreen Fire District.

#### Goals

- A coordinated fire protection program that serves the needs of the entire Helena Flats Neighborhood, emphasizing access, response time, and well-trained, well-equipped stations and personnel.
- To have an EMT Basic as a member of the Evergreen Fire District.

#### Policies

- Encourage neighborhood support for the invaluable alert services
- Encourage structures built within the Helena Flats Neighborhood be constructed and maintained to minimize fire risk and permit efficient fire suppression.

### **F. PUBLIC RECREATIONAL FACILITIES**

#### Existing Conditions

Public recreational facilities in the Helena Flats neighborhood are limited, consisting only of the Presentine Bar fishing access and the Helena Flats School playground.

Presentine Bar fishing access, located on the eastern boundary of the Helena Flats neighborhood, is owned by the state of Montana and managed by Montana Fish, Wildlife and Parks. It is a relatively undeveloped access, consisting of little more than an unimproved parking area and boat ramp.

The Helena Flats School playground has a swing set, jungle gym, basketball court, and a few other amenities.

#### Goals

- Develop natural recreational areas for neighborhood residents.
- Create a regional park serving Helena Flats.
- Encourage development of Presentine Bar Fishing Access for greater public safety and use.

#### Policies

- Expand and enhance seasonal and year-round recreational opportunities for neighborhood residents.
- Encourage open and well-maintained recreational areas for neighborhood residents.

### **G. SCHOOLS**

#### Existing Conditions

The Helena Flats School District draws from a three mile radius. The very northern portion of Helena Flats is located within the Columbia Falls School District.

Helena Flats School, located at the intersection of Helena Flats and Rose Crossing, offers classes K-8. The school's maximum capacity is 240 -250 students, depending on where increases occur. The pupil/teacher ratio varies from 12:1 to 28:1. Approximately 210 students are currently enrolled. The School also serves as a local community center for meetings, etc.

The Helena Flats School District does not provide any bussing. After eighth grade, students transfer over to the Kalispell Junior and Senior High Schools.

Valley Adventist Christian School is a private school located on Helena Flats Road within the Helena Flats neighborhood.

#### Goals

- Ensure the Helena Flats School is adequately staffed and maintained to serve students in the Helena Flats School District.
- Ensure safe access for all school children via a bike/pedestrian path.

#### Policies

- Encourage the maintenance of the Helena Flats School as a center for education and community activity.
- Encourage the Helena Flats School District to comment on school issues related to subdivisions in the Helena Flats School District.
- To lessen traffic throughout the Helena Flats Neighborhood, encourage residential growth in the southern end of the Helena Flats Neighborhood near the Helena Flats School at a higher density than other areas of Helena Flats farther from the Helena Flats School.
- Encourage the Board of County Commissioners to require all subdividers to provide easements to the extension of bike/pedestrian path's serving the Helena Flats area and the Helena Flats School.

### **H. ROADS**

#### Existing Conditions

The Flathead County Road Department is responsible for maintaining and snowplowing the public roads within Helena Flats. From south to north in Helena Flats, these public roads include:

- Rose Crossing
- Addison Square
- Capistrano Drive (portions)
- Helena Flats Road
- Aspen Lane
- Eid Lane (portions)
- Dirt Road (portions)
- Birch Grove Road

- Bayou Road (portions)
- Pioneer Road
- 

Many of the public roads within Helena Flats were built to minimal standards, never intended for long service or heavy traffic, and are now expensive to maintain. Additionally, most of the public roads are very narrow with little to no shoulder, and frequently they parallel deep ditches immediately adjacent to the road surface. The Flathead County Roads Department has conducted road counts in the area that reveal an increase in traffic in the last four years. The Supervisor of the Flathead County Roads Department has identified the following issues with the public roads in Helena Flats:

- Lack of Adequate Right-of-Way. Many of the roads have less than the required minimum 60' right-of-way. This inhibits expansion to accommodate proper drainage, utility access, and pedestrian facilities. Additionally, these roads often are not located in the center of the existing right-of-way.
- Lack of Pedestrian Facilities/Bike Trails. Due in part to the lack of adequate rights-of-way along these roads, there is also a lack of pedestrian facilities and bike trails.
- Lack of County Funding. Given Flathead County's countywide population and use demographics as compared to those for Helena Flats, only a very small portion of county road funding is spent on maintaining and plowing roads in Helena Flats.
- The Need for Better Standards for Private Driveway Encroachments onto County Roads. The County standards for private driveway encroachments onto county roads do not adequately address drainage and access issues.
- Building and Fence Setbacks. Buildings and fences are often located very close to the road surface, damaging snowplows and hindering maintenance.
- Increasing Traffic. The roads were not designed to handle increasing traffic, particularly from commercial and industrial uses.
- Subdivision Roads. Subdivision road requirements should require county-approved paved interior and access roads for minor subdivisions as well as major.

In addition to the public roads, there are also several miles of private roads, most of which are dirt surfaces, with characteristics otherwise similar to those described above.

A bike/Pedestrian trail has been completed. The trail will extend from the intersection of Rose Crossing and Helena Flats Road one mile north, south almost one mile to Reserve, and then angled over to Camelot Estates and Spring Creek, and one mile west to the railroad tracks.

#### Goals

- To improve pedestrian safety by constructing a pedestrian and bicycle pathway and mitigating unnecessary traffic through the Helena Flats neighborhood.
- To resolve the issues identified immediately above.
- To expand the bike trail, once constructed, first to areas south of Helena Flats/Eid Road, and then to areas further to the north within the Helena Flats neighborhood.

#### Policies

- To encourage the County to address and resolve the issues identified immediately above.

### **III. NATURAL RESOURCES**

#### **A. SURFACE WATERS**

##### Existing Conditions

The rivers and streams of the Helena Flats Neighborhood are important community assets. They supply aesthetic and recreational benefits, in addition to providing wildlife and fisheries habitat and refuge. Helena Flats residents recognize the value of these resources and wish to preserve their quality and character.

The two primary sources of surface water in the Helena Flats Neighborhood are the Flathead River and Spring Creek. The Flathead River flows from north to south and forms the eastern boundary of the Helena Flats Neighborhood. The water quality of the Flathead River is especially important due to the fact that it empties into Flathead Lake, which is listed as a high priority 303(d) list water body. There is concern that nutrient loading from the Flathead River may further contribute to the degradation of Flathead Lake. At present, the water quality of the River is good, but should be monitored as development increases to ensure that nutrients from Helena Flats and surrounding areas do not filter into the River and into Flathead Lake.

Spring Creek is a tributary of the Flathead River. It originates in, and flows through, the Helena Flats Neighborhood. The Creek empties into the Stillwater River and then into the Flathead River. From its point of origin to its terminus in the Stillwater River, Spring Creek spans a distance of eight miles. From 1988 to 1990 the Creek went through a series of improvements totaling approximately \$150,000. The improvements were needed because over the years, the water quality of the Creek was severely degraded by overgrazing, deposition from flooding of the nearby Flathead River, and urban development. The improvements made to the Creek, as well as presumably better management practices have restored the water quality of the Creek.

##### Goals

- Protect the quality of the various bodies of surface water in Helena Flats.
- Maintain the integrity of the shore land located in Helena Flats.

##### Policies

- Encourage the Board of County Commissioners to require subdividers to create a buffer next to streams, creeks, and rivers in Helena Flats to preserve water and shore land quality.
- Discourage impervious surfaces, the application of pesticides or fertilizers, or livestock facilities within the buffer.
- Improve water quality by minimizing erosion and sedimentation problems. Promote best management practices for any development adjacent to surface waters.
- Prevent increased storm water runoff from new development from adversely affecting surface water quality.

## **B. GROUND WATER**

### Existing Conditions

The groundwater quality in Helena Flats is vital to the well-being of its residents. It is equally important to the health of Flathead Lake as nutrients from the aquifer have the potential of being emptied into the Lake via the Flathead River. The aquifer serving Helena Flats extends from the mouth of Bad Rock Canyon to the confluence of the Stillwater and Flathead Rivers, bounded on the west by the Whitefish River and on the east by the Flathead River. The Helena Flats aquifer is very shallow as compared to other aquifers – ranging in depth from 2 to 12 feet below the ground.

A study done by the Flathead Lake Biological Station<sup>1</sup> indicates that the water quality in the area around Helena Flats is currently acceptable and has not deteriorated significantly. This is most likely attributable to the very high flow rate of the aquifer serving the Helena Flats area. Water travels in the aquifer from north to south at the rate of 15 to 20 feet per day (groundwater flow rates are generally measured in feet per year). While this high recharge rate seems able to support the current amount of development in Helena Flats, the effects downstream are of concern. There are many wells in the Helena Flats area less than 25 feet deep.

### Goals

- Provide and maintain an adequate, safe, ground water supply to the residents of Helena Flats.

### Policies

- Encourage the use of newer waste water systems that function more effectively, thereby minimizing groundwater pollution.
- Encourage the Board of County Commissioners to require subdividers to locate common sewer systems in the areas most suitable for such systems.
- Encourage monitoring the effect new development and waste water systems have on water resources.
- Encourage cluster development with common water and sewer systems.
- Discourage locating waste water systems within the 100-year floodplain.
- Prevent increased storm water runoff from new development from adversely affecting surface water quality.

## **C. WETLANDS**

### Existing Conditions

Wetlands are critical areas that affect water quality, wildlife, and community aesthetics. Wetlands also mitigate the impact of flood events. Helena Flats contains wetlands throughout the area. The wetlands were identified in the United States Fish and Wildlife National Wetlands Inventory (see Map 1).

### Goals

- Preserve existing wetlands located in the Helena Flats Neighborhood.

### Policies

- Prohibit construction activities within delineated wetlands.
- Discourage development that will have an impact on wetlands.
- Encourage the Board of County Commissioners to require subdividers to establish a buffer around all inventoried wetlands.
- Discourage impervious surfaces, the application of pesticides or fertilizers, or livestock facilities within the buffer.
- Encourage cluster development that preserves wetland areas as open space.

## **D. FLOODPLAINS**

### Existing Conditions

Development in areas prone to flooding can be very costly for residents and government. Due to the topography of Helena Flats, the vast majority of the area lies within the 500-year flood plain. A smaller portion of the area lies in the 100-year flood plain. 100-year and 500-year flood plains are identified on the 2000 Flathead County GIS map. (See Map 3).

### Goals

- Minimize the loss of property associated with a flood event in Helena Flats.
- Mitigate the negative environmental effects of a flood event.

### Policies

- Discourage construction activities within the 100-year flood plain.
- Encourage preservation of existing natural drainages.
- Encourage preservation of areas within the 100-year flood plain as open space.
- Discourage wells from being located within the 100-year flood plain.

## **E. NATURAL VEGETATION**

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<sup>1</sup> Craft, James A. and Bonnie K. Ellis, Flathead Lake Biological Station, University of Montana. *Groundwater Nutrient Assessment of Selected Shallow Aquifers in the North Flathead Valley and Flathead Lake Perimeter Area, Northwest Montana*. Open File Report Number 180-04. February 2004.

#### Existing Conditions

Woodlands are an aesthetic asset and serve as natural habitat for many forms of wildlife. Historically, the area that is Helena Flats contained substantially more trees than it does currently. However, there are a few areas that still contain mature trees.

#### Goals

- Encourage preservation of healthy trees and woodlands located throughout Helena Flats.

#### Policies

- Encourage developers to design building sites around existing, mature trees to the extent possible.
- Encourage developers to plant street trees along all roads within and bordering subdivisions.

### **F. AGRICULTURE**

#### Existing Conditions

At one point, Helena Flats was almost exclusively utilized for agriculture and ranching purposes. However, due to global changes in agricultural practices and economics, agriculture is not as viable as it once was. It is not uncommon for holders of agricultural land to need to convert their assets into cash. As a result there is a gradual shift from agriculture and ranching towards housing developments in the Helena Flats Neighborhood.

#### Goals

- To recognize that agriculture is changing in Helena Flats and individuals holding agricultural land need a reasonable amount of flexibility in order to manage their assets.
- To recognize that agricultural land holders in Helena Flats should not have to sell large portions of their land to meet obligations in hard economic times.
- Allow agricultural land holders the ability to develop areas of their land and continue farming.

#### Policies

- Recognize that the importance of farming shall not overshadow the right of a landowner to pursue other uses for their land.
- Encourage cluster development.
- Allow lands required to be held in open space as part of cluster development to be utilized for agricultural purposes.
- Occupants of housing and commercial development adjacent to agricultural land shall be aware of the right to farm on adjacent lands.

### **G. WEED CONTROL**

#### Existing conditions

Compared to the rest of Flathead County, the Helena Flats Neighborhood is relatively weed-free. There are some infestations of thistle and knapweed, however control is generally good. As tracts of property are converted from agricultural to residential use, weed infestation will increase and become an increasing danger in Helena Flats.

#### Goals

- Prevent future infestations of noxious weeds in Helena Flats.

#### Policies

- Encourage Flathead County to continue vigorous enforcement of the Montana Noxious Weed Act.
- Encourage private landowners to monitor their land regularly to aid in early detection of a noxious weed infestation and to work with the Weed Control Office to develop a weed control program.
- Encourage developers and landowners to adopt measures that will mitigate the proliferation of noxious weeds associated with development. Examples of such measures are: maintaining natural groundcover to the extent possible; and re-vegetating disturbed soil as soon as practicable.

### **H. WILDLIFE**

#### Existing Conditions

Helena Flats is home to a diverse array of wildlife. Whitetail deer, beaver, coyote, mink, muskrat, raccoon, red fox, river otter, striped skunk, various fish species, and various birds of prey all frequent the area. There have been occasional sightings of black bear, grizzly bear, mountain lion, elk, and moose; although these animals have grown increasingly rare. The residents of Helena Flats value the wildlife and want to preserve the existing wildlife and wildlife habitat.

#### Goals

- Encourage development that Preserves wildlife and wildlife habitat in Helena Flats.

#### Policies

- Encourage cluster developments that are designed in a manner that preserves wildlife habitat.
- Encourage cluster developments that are designed in a manner that preserves wildlife corridors.

## **IV. LAND USE CATEGORIES**

The land use categories are general descriptions of planned land uses. Each category has a range of densities or intensities of uses. The designations do not guarantee that a specific parcel will be approved for a particular zoning classification density of land use in the future. However, the general land use categories should be used, along with the applicable goals and policies to assist in providing a guide for land use decisions.

Designs for all land use categories should take into consideration the goals and policies of this plan and demonstrate compatibility with existing and planned adjacent land uses. These land use categories are geographically shown on Map 2.



**A. Residential Land Use Category**

The Residential category is intended for one single-family dwelling unit per one acre density. This category is situated closest to higher density uses in Evergreen and Kalispell and is more consistent with those land use patterns. Public infrastructure and service availability affect the intensity and density within this category. Local supporting public facility uses, such as neighborhood parks and schools, are also allowed within this category. Additionally, home occupations that are not vehicle destinations or dependent and cause increased vehicle traffic may be allowed, if appropriate. Multi-family residential, General commercial, industrial and mineral extractive/processing uses are not appropriate for the Residential Land Use Category.

**B. Rural Residential Land Use Category**

The Rural Residential category allows a maximum of one single-family residential dwelling unit per five gross acres. The Rural Residential Land Use category is intended to protect areas that are already developed and rural in character from encroachment and more intensive development. The predominate residential life-style is single-family homes on large lots, many including equestrian facilities. This intensity of use will also assist in minimizing environmental impacts on the shallow aquifer system and wildlife habitat. Agricultural uses are also compatible within this land use category as well as local supporting public facility uses, such as parks and schools. Multiple-family dwellings, commercial, industrial and mineral extractive/processing uses are not appropriate for the Rural Residential Land Use Category.

**C. Institutional Land Use Category**

The Institutional Land Use Category is intended to encourage public facilities serving the public health, safety, education and general welfare in locations that have existing community facilities. Such uses may include schools, daycare centers, churches, libraries and other facilities. Existing residential dwelling units are deemed to be compatible in this category. Multi-family, commercial and all industrial uses are not appropriate in the Institutional Land Use Category.

