

Notice: These minutes are paraphrased and reflect the proceedings of the Board of Commissioners. MCA 7-4-2611(2) (b).

MONDAY, APRIL 28, 2014

[Audiofile](#)

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairperson Holmquist, Commissioner Scott and Krueger, and Clerk Robinson were present.

Chairperson Holmquist led the Pledge of Allegiance.

Chairperson Holmquist opened public comment on matters within the Commissions' Jurisdiction.

Leslie Gray stated she came before them several months ago to discuss the issue of Blacktail Mountain Road, and her concerns regarding the lack of law enforcement in the area. She again spoke about increased traffic in the area as the Forest Service has opted to open gated trails there to allow ATV's and motorcycles. Gray explained there are plenty of illegal trails and now they are adding 52 miles of legal trails. She stated 15 years ago they added ski trails yet didn't add additional law enforcement. She further spoke about a possible MOU between law enforcement agencies involved. She asked the commission to look at what could be done to increase the presence of law enforcement in the Lakeside/Blacktail Mountain area.

No one else rising to speak, Chairperson Holmquist closed the public comment period.

OPEN BIDS: DUST COST SHARE PROGRAM 2014/ ROAD DEPARTMENT

9:15:00 AM

Present: Chairperson Pamela J. Holmquist, Commissioner Gary D. Krueger, Assistant Mike Pence, Public Works Director Dave Prunty, Deputy County Attorney Tara Fugina, Deputