
MONDAY, SEPTEMBER 19, 2005

The Board of County Commissioners 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,

Wallace Hill Best spoke to the commissioners on the new condominium development in Lakeside. He stated that they have done a wonderful job recently on landscaping. He stated that it is now the most attractive place on Highway 93. He is going to ask Eagle Transit to put one run a day to Lakeside. He supports the incorporation of Lakeside in cooperation with Somers, Bigfork and Evergreen.

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

MONTHLY MEETING W/ JIM ATKINSON, AOA

[9:03:57 AM](#)

Members present:

Commissioner Robert W. Watne PT
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 the Parade of Homes, recently applied for grants, the transportation development plan, union contract negotiations, funding from the federal fund and from the state legislature, the new programs that have to be started to receive some of the new funding,

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: DOELY ZONE CHANGE / AIRPORT WEST ZONING DISTRICT

[9:21:30 AM](#)

Members present:

Commissioner Robert W. Watne PT
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 notice of public hearing and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Watne, and Brenneman. Motion carried by quorum.

**MONDAY, SEPTEMBER 19, 2005
(Continued)**

NOTICE OF PUBLIC HEARING
AIRPORT WEST ZONING DISTRICT

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Roger Doely to change the zoning designation in a portion of the Airport West Zoning District from AG-80 (Agricultural) to AG-20 (Agricultural).

The boundaries of the area proposed to be changed from the AG-80 classification to the AG-20 classification are set forth on Exhibit "A".

The proposed change would not change the character of the zoning regulations applicable to the property. The agricultural character of the property, intended to protect and preserve agricultural land for the performance of a wide range of agricultural functions and to control the scattered intrusion of uses not compatible with an agricultural environment, including but not limited to residential development, would remain. However, the minimum lot size would be reduced from 80 acres to 20 acres.

The regulations defining the AG-80 and AG-20 Zones are contained in the Flathead County Comprehensive Zoning Regulations, on file for public inspection at the Office of the Clerk and Recorder in Permanent File number 93270 13500. The proposed amendment is on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana and the Flathead County Planning and Zoning Office, 1035 First Avenue West, Kalispell, Montana.

The public hearing will be held on the **11th day of October, 2005, at 10:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the Airport West Zoning District.

DATED this 19th day of September, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

By /s/Robert W. Watne PT
Gary D. Hall, Chairman

By /s/Kimberly Moser
Deputy

Publish on September 22 and September 29, 2005.

**EXHIBIT A
STAFF REPORT #FZC-05-23
LEGAL DESCRIPTION
DOELY ZONE CHANGE
AUGUST 24, 2005**

Location and Legal Description of Property:

The site proposed for the map amendment is located on the west side of Trumble Creek Road north Birch Grove Road. The subject property is legally described as Tract 3B in Section 9, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

TAX REFUND REQUEST: RUSSELL

9:22:37 AM

Members present:

Commissioner Robert W. Watne PT
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 tax refund request for Russell. Commissioner Watne **seconded** the motion. **Aye** - Watne, and Brenneman. Motion carried by quorum.

CONSIDERATION OF ADOPTION OF AMENDMENT TO INTERLOCAL AGREEMENT / WHITEFISH JURISDICTIONAL AREA TO CHANGE ZONING DEADLINE & RECOGNIZE CITY'S AUTHORITY TO ENFORCE COUNTY ZONING

9:45:37 AM

Members present:

Commissioner Robert W. Watne PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, John M Phelps, Jonathan Smith, Debbie Boreson

John Phelps explained the reason for the amendment being the deadline for The City of Whitefish to take over the zoning for Whitefish is coming up and some areas still have the county zoning and the City of Whitefish needs to be able to enforce that zoning until such time as they have changed the zoning to Whitefish.

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(Continued)**

Commissioner Brenneman made a **motion** to approve the Amendment No.1 to the Interlocal Agreement between the Flathead County and The City of Whitefish. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

CONSIDERATION OF SIA: ELK HIGHLANDS, PHASE 1

9:31:13 AM

Members present:
Commissioner Robert W. Watne PT
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 Subdivision Improvement Agreement for Elk Highland, Phase 1 and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Watne, and Brenneman. Motion carried by quorum.

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

9:33:36 AM

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

Commissioner Brenneman made a **motion** to approve the notice of public hearing and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Cottonwood Estates, LLC, to change the zoning designation on property located in the Evergreen and Vicinity Zoning District from SAG-10 (Suburban Agricultural) to R-3 (One Family Residential).

The boundaries of the area proposed to be changed from SAG-10 to R-3 are set forth on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to the property from those intended to protect and preserve agricultural land for the performance of limited agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential friction of uses will be minimized, and providing for estate type residential development, to those providing for urban residential development, with good thoroughfare access, in proximity to community and neighborhood facilities, i.e., schools, parks, shopping areas, etc., and normally requiring all public utilities. Minimum lot size would decrease from 10 acres in the SAG-10 classification to 10,000 square feet in the R-3 classification.

The regulations defining the SAG-10 and R-3 Zones are contained in the Flathead County Zoning Regulations on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 9327013500.

The public hearing will be held on the **11th day of October 2005, at 11:00 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the Evergreen and Vicinity Zoning District.

DATED this 19th day of September, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Robert W. Watne PT
Gary D. Hall, Chairman

ATTEST:
Paula Robinson, Clerk

By/s/Kimberly Moser

Deputy

Publish on September 22 and September 29, 2005.

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(Continued)**

COTTONWOOD ZONE CHANGE
REQUEST FOR ZONE CHANGE FROM SAG-10 to R-1
STAFF REPORT #FZC-05-17

Location and Legal Description of Property:

The property is located in the Evergreen and Vicinity Zoning District on the east side of Helena Flats Road roughly 1/2 mile north of the intersection with Highway 35. The subject properties maybe described as Lots 3A and 3AB of Section 34, Township 29 North, Range 21 West, P.M.M., all in Flathead County, Montana.

Discussion was held relative to the attempt to hook up to sewer lines.

CONSIDERATION OF RELEASE OF COLLATERAL: FOX HILL ESTATES, PHASE 2

[9:28:55 AM](#)

Members present:

Commissioner Robert W. Watne PT
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 release of collateral for Fox Hill Estates, Phase 2. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

CONSIDERATION OF EXTENSION REQUEST: HOILAND-DAY ACRES, LOT 13

[9:26:30 AM](#)

Members present:

Commissioner Robert W. Watne PT
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 30 day extension request for Hoiland-Day Acres, Lot 13. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

FINAL PLAT: SWAN JUNCTION, RESUBDIVISION OF LOT 1

[10:17:18 AM](#)

Members present:

Commissioner Robert W. Watne
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Clerk Kimberly Moser, Jeff Harris, Traci Sears-Tull, Anthony Welzenbach

Holland reviewed the application submitted by Swan Junction, Inc for final plat approval of the amended plat of Lot 1, Swan Junction Subdivision, which will create on commercial lot. The subdivision is located just north of the intersection of MT Highways 35, 82 and 83 (aka Streeter's Corner). Preliminary plat approval was granted on January 6, 2004, subject to twelve conditions. All conditions have been met.

Commissioner Brenneman made a **motion** to approve the final plat of the Amended Plat of Lot 1, Swan Junction Lodges Subdivision. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

PRELIMINARY PLAT: PAINTED HORSE RANCH

[10:32:36 AM](#)

Members present:

Commissioner Robert W. Watne
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Clerk Kimberly Moser, Traci Sears-Tull, Jeff Harris, Barry B Conger,

Holland reviewed the application submitted by Painted Horse Ranch, LLC for preliminary plat approval of Painted Horse Ranch Subdivision, a major subdivision that will create 12 single-family residential lots. The subdivision is proposed on 20.00 acres and will be served by community water & individual septic systems. The subdivision is located off of Mooring Road, just south of Elk Park Road. The property is unzoned. There are 16 conditions of approval. Staff recommends approval.

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Commissioners Brenneman questioned who would be responsible for the open areas.

Barry Conger explained that their will be a homeowners association who will own the land and maintain it.

Discussion was held relative to the possibility of paving Mooring Road.

Commissioner Brenneman made a **motion** to adopt Staff Report #FPP-05-41 as findings of fact. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

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

Commissioner Brenneman made a **motion** to approve the preliminary plat of Painted Horse Ranch subject to 18 amended conditions. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

CONDITIONS

1. The applicant shall obtain a variance to the road length limitation in Table 3 of Section 3.9 of the Flathead County Subdivision Regulations for the internal subdivision road. [Section 7.1, Flathead County Subdivision Regulations]
2. The private, internal subdivision road system shall consist of a 60-foot right-of-way, 20-foot paved travel surface, and a 55-foot radius cul-de-sac in compliance with Section 3.9 of the Flathead County Subdivision Regulations and shall be designed and certified by a licensed, professional engineer. [Section 3.9 B, FCSR]
3. The applicant shall receive physical addresses and name all roads in accordance with Flathead County Resolution #1626. The addresses and road names shall appear on the final plat. [Section 3.9(I)(7), FCSR]
4. A road identification sign and stop sign shall be installed at the intersection of the internal subdivision road and Mooring Road. [Section 3.9 (I)(8), FCSR]
5. The lot owners within the subdivision shall join a Road Users Agreement or Property Owners Association for the internal subdivision road, which will require each property owner to bear their pro-rata share for road maintenance of the private drive. [3.9(J)(3), FCSR]
6. The developer will dedicate a 15-foot bike/pedestrian easement on the Mooring Road frontage. [Section 3.18(A), FCSR]
7. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. [7-22-2116 M.C.A., Section 3.12(J), Flathead County Subdivision Regulations]
8. If required by the local postmaster, the developer shall provide a common mailbox facility in accordance with Flathead County Subdivision Regulations. [Section 3.22, FCSR]
9. New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the utility companies. [3.17 and 3.18, FCSR]
10. The proposed water and septic treatment systems for the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the State of Montana Department of Environmental Quality. [3.14(A) and 3.15(A), FCSR]
11. The applicant shall comply with fire suppression and access requirements of the Bad Rock Fire District. A letter from the fire chief stating that an agreement has been made shall be submitted with the application for Final Plat. [Section 3.20, FCSR]
12. The following conditions shall be placed on the face of the final plat applicable to all lots:
 - a. All addresses shall be visible from the road, and at the driveway entrance or on the house.
 - b. All utilities shall be placed underground.
 - c. Lot owners should be aware that they are living in a rural area of Flathead County and can expect extended response times for emergency services.
 - d. The Property Owners Association shall be responsible for maintenance of the road. Roads shall be maintained, including necessary repairs and snow removal, to ensure safe all-weather travel for two-way traffic.
 - e. Lot owners are responsible for the eradication and control of noxious weeds upon their property.
 - f. This subdivision is located in an agricultural area and potential nuisances such as noise, dust, odors, and irregular hours of operation are commonplace. As such, the right to farm on adjoining properties shall not be restricted as a result of the development or occupancy of this subdivision.
13. The following statement shall be placed on the face of the final plat:

_____ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes _____ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that _____ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. _____ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for _____ Subdivision [County Resolution 503-M]
14. All required improvements shall be completed in place or an improvement guarantee in accordance with Chapter 8 of the Flathead County Subdivision Regulations shall be provided by the subdivider, prior to final approval by the Flathead County Commissioners. [Chapter 8, FCSR]
15. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7 (E), FCSR]
16. Preliminary plat approval is valid for three years. [Section 2.5 (D)(6), FCSR]

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17. The applicant shall create a Homeowners Association and transfer title of the open space to the Homeowners Association upon final plat approval. (Commissioner comments with approval from applicant)
18. The applicant will work with the County Road Department to pave Mooring Road from Elk Park Road to the SW corner of the subdivision. (Commissioner comments with approval from applicant)

PRELIMINARY PLAT: MCCAFFERY WOODS SUBDIVISION

10:56:58 AM

Members present:

Commissioner Robert W. Watne
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Clerk Kimberly Moser, Jeff Harris, Tom Lewis, Sharon Lewis, Paula Wunderlich, Valerie McKay, Greg Davis, Barry Conger

Holland reviewed the application submitted by Lewis Family Trust for preliminary plat approval of McCaffrey Woods Subdivision, a major subdivision that will create seven single-family residential lots. The subdivision is proposed on 32.72 acres and will be served by individual water & septic systems. The subdivision is located off of McCaffrey Road, approximately two miles north of Bigfork. The property is in the Bigfork zoning district and is zoned SAG-5, Suburban Agricultural. There are 21 conditions of approval. Staff recommends approval.

Discussion was held relative to conditions 18 and ending the sentence after the word property, and to condition 14 changing the need for the developer to comply with reasonable conditions set by the Creston Fire Department.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP-05-35 as findings of fact. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

Discussion was also held relative to the 60 foot easement requirement on the access and utility easement. The commissioners agreed to a 40 foot easement changing condition 2.

Commissioner Brenneman made a **motion** to approve the preliminary plat of McCaffery Woods Subdivision subject to 21 amended conditions with the requested road length variance. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

CONDITIONS

1. The applicant shall obtain a variance to the road length limitation in Table 3 of Section 3.9 of the Flathead County Subdivision Regulations ~~shall be granted~~ for McCaffery Lookout Road and the 60-foot access and utility easement. [Section 7.1, Flathead County Subdivision Regulations]
2. The private, internal subdivision road shall consist of a 60-foot right-of-way, 20-foot paved travel surface, and 55-foot radius paved cul-de-sac. The access easement for Lots 1 6, and 7 shall consist of a 40-foot right of way and 20-foot paved travel surface. The right-of-way shall be extended to the eastern boundary of the lots. The road system shall be certified by a licensed, professional engineer. [Section 3.9 B, FCSR]
3. The applicant shall receive physical addresses and name all roads in accordance with Flathead County Resolution #1626. The addresses and road names shall appear on the final plat. [Section 3.9(I)(7), FCSR]
4. A road identification sign and stop sign shall be installed at the intersection of McCaffery Lookout Road and McCaffery Road. [Section 3.9 (I)(8), FCSR]
5. The lot owners within the subdivision shall join a Road Users Agreement or Property Owners Association for McCaffery Lookout Road, which will require each property owner to bear their pro-rata share for road maintenance of the private drive. [3.9(J)(3), FCSR]
6. All roads and driveways shall comply with road grade standards as outlined in the Flathead County Subdivision Regulations. [3.9, Table 2, FCSR]
7. Building sites must be located in areas with slopes that do not exceed 30%. [3.6(E), FCSR]
8. Only Class A and Class B fire resistant roofing materials are allowed. [3.21, FCSR]
9. Defensible Space Standards shall be incorporated around all primary structures as described in Appendix G of the Flathead County Subdivision Regulations.
10. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. [7-22-2116 M.C.A., Section 3.12(J), Flathead County Subdivision Regulations]
11. If required by the local postmaster, the developer shall provide a common mailbox facility in accordance with Flathead County Subdivision Regulations. [Section 3.22, FCSR]
12. New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the utility companies. [3.17 and 3.18, FCSR]
13. The proposed water and septic treatment systems for the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the State of Montana Department of Environmental Quality. [3.14(A) and 3.15(A), FCSR]
14. The applicant shall comply with reasonable fire suppression and access requirements of the ~~Bigfork~~ **Creston** Fire District. A letter from the ~~Bigfork~~ **Creston** Fire Chief stating that an agreement has been made shall be submitted with the application for Final Plat. [Section 3.20, FCSR]

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(Continued)**

15. The following conditions shall be placed on the face of the final plat applicable to all lots:
- a. All addresses shall be visible from the road, and at the driveway entrance or on the house.
 - b. All utilities shall be placed underground.
 - c. Lot owners should be aware that they are living in a rural area of Flathead County and can expect extended response times for emergency services.
 - d. The Property Owners Association shall be responsible for maintenance of the road. Roads shall be maintained, including necessary repairs and snow removal, to ensure safe all-weather travel for two-way traffic.
 - e. Lot owners are responsible for the eradication and control of noxious weeds upon their property.
 - f. Only Class A and Class B fire resistant roofing materials are allowed.
 - g. Defensible Space Standards shall be incorporated around all primary structures as described in Appendix G of the Flathead County Subdivision Regulations.
 - h. Lot owners are alerted to the presence of large and potentially dangerous wildlife in the area and are reminded that feeding deer and bear is illegal in Montana. They are encouraged to contact the Montana Department of Fish, Wildlife, and Parks to obtain information on safely living near wildlife and minimizing habitat impact, including:
 - i. Dogs must be kept under owner control at all times, either leashed or confined.
 - ii. Residents must use bear-proof garbage containers.
 - iii. Remove obvious sources of food.
 - iv. Compost piles are prohibited unless secured by electrical fencing.
 - v. Pets fed indoors or food dishes brought in at night.
 - vi. Place bird feeders out of the reach of deer and other big game.
16. The following statement shall be placed on the face of the final plat:
- _____ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes _____ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that _____ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. _____ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for _____ Subdivision [County Resolution 503-M]
17. Twenty acres of open space shall be shown on the face of the final plat. In accordance with Section 5.09 of the Flathead County Zoning Regulations, one single-family dwelling is permitted on the 20 acres in its entirety. [Section 5.09, FCSR]
18. *A covenant shall be recorded with the filing of any plat that establishes a cluster site. The covenant shall restrict the use of the required open space in a manner that includes the following:*
- A. Prohibition of any further divisions of land or change in use of the property.*
- B. Description of the intended use, management, and ownership of the open space.*
- [Section 5.09.020(8)(A), FCSR]*
19. All required improvements shall be completed in place or an improvement guarantee in accordance with Chapter 8 of the Flathead County Subdivision Regulations shall be provided by the subdivider, prior to final approval by the Flathead County Commissioners. [Chapter 8, FCSR]
20. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7 (E), FCSR]
21. Preliminary plat approval is valid for three years. [Section 2.5 (D)(6), FCSR]

PRELIMINARY PLAT: CROWN JEWEL ESTATES

[11:20:24 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, Jeff Harris, Warren McConkey, Harry Woll, Pete Woll, Joe Matulevich

Harris reviewed the application submitted by Warren & Betty McConkey for preliminary plat approval of Crown Jewel Estates, a major subdivision that will create 27 single-family residential lots. The subdivision is proposed on 40.00 acres and will be served by individual septic systems. The subdivision is located off of Lower Valley Road, just north of Montana Highway 82. The property is unzoned. There are 17 conditions of approval. Staff recommends approval.

Joe Matulevich reviewed the amended plat that has been submitted.

Commissioner Brenneman made a **motion** to deny the preliminary plat of Crown Jewel Estates based upon groundwater and density concerns. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

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

TUESDAY, SEPTEMBER 20, 2005

The Board of County Commissioners 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 September 21, 2005.

WEDNESDAY, SEPTEMBER 21, 2005

The Board of County Commissioners 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.

PUBLIC HEARING: KНИЕVEL ZONE CHANGE / BIGFORK ZONING DISTRICT

[9:31:13 AM](#)

Members present:

Commissioner Robert W. Watne PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, BJ Grieve, Kurt Knievel, Russ Miller, Scott Hollinger

Grieve reviewed Staff Report FZC-05-09.

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

Kurt Knievel the applicant of the zone change stated that the presentation made by staff is accurate. He stated that the property has been in the family for well over fifty years, and it is intended to supplement the retirement income.

Scott Hollinger stated that this land is right on the edge of town and this is just kind of a fix to an original problem of not having zoning for Bigfork.

No one else rising to speak Commissioner Watne PT closed the public hearing.

Commissioner Brenneman stated for the record that an access needs to be considered from Bigfork Stage Road directly west. He stated that if any more of these are planned for Bigfork Stage Road someone needs to come up with a plan for a connector to Highway 35.

Commissioner Brenneman made a **motion** to adopt Resolution 956BR. Commissioner Watne **seconded** the motion. **Aye** - Watne, and Brenneman. Motion carried by quorum.

RESOLUTION NO. 956 BR

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 21st day of September, 2005, concerning a proposal by Kurt Knievel to change the zoning designation in a portion of the Bigfork Area Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on August 22 and August 29, 2005;

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

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

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby adopts the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board and, in accordance with Section 76-2-205(4), M.C.A., adopts this resolution of intention to change the zoning designation in a portion of the Bigfork Area Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural), that area being described on Exhibit "A" hereto.

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

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

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

DATED this 21st day of September, 2005.

**WEDNESDAY, SEPTEMBER 21, 2005
(Continued)**

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

KNEIVEL ZONE CHANGE
REQUEST FOR ZONE CHANGE FROM SAG-10 TO SAG-5
STAFF REPORT #FZC-O5-09

Location and Legal Description of Property:

The property is located at 1055 Bigfork Stage Road and contains approximately 20 acres. That portion of the South 1/2 of the North 1/2 of the Southwest 1/4 of Section 30, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana. Shown as Parcel B of Certificate of Survey No. 16588.

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

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION
BIGFORK AREA ZONING DISTRICT

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No. 956BR) on September 21, 2005, to change the zoning designation in a portion of the Bigfork Area Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural).

The boundaries of the area proposed to be amended from SAG-10 to SAG-5 are set forth on Exhibit "A".

The proposed change would change the character of the zoning regulations applicable to the property which, in both SAG-10 and SAG-5 districts, are intended to protect and preserve agricultural land for the performance of limited agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential friction of uses will be minimized, and providing for estate type residential development, by reducing the minimum lot size from 10 acres to five acres.

The regulations defining the SAG-10 and SAG-5 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500.

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

DATED this 21st day of September, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

By/s/Kimberly Moser

Deputy

By/s/Robert W. Watne PT
Gary D. Hall, Chairman

Publish on September 26 and October 3, 2005.

KNEIVEL ZONE CHANGE
REQUEST FOR ZONE CHANGE FROM SAG-10 TO SAG-5
STAFF REPORT #FZC-O5-09

Location and Legal Description of Property:

The property is located at 1055 Bigfork Stage Road and contains approximately 20 acres. That portion of the South 1/2 of the North 1/2 of the Southwest 1/4 of Section 30, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana. Shown as Parcel B of Certificate of Survey No. 16588.

Commissioner Brenneman made a **motion** to adopt Staff Report FZC-05-09 as findings of fact. Commissioner Watne **seconded** the motion. **Aye** - Watne, and Brenneman. Motion carried by quorum.

**WEDNESDAY, SEPTEMBER 21, 2005
(Continued)**

PUBLIC HEARING: OTT ZONE CHANGE / WEST SIDE ZONING DISTRICT

9:44:42 AM

Members present:

Commissioner Robert W. Watne PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Clerk Kimberly Moser, Kirsten Holland, Jeff Harris, Sandy Ott

Holland reviewed Staff Report FZC-05-15.

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

Sandy Ott the owner of the property stated this zone change would allow them to do a family transfer.

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

Commissioner Brenneman made a **motion** to adopt Staff Report FZC-05-15 as findings of fact. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve Resolution 678AN. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

RESOLUTION NO. 678 AN

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 21st day of September, 2005, concerning a proposal by to change the zoning designation in a portion of the West Side Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on September 10 and September 17, 2005;

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

WHEREAS, the Board of Commissioners reviewed the recommendation of the Kalispell City-County Planning Board regarding the proposed change in the West Side Zoning District.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(4), M.C.A., hereby adopts this resolution of intention to change the zoning designation in a portion of the West Side Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural), that area being described on Exhibit A hereto.

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

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

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

DATED this 21st day of September, 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

**WEDNESDAY, SEPTEMBER 21, 2005
(Continued)**

JAMES AND SANDRA OTT
ZONE CHANGE FROM SAG-10 to SAG-5
STAFF REPORT #FZC-05-15

Location and Legal Description of Property:

The site proposed for the map amendment is located on the northwest corner of the intersection of Two Mile Drive and West Springcreek Road. The area included in the proposal can be legally described as Tract 1E in Section 10, Township 28 North, Range 22 West, P.M.M, Flathead County, Montana. Location maps are included for reference.

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

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No. 678 AN on September 21, 2005, to change the zoning designation in a portion of the West Side Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural).

The boundaries of the area proposed to be amended from SAG-10 to SAG-5 are set forth on Exhibit A hereto.

The proposed change would change the character of the zoning regulations applicable to the property which, in both SAG-10 and SAG-5 districts, are intended to protect and preserve agricultural land for the performance of limited agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential friction of uses will be minimized, to a residential district intended to provide estate type development, by reducing the minimum lot size from 10 acres to five acres.

The regulations defining the SAG-10 and SAG-5 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500.

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

DATED this 21st day of September, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

By/s/Robert W. Watne PT
Gary D. Hall, Chairman

By/s/Kimberly Moser
Deputy
Publish on September 26 and October 3, 2005.

JAMES AND SANDRA OTT
ZONE CHANGE FROM SAG-10 to SAG-5
STAFF REPORT #FZC-05-15

Location and Legal Description of Property:

The site proposed for the map amendment is located on the northwest corner of the intersection of Two Mile Drive and West Springcreek Road. The area included in the proposal can be legally described as Tract 1E in Section 10, Township 28 North, Range 22 West, P.M.M, Flathead County, Montana. Location maps are included for reference.

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

10:01:34 AM

Members present:

Commissioner Robert W. Watne PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Clerk Kimberly Moser, Kirsten Holland, Jeff Harris, Doug Grob, Mary Stevens

Holland reviewed Staff Report FZC-05-16.

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

Doug Grob speaking in favor of the zone change as a co-applicant stated that this lot is inaccessible by Mrs. Stevens without this zone change. He stated that this works for what they wanted and that there is no land change whatsoever.

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

Commissioner Brenneman made a **motion** to adopt Staff Report FZC-05-16 as findings of fact. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

WEDNESDAY, SEPTEMBER 21, 2005
(Continued)

Commissioner Brenneman made a **motion** to adopt Resolution 797DO. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

RESOLUTION NO. 797 DO

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 6th day of September, 2005, to consider a request by Mary Stevens, to change the zoning designation on property located in the Evergreen and Vicinity Zoning District from R-1 (Suburban Residential) to R-2 (One-Family Limited Residential);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on September 10 and September 17, 2005;

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

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

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby finds that the proposed master plan amendment, if adopted, will ensure that the requested zone change complies with the master plan, adopts the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board and, in accordance with Section 76-2-205(4), M.C.A., hereby adopts this resolution of intention to change the zoning designation on property located in the Evergreen and Vicinity Zoning District from R-1 (Suburban Residential) to R-2 (One-Family Limited Residential), that area being described on Exhibit "A" hereto.

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

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

BE IT FURTHER RESOLVED that if forty per cent (40%) of the freeholders in the Evergreen and Vicinity Zoning District protest the proposed change, then the change will not be adopted.

DATED this 21st day of September, 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

STEVENS ZONE CHANGE
REQUEST FOR ZONE CHANGE FROM R-1 to R-2.
STAFF REPORT #FZC-05-16

Location and Legal Description of Property:

The property is located in the Evergreen & Vicinity Zoning District on the south side of West Reserve Drive approximately 1/2 mile west of U.S. Highway 2. The subject properties may be described as Tracts 5F and 5FAA in Section 33, Township 29 North, Range 21 West, P.M.M., all in Flathead County, Montana. The subject properties are also known as 102 West Reserve Drive and 113 Ardell Drive.

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

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No. 797DO) on September 21, 2005 to change the zoning designation on property in the Evergreen and Vicinity Zoning District from R-1 (Suburban Residential) to R-2 (One-Family Limited Residential).

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

The proposed change would generally change the character of the zoning regulations applicable to the property from a residential district, with a minimum lot size of one acre, intended to provide estate type development, normally located in rural areas away from concentrated urban development, or in areas where it is desirable to permit only low density development, e.g., extreme

WEDNESDAY, SEPTEMBER 21, 2005
(Continued)

topography, areas adjacent to flood plains, airport runway alignment extension, etc., to a residential district, with a minimum lot size of 20,000 square feet, intended to provide for large tract development, in suburban areas, beyond sanitary sewer and/or water lines.

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

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

DATED this 21st day of September, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

By/s/Robert W. Watne PT
Gary D. Hall, Chairman

By/s/Kimberly Moser
Deputy

Publish on September 26 and October 3, 2005.

STEVENS ZONE CHANGE
REQUEST FOR ZONE CHANGE FROM R-1 to R-2.
STAFF REPORT #FZC-05-16

Location and Legal Description of Property:

The property is located in the Evergreen & Vicinity Zoning District on the south side of West Reserve Drive approximately 1/2 mile west of U.S. Highway 2. The subject properties may be described as Tracts 5F and 5FAA in Section 33, Township 29 North, Range 21 West, P.M.M., all in Flathead County, Montana. The subject properties are also known as 102 West Reserve Drive and 113 Ardell Drive.

PRELIMINARY PLAT: AVERI HILL SUBDIVISION

10:14:53 AM

Members present:

Commissioner Robert W. Watne PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Kirsten Holland, Rick Goacher, Neal Smith

Holland reviewed the application submitted by David Edgell for preliminary plat approval of Averi Hill Subdivision, a minor Subdivision that will create four residential lots. The subdivision is proposed on 40.00 acres and will be served by individual water & septic systems. The property is located off of MT Highway 35 on LaBrant Road, approximately five miles north of Bigfork. The property is in the Scenic Corridor otherwise the site is unzoned. There are 15 conditions of approval.

Commissioner Brenneman made a **motion** to adopt Staff Report FSR-05-56 as findings of fact. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

Rick Goacher stated that they would like to have condition 1 changes to not require a certified engineer to design and certify the internal subdivision road.

The commissioners did not agree.

Commissioner Brenneman made a **motion** to approve the preliminary plat of Averi Hill Subdivision subject to 15 conditions and noting the ownership name change. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

CONDITIONS

1. The private internal subdivision road will be constructed with a 60-foot right of way, 20-foot hard drive surface, and a 55-foot radius cul-de-sac in compliance with Section 3.9 of the Flathead County Subdivision Regulations and shall be designed and certified by a licensed, professional engineer. One hundred and fifty feet of the access road will be paved. [Section 3.9 B, FCSR]
2. The developer shall obtain and or show proof of a completed approach permit from the Flathead County Road Department for all accesses to La Brant Road, indicating the approaches have been built and received final inspection. [Section 3.8(A), FCSR]
3. The applicant shall receive physical addresses and name the private road in accordance with Flathead County Resolution #1626. The addresses and road name shall appear on the final plat. [Section 3.9(I)(7), FCSR]

WEDNESDAY, SEPTEMBER 21, 2005
(Continued)

4. A road identification sign and stop sign shall be installed at the intersection of the private internal subdivision road and La Brant Road. [Section 3.9 (I)(8), FCSR]
5. The lot owners within the subdivision shall join a Road Users Agreement or Property Owners Association for the internal subdivision road, which will require each property owner to bear his or her pro-rata share for road maintenance of the private drive. [3.9(J)(3), FCSR]
6. The developer shall contact the local postmaster to confirm area mail delivery and establish an appropriate location for mailbox placement in accordance with Flathead County Subdivision Regulations [Section 3.22 FCSR].
7. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with a plan approved by the County Weed Department. [Section 3.12(J), FCSR]
8. The subdivision lots shall be reviewed and approved by the Flathead City-County Health Department and the Montana Department of Environmental Quality for individual sewer and water facilities and storm water management. [Sections 3.14(A) and 3.15(A), FCSR]
9. The applicant shall comply with reasonable fire suppression and access requirements of the Creston Rural Fire District. A letter from the Fire Chief stating that an agreement has been made shall be submitted with the application for Final Plat. [Section 3.20, FCSR]
10. New electrical and telephone utilities shall be extended underground to abut and be available to each lot in accordance with Flathead County Subdivision Regulations. Utility plans shall be approved by the applicable utility companies. [Sections 3.17 and 3.18 FCSR].
11. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a) All addresses will be visible from the road, and at the driveway entrance or on the house. [3.20(D), FCSR]
 - b) All utilities will be placed underground. [3.17(A), FCSR]
 - c) Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed. [3.12(J), FCSR]
 - d) All driveways will have a 10% maximum grade to ensure access by emergency vehicles. [Section 3.6 E FCSR]
 - e) Only Class A and Class B fire resistant roofing materials are allowed. [Section 3.21 F]
 - f) Defensible Space Standards shall be incorporated around all primary structures as described in Appendix G of the Flathead County Subdivision Regulations. [Section 3.21 F]
12. The following statement shall appear on the face of the final plat:

Waiver of Protest - Special Improvement District
_____ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes _____ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that _____ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. _____ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for _____ Subdivision [County Resolution 503-M]
13. Except as modified above, the subdivision shall comply with Chapter 3 of the Flathead County Subdivision Regulations. [Chapter 3, FCSR]
14. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]
15. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: CLARIFICATION OF SOLID WASTE FEES FOR DISPOSAL OF FRIABLE ASBESTOS

10:34:24 AM

Members present:

Commissioner Robert W. Watne PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jonathan Smith, Charlie Johnson, Tammy Skramosky

No protests were received by the Clerk and Records Office.

Commissioner Brenneman made a **motion** to adopt Resolution 1876A. Commissioner Watne **seconded** the motion. **Aye** - Watne, and Brenneman. Motion carried by quorum.

RESOLUTION NO. 1876 A

WHEREAS, the Board of Directors of the Flathead County Solid Waste Management District requested approval, from the Board of Commissioners of Flathead County, Montana, of a clarification of the method by which the charges for disposal of friable asbestos are imposed;

WHEREAS, the Board of Commissioners adopted a Resolution of Intention (Resolution No. 1876) on the 22nd day of August, 2005, stating its intention to clarify that charging for disposal of friable asbestos by volume is more appropriate than weight because

**WEDNESDAY, SEPTEMBER 21, 2005
(Continued)**

friable asbestos needs special handling at the landfill in that it may not be compacted, in order that the containers in which it is brought to the landfill will not be broken and that, as a result of the special handling required and the increased volume of landfill space used, charging by volume for friable asbestos, at \$10.00 per cubic yard plus heavy equipment charges of \$75.00 per hour, with a 0.5-hour minimum, more accurately reflects the landfill's costs in disposing of it; and

WHEREAS, the Board of Commissioners has not received protests from more than fifty percent (50%) of the family residential units in the District, and deems the proposed clarification to be necessary and appropriate.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Flathead County, Montana, that it hereby approves the clarification of the method by which the charges for disposal of friable asbestos are imposed.

BE IT FUTHER RESOLVED, by the Board of Commissioners of Flathead County, Montana, that it approves charging for disposal of friable asbestos by volume, at \$10.00 per cubic yard plus heavy equipment charges of \$75.00 per hour, with a 0.5-hour minimum, effective immediately.

DATED this 21st day of September, 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

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT 06-07-5-31-005-5

[10:35:33 AM](#)

Members present:

Commissioner Robert W. Watne PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jonathan Smith, Charlie Johnson, Tammy Skramovsky

Commissioner Brenneman made a **motion** to approve DPHHS contract #06-07-5-31-005-5 and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Watne, and Brenneman. Motion carried by quorum.

CONSIDERATION OF RELEASE OF COLLATERAL: FARMLAND ACRES

[10:37:12 AM](#)

Members present:

Commissioner Robert W. Watne PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jonathan Smith, Charlie Johnson, Tammy Skramovsky

Commissioner Brenneman made a **motion** to approve the release of collateral for Farmland Acres. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: HEALTH PLAN AMENDMENT #4

[10:38:15 AM](#)

Members present:

Commissioner Robert W. Watne PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jonathan Smith, Charlie Johnson, Tammy Skramovsky

Commissioner Brenneman made a **motion** to approve Health Plan Amendment #4. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

**WEDNESDAY, SEPTEMBER 21, 2005
(Continued)**

CONSIDERATION OF HR TRANSMITTAL FORM: OA III / COUNTY ATTORNEY'S OFFICE

10:38:55 AM

Members present:

Commissioner Robert W. Watne PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jonathan Smith, Charlie Johnson, Tammy Skramovsky

Commissioner Brenneman made a **motion** to approve the HR Transmittal form for the OAIII position in the County Attorney's Office. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

CONSIDERATION OF ADOPTION OF RESOLUTION: ADOPT-A-ROAD PROGRAM

10:39:41 AM

Members present:

Commissioner Robert W. Watne PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jonathan Smith, Charlie Johnson, Tammy Skramovsky

Commissioner Brenneman made a **motion** to adopt Resolution 1887. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

RESOLUTION NO. 1887

WHEREAS, the Montana Department of Transportation has successfully operated an Adopt A Highway Program under which groups agree to keep portions of roadsides free of litter on an ongoing basis without cost to the State of Montana;

WHEREAS, it has been suggested that Flathead County initiate a similar program with respect to County roads and attempt to recruit groups to keep roadsides in the County free of litter; and

WHEREAS, the Board of Commissioner of Flathead County has determined that initiation of such a program is appropriate.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that an Adopt A Road program is hereby initiated in Flathead County under which groups may agree, at no cost to the County, to keep portions of Flathead County roadsides free of litter.

BE IT FURTHER RESOLVED that the officer of groups that volunteer to be part of the Adopt A Road program shall sign an application for participation or renewal with the County on the form set forth on Exhibit A attached hereto.

BE IT FURTHER RESOLVED that the officers of groups whose application for participation in the Adopt A Road program is approved, shall execute an agreement on the form set forth on Exhibit B attached hereto.

BE IT FURTHER RESOLVED that the officer of groups that volunteer to be part of the Adopt A Road program shall present the safety briefing to all participants based upon the information set forth on Exhibit C attached hereto.

BE IT FURTHER RESOLVED that the officer of groups that volunteer to be part of the Adopt A Road program shall present a briefing to all participants on the Montana Department of Transportation flyer known as "Bag It, Move It, or Leave It" set forth on Exhibit D attached hereto.

Dated this 21st day of September, 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

**WEDNESDAY, SEPTEMBER 21, 2005
(Continued)**

PERSONELL MATTER

[10:45:57 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, Jonathan Smith, David Ortley, Tammy Skramovsky, Lori Tolar, Michelle Butts

Discussion was held relative to a grievance with the sick leave pool.

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

The commissioners requested that Jonathan Smith contact Lori Tolar to find out what remedy she is asking for and whether an agreement as to the remedy to be applied could be reached.

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

12:00 p.m. Commissioners Brenneman to attend the DUI Task force meeting at The Summit

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

THURSDAY, SEPTEMBER 22, 2005

The Board of County Commissioners 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,

Mike Fraser spoke on behalf of the Quarter Circle Neighborhood Plan. He stated that they had meetings with the planning staff and with the Bigfork Advisory Committee who unanimously approved the plan. He also stated that there was strong neighborhood support. He stated that the planning board's motion to approve failed 5-3. He stated that there was some confusion at the planning board due to the criteria it was reviewed under. He also stated that the plan would make stricter guidelines for development. He urged the commissioner to support this plan.

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

FINAL PLAT: OSPREY RIDGE

[9:05:12 AM](#)

Members present:

Commissioner Robert W. Watne PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Eric Giles, Jeff Larsen, Ardis Larsen

Giles reviewed the application submitted by Larsen Engineering & Surveying, Inc, PC for final plat approval of Osprey Ridge, a five-lot residential subdivision. The property is located north of Spring Creek Road and West of Highway 93. Preliminary plat approval was granted on December 22, 2004 subject to 8 conditions. All conditions have been met. Staff recommends approval.

Commissioner Brenneman made a **motion** to approve the final plat of Osprey Ridge Subdivision. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

FINAL PLAT: EAST VALLEY ESTATES

[9:19:05 AM](#)

Members present:

Commissioner Robert W. Watne PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Eric Giles, Rick Swan

**THURSDAY, SEPTEMBER 22, 2005
(Continued)**

Giles reviewed the application submitted by Thomas, Dean & Hoskins, Inc for final plat approval of East Valley Estates, a seventeen-lot residential subdivision. The property is located west of Montford road and north of Holt Stage. Preliminary plat approval was granted on February 1, 2005, subject to 15 conditions. All conditions have been met or otherwise addressed. Staff recommends approval.

Commissioner Brenneman made a **motion** to approve the Subdivision Improvement Agreement. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the final plat of East Valley Estates. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

BOARD APPOINTMENTS: OPEN CUT MINING ADVISORY COUNCIL

[9:36:55 AM](#)

Members present:

Commissioner Robert W. Watne PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Gary Krueger, Brett Fisher, Jed Fisher

Discussion was held relative to the term limits and what the objective of the council would be.

Commissioner Brenneman made a **motion** to continue this meeting until such time as guidelines for the council have been created. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

CONSIDERATION OF IMPLEMENTATION OF ECONOMIC PACKAGE / EAGLE TRANSIT

[9:30:20 AM](#)

Members present:

Commissioner Robert W. Watne PT
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 implementation of the economic package for Eagle Transit effective September 18, 2005. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

CONSIDERATION OF EXTENSION REQUEST: ISLAND LAKE ESTATES

[9:47:09 AM](#)

Members present:

Commissioner Robert W. Watne PT
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 30 day extension request for Island Lake Estates. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: RED FOX RUN ROAD NAMING

[9:48:14 AM](#)

Members present:

Commissioner Robert W. Watne PT
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 notice of public hearing and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

**THURSDAY, SEPTEMBER 22, 2005
(Continued)**

NOTICE OF PUBLIC HEARING

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

A road generally running southwesterly off Kienas Road and located in the South ½ of the Northwest ¼ of Section 18, Township 28 North, Range 22 West and in the South ½ of the Northeast ¼ of Section 13, Township 28 North Range 23 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **11th day of October, 2005, at 10:15 A.M.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of **RED FOX RUN**.

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

Dated this 22nd day of September, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Robert W. Watne PT
Gary D. Hall, Chairman

ATTEST:
Paula Robinson, Clerk

By/s/Kimberly Moser
Kimberly Moser, Deputy

Publish on September 27 and October 4, 2005.

CONSIDERATION OF HR TRANSMITTAL FORM: FT PROGRAM ASSISTANT I / HEALTH DEPT

[9:27:02 AM](#)

Members present:
Commissioner Robert W. Watne PT
Commissioner Joseph D. Brenneman
Members absent:
Chairman Gary D. Hall
Others present:
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the HR Transmittal form for the FT Program Assistant 1 for the Health Department. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: CDBG CONTRACT #EDPG-05-15

[9:28:02 AM](#)

Members present:
Commissioner Robert W. Watne PT
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 CDBG contract #EDPG-05-15 and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

CONSIDERATION OF PRINTING BIDS: HEALTH DEPT

[9:32:23 AM](#)

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

**THURSDAY, SEPTEMBER 22, 2005
(Continued)**

Commissioner Brenneman made a **motion** to approve the bid submitted by Northstar Printing for 7,000 Influenza Vaccine Administration Record for \$135.00, 500 Prescriptions for \$76.00, 1,000 Interagency referral forms. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the bid submitted by Great Northern Printing for 5,000 Inactivated Influenza Vaccine – What you need to know for \$150.00, and 2 sets of 500 business cards for \$19.95 each. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the bid submitted by Insty Prints for 2,000 Reproductive Health Appointment Cards for \$68.00. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

PUBLIC HEARING: ROAD ABANDONMENT #436 (OFF OF BROWN'S MEADOW ROAD)

[10:06:02 AM](#)

Members present:

Commissioner Robert W. Watne PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Charlie Johnson

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

No one present to speak Commissioner Watne PT closed the public hearing.

Commissioner Brenneman made a **motion** to approve Road Abandonment #436 subject to the conditions listed on the viewers report. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

PUBLIC HEARING: ROAD ABANDONMENT #437 (BLK 1, SUNNY SLOPE SUBDIVISION)

[10:08:15 AM](#)

Members present:

Commissioner Robert W. Watne PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Peter Steele, Charlie Johnson

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

No one else rising to speak Commissioner Watne PT closed the public hearing.

Commissioner Brenneman made a **motion** to continue this public hearing until October 12th at 10:30 on advise of the County Attorney's office. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

PUBLIC HEARING: RSID #138 / PRELIMINARY LEVEL OF SPECIAL ASSESSMENTS

[10:40:25 AM](#)

Members present:

Commissioner Robert W. Watne PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

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

No one present to speak Commissioner Watne PT closed the public hearing.

Commissioner Brenneman made a **motion** to adopt Resolution 1710G and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

RESOLUTION NO. 1710G

RESOLUTION RELATING TO RURAL SPECIAL IMPROVEMENT DISTRICT NO. 138; FINAL LEVY OF SPECIAL ASSESSMENTS ON PROPERTY WITHIN THE DISTRICT FOR THE PURPOSE OF FINANCING THE COST OF CERTAIN LOCAL IMPROVEMENTS

**THURSDAY, SEPTEMBER 22, 2005
(Continued)**

BE IT RESOLVED by the Board of County Commissioners of the County of Flathead (the "County"), Montana, as follows:

Section 1. The District; the Improvements. The County has created a Rural Special Improvement District (the "District") pursuant to under Montana Code Annotated, Title 7, Chapter 12, Part 21, as amended (the "Act"), denominated Rural Special Improvement District No. 138 (the "District"), and undertaken certain local improvements (the "Improvements") to benefit property located therein. The Improvements have been substantially completed and the total costs of the Improvements are \$523,000, including all incidental costs.

Section 2. The Bonds. The County has pursuant to the Act issued its rural special improvement district bonds drawn on the District, denominated "Rural Special Improvement District No. 138 Bonds," in the original aggregate principal amount of \$523,000 (the "Bonds"), to finance costs, including incidental costs, of the Improvements. The Bonds are payable primarily from special assessments to be levied against property in the District.

Section 3. Method of Assessment. (a) Pursuant to Resolution No. 1710, adopted by this Board on April 28, 2004, and which constitutes the resolution of intention to create the District, this Board determined to levy special assessments to pay the costs of the Improvements on the basis or bases therein provided as authorized by the Act.

(b) This Board hereby ratifies and confirms that the assessment of costs of the specific Improvements against the properties benefitted thereby as prescribed by the resolution of intention are equitable and in proportion to and not exceeding the special benefits derived from the respective Improvements by the lots, tracts and parcels to be assessed therefor within the District, and the special assessments levied by this resolution are in accordance with the methods and do not exceed the amounts prescribed by the resolution of intention.

Section 4. Public Hearing; Objections. This Board, on September 7, 2005, adopted Resolution No. 1710S, pursuant to which this Board declared its intention to levy and assess the special assessments in the District. Notice of passage of the resolution was duly published and mailed in all respects in accordance with law, and on September 22, 2005, this Board conducted a public hearing on the levying and assessment of the special assessments.

This Board has considered the objections, if any, submitted to the proposed assessments and other comments made at the public hearing. This Board has determined [not] to modify any of the special assessments appearing in the proposed assessment roll attached as Exhibit A to such resolution [if modifications made, briefly explain].

Section 5. Final Levy of Assessments. The special assessments for the costs of the Improvements shall be levied and assessed against properties in the District in accordance with the method of assessments referred to in Section 3. Such assessments shall be payable over a term not exceeding 20 years, each in equal semiannual installments of principal and yearly maintenance, plus interest, or equal semiannual payments of principal, yearly maintenance fees, and interest. Property owners shall have the right to prepay the special assessments as provided by law.

The special assessments shall bear interest from September 15, 2005 until paid at an annual rate equal to the Interest Rate (as hereinafter defined), as such may change from time to time, plus penalties and interest for delinquent installments as provided by law. As used herein, "Interest Rate" means, as of the date of determination, the sum of (i) the average interest rate payable on the Bonds then outstanding plus (ii) one-half of one percent (0.50%) per annum. The Interest Rate shall be determined in August of each fiscal year so long any Bonds are outstanding and shall apply to the outstanding installments of the special assessments not delinquent. If no Bonds are outstanding, but special assessments remain unpaid and are not delinquent, the Interest Rate shall be equal to the Interest Rate as most recently determined. The initial Interest Rate for the fiscal year ending June 30, 2006 shall be 5.32265% (4.82265% plus 0.50%) per annum.