**D. General Commercial Land Use Category**

The general Commercial category allows for low intensity business and office professional development. Given the proximity to the rail line these developments should be clustered or grouped with shared access from U.S. Highway 2. General commercial uses should be developed in nodes or centers and not configured in a "Strip Commercial Pattern." These developments should be buffered with landscaping to minimize road noise and beautify the highway corridor.

**E. Extractive Commercial Land Use Category**

The Extractive Commercial Land Use Category is intended to support mineral extractive/processing uses in locations that have existing mineral extractive development and are readily accessible to U.S. Highway 2. All such uses should be bermed and buffered with landscaping to minimize noise and mitigate adjacent land uses.

**V. IMPLEMENTATION GUIDELINES FOR THE HELENA FLATS NEIGHBORHOOD PLAN**

**A. INCORPORATION IN MASTER PLAN OR GROWTH POLICY**

The Helena Flats Neighborhood Plan has been developed with the intention and expectation that it will be adopted by the Flathead County Commissioners as a part of the County's new Growth Policy. If the County's new Growth Policy is not adopted by the County before October 1, 2006, the Helena Flats Neighborhood Plan shall be adopted by the County as an amendment to the County's existing Master Plan as soon as possible after October 1, 2006.

The Helena Flats Neighborhood Plan sets forth goals and policies and specific land use guidelines to address current issues and avoid future development problems. This Neighborhood Plan takes into consideration property rights, future population, public facilities, natural resources and public input concerning the future of the Helena Flats neighborhood. Upon adoption, this Neighborhood Plan becomes a guide for future development and the foundation for local policies and regulations implementing the principles in the Neighborhood Plan.

Implementation of the Neighborhood Plan will result from cooperation and coordination among the public and private sectors to continue to create a desirable and healthy community. The following methods are means for implementing the Neighborhood Plan. Education and community awareness of the goals and policies of the Neighborhood Plan, as well as the desire of the residents to improve the quality of their community's environment, are the most effective instruments of change and should underlie all of the following implementation tools.

**B. PERIODIC REVIEW OF NEIGHBORHOOD PLAN**

The Helena Flats Neighborhood Plan is a living document requiring periodic review and revision to assure it continues to reflect the goals and desires of the residents within the Helena Flats area. A review of the Helena Flats Neighborhood Plan shall occur whenever the County's Growth Policy is reviewed, which is currently required by statute to be at least every five years. Among the conditions that will lead to a revision of the Neighborhood Plan are the following:

- The Neighborhood Plan no longer reflects the community's current goals and objectives;
- Existing characteristics and features of the neighborhood or portions of the neighborhood differ materially from the descriptions in the Neighborhood Plan;
- Conditions have materially changed so that projected trends in land use, population, housing needs, economic conditions, local services, natural resources, or other elements are no longer accurate;
- Experience with the Neighborhood Plan and the goals and policies, regulations and other measures employed to implement the Neighborhood Plan suggests the need to improve the clarity and effectiveness of the Neighborhood Plan.

**C. SUBDIVISION REVIEW**

One of the primary tools for implementing the Neighborhood Plan is the Flathead County Subdivision Regulations. Section 76-3-501, Montana Code Annotated, requires the governing body of every county, city and town to adopt and provide for the enforcement and administration of subdivision regulations governing the subdivision of land within their jurisdiction. Section 76-1-606, Montana Code Annotated, provides that when a growth policy (including a Master Plan) has been adopted by the local governing body, the subdivision regulations must be made in accordance with the adopted growth policy.

**D. HELENA FLATS LAND USE COALITION COMMITTEE**

The Helena Flats Land Use Coalition (HFLUC) is a Montana nonprofit organization. The HFLUC Committee is open to those who own or/and reside on property in the area and regularly attend meetings. The Committee shall serve as a liaison between the various county offices addressing land use and development and the residents of the Helena Flats Neighborhood. HFLUC does not serve in a decision-making role, but it will assist residents of the Helena Flats Neighborhood in assessing compliance of proposed subdivisions and developments with this Neighborhood Plan and other relevant County and State regulations, and in proceeding with updates to this Neighborhood Plan and the implementation of this Neighborhood Plan. Helena Flats Land Use Committee will serve in that capacity until a 7 member advisory committee for the Helena Flats Neighborhood Plan is appointed by the Flathead County Commissioners.

**E. ZONING**

Zoning is intended to ensure the adequate provision of land for uses and services, adequate air, light, privacy and safety in the development of property consistent with the goals and policies of the Neighborhood Plan. Impartial enforcement of zoning regulations with fair and unbiased consideration of individual hardship can be a creative and effective force in plan implementation. By protecting property values and maintaining confidence in private property investment, zoning can instill community and neighborhood pride.

While implementation of the Neighborhood Plan through the County’s subdivision regulations and subdivision review process will impact land development activities that constitute “subdivisions” subject to County review, it will not address land use or divisions of land that are not subject to County review and approval, including for example any changes in land use that do not require the subdivision of land or land divisions accomplished through a family transfer exemption from the subdivision regulations. The adoption of a neighborhood zoning ordinance, in accordance with the terms of this Neighborhood Plan, by contrast, would implement all terms of the Neighborhood Plan as they affect all property within the neighborhood, regardless of whether the change of use or other activity constituted a subdivision subject to County review.

Commissioner Brenneman made a **motion** to adopt Resolution 789Z. Commissioner Hall **seconded** the motion. **Aye** - Hall, and Brenneman. Motion carried by quorum.

**RESOLUTION NO. 789Z**

WHEREAS, the Helena Flats Land Use Coalition has petitioned for a revision to the Flathead County Master Plan by the adoption of the Helena Flats Neighborhood Plan as an addendum to the Flathead County Master Plan;

WHEREAS, the purpose of the change is to provide a formalized plan of the community’s vision for how growth should occur in its neighborhood and to serve as a guideline for developers and property owners wishing to develop their land, with goals and policies for the Helena Flats neighborhood that are based upon concerns expressed by the residents of the area, and covering approximately 4800 acres;

WHEREAS, the Flathead County Planning Board recommended that the Board of Commissioners adopt that amendment to the Flathead County Master Plan, as amended by the Flathead County Planning Board; 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 the adoption of the Helena Flats Neighborhood Plan as an addendum to the Flathead County Master Plan.

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 by August 26, 2005. The Board will consider whether to pass a final resolution adopting the Helena Flats Neighborhood Plan as an addendum to the Flathead County Master Plan after that date.

DATED this 21<sup>st</sup> day of July, 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  
Deputy

Commissioner Brenneman made a **motion** to approve the notice of passage and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. 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, pursuant to Section 76-1-601, M.C.A., it passed a Resolution of Intention (Resolution No. 789Z) on July 21, 2005, to consider a revision to the Flathead County Master Plan proposed by the Helena Flats Land Use Coalition.

The proposed revision involves the adoption of the Helena Flats Neighborhood Plan as an addendum to the Flathead County Master Plan. The Helena Flats Neighborhood Plan covers approximately 4,800 acres between U.S. Highway 2 on the West and the Flathead River on the East and between Rose Crossing on the South and Pioneer Road on the North. Documents relating to the request are available for public inspection at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, and at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana.

The Board of Commissioners will give the public an opportunity to comment in writing on the proposed amendment to the Flathead County Master Plan by the adoption of the Helena Flats Neighborhood Plan and will consider any written comments which are received in the Board's Office by August 26, 2005. The Board will consider whether to pass a final resolution adopting the proposed amendment after that date.

DATED this 21<sup>st</sup> day of July, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

By /s/Diana Kile  
Deputy

Publish on July 26 and August 2, 2005.

**11:00 a.m. Long Range Planning Task Force Educational & Outreach Committee meeting at the Earl Bennett Building**

**1:30 p.m. Commissioner Hall to attend the TAC meeting at the Kalispell MDOT Office**

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

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 22, 2005.

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**FRIDAY, JULY 22, 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.

**No meetings scheduled.**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 25, 2005.