The special assessments shall be levied against the lots, tracts and parcels in the respective amounts listed on Exhibit A to this resolution (which is hereby incorporated herein and made a part hereof). Exhibit A contains a description of each lot, tract or parcel of land to be assessed, the name of the owner, if known, the total amount of the special assessment levied against each lot, tract or parcel, the amount of each partial payment of the special assessment, and the day when each such partial payment shall become delinquent.

Section 6. Certification of Assessments. A copy of this resolution, including Exhibit A hereto, certified by the County Clerk and Recorder shall be delivered to the County Treasurer within two days after the adoption hereof.

Section 7. Further Actions. Officers of the County are further authorized and directed to take all actions as may be required by law to assure that the special assessments levied by this resolution are duly certified, assessed and collected in accordance with law.

ADOPTED by the Board of County Commissioners of the County of Flathead, Montana, this 22nd day of September, 2005.

/s/Robert W. Watne PT

Chair

Attest:

/s/Kimberly Moser, Deputy

County Clerk and Recorder

EXHIBIT A

[final assessment roll]

please see permanent file Resolution #1710G in the Clerk and Recorder's Office for a complete final assessment roll

**THURSDAY, SEPTEMBER 22, 2005
(Continued)**

PRELIMINARY PLAT: HOILAND DAY ACRES, LOT 13

10:45:21 AM

Members present:

Commissioner Robert W. Watne PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Eric Giles, Ralph Ross, Peggy Mathiason, Rick Breckenridge

Giles reviewed the application submitted by Ralph Ross Jr & Yvonne E Ross for preliminary plat approval of the Resubdivision of Lot 13, Hoiland-Day Acres Subdivision, a minor subdivision creating two single-family residential lots. The subdivision is proposed on 1.36 acres. The subdivision is located east of Highway 2, on Harmony Road. The property is in the Evergreen Zoning District and is zoned R-2. There are 8 conditions of approval.

Commissioner Brenneman made a **motion** to adopt Staff Report FSR-05-45 as findings of fact. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the preliminary plat of the Resubdivision of Lot 13, Hoiland-Day Acres Subdivision subject to 8 conditions including the requested variance. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

CONDITIONS:

1. A variance shall be granted for the length to width ratio.
2. The subdivision shall comply with all the provisions of the Flathead County Subdivision Regulations, whether or not they are specifically mentioned in the staff report.
3. The following statements shall be placed on the face of the final plat applicable to all lots:
 - All addresses shall be visible from the road, either at the driveway entrance or on the structure. [3.20 (D), FCSR]
 - All new utilities shall be extended underground. [3.17 (A), FCSR]
 - Waiver of Protest - Special Improvement District
_____ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes _____ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that _____ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. _____ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for _____ Subdivision [County Resolution 503-M]
4. New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the utility companies. [3.17 and 3.18, FCSR]
5. The lots within the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the State of Montana Department of Environmental Quality. [3.14(A) and 3.15(A), FCSR]
6. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7 (E), FCSR]
7. Preliminary plat approval is valid for three years. [Section 2.5 (D)(6), FCSR]
8. The following statement shall appear on the face of the final plat:

CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT & NOTICE OF PASSAGE: QUARTER CIRCLE LA RANCHES NEIGHBORHOOD PLAN

10:59:08 AM

Members present:

Commissioner Robert W. Watne PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jeff Harris, Eric Giles, Mike Fraser, Ralph Ross, Mahlon Randall, Justin Haveman, Ron Bunker, Treg Miller, George Darrow, Elna Darrow, Van Kirke Nelson, Doug Averill, Ann forkner, Craig Wagner, Pat Wagner, Janet Loranger, Dona Loranger, Phil Hanson, C Fred Lawler, J Wayne Shirley, Clarice Ryan, Dave Hanson, Joe Cassette, Julie Cassetta, Russ Miller, Jim Fagan II, Gary Ridderhoff, Carole James, Robert Nystuen

**THURSDAY, SEPTEMBER 22, 2005
(Continued)**

Harris reviewed Staff Report FPMA-05-05.

Mike Fraser stated the community is well aware of the plan. He stated that this is the first step in setting the framework for a long term project. He encouraged the commissioners to pass the Resolution of Intent

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

RESOLUTION NO. 789AB

WHEREAS, Quarter Circle LA Ranches has requested a revision to the Flathead County Master Plan by amending the Bigfork Area Land Use Plan by allowing for cluster development and preservation of open space on the property with a Planned Unit Development overlay. The zoning designation is currently SAG-5 and would not change;

WHEREAS, the Flathead County Planning Board failed to make a recommendation to the Board of Commissioners when it considered the proposed change; and

WHEREAS, the Flathead County Board of Commissioners has reviewed the proposal and determined that the proposed amendment to the Flathead County Master Plan and Bigfork Land Use 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 amending the Bigfork Area Land Use Plan to change the designation on property near Bigfork, described as the South ½ of Section 31 and the Southwest ¼ of Section 32, Township 27 North, Range 19 West and the North ½ of Sections 5 and 6, Township 26 North, Range 19 West, P.M.M., Flathead County, Montana, to allow for cluster development and preservation of open space on the property with a Planned Unit Development overlay. The zoning designation is currently SAG-5 and would not change.

BE IT FURTHER RESOLVED that the Board of Commissioners will give the public an opportunity to comment in writing on the proposed master plan amendment and will consider any written comments which are received in the Board's Office prior to October 25, 2005. The Board will consider whether to pass a final resolution adopting the proposed amendment to the Flathead County Master Plan and the Bigfork Area Land Use Plan after that date.

DATED this 22nd day of September, 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

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

Commissioner Brenneman made a **motion** to approve the notice of passage and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Watne 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 it passed a Resolution of Intention (Resolution No. 789AB) on September 22, 2005, to consider a revision to the Flathead County Master Plan by amending the Bigfork Area Land Use Plan, an addendum to the Flathead County Master Plan, as proposed by Quarter Circle LA Ranches.

The proposed amendment would allow for cluster development and preservation of open space on the property with a Planned Unit Development overlay. The zoning designation is currently SAG-5 and would not change. The properties proposed for amendment are in the South ½ of Section 31 and the Southwest ¼ of Section 32, Township 27 North, Range 19 West and the North ½ of Sections 5 and 6, Township 26 North, Range 19 West, P.M.M., Flathead County, Montana. Documents related to the proposal are on file at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, and at the Flathead Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, where they may be examined by the public.

The Board of Commissioners will give the public an opportunity to comment in writing on the proposed amendment to the Flathead County Master Plan and will consider any written comments which are received in the Board's Office prior to October 25, 2005. The Board will consider whether to pass a final resolution adopting the proposed amendment after that date.

DATED this 22nd day of September, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana
By /s/Robert W. Watne PT
Gary D. Hall, Chairman

ATTEST:
Paula Robinson, Clerk
By /s/Kimberly Moser, Deputy
Publish on September 27 and October 4, 2005.

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

FRIDAY, SEPTEMBER 23, 2005

The Board of County Commissioners 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 September 26, 2005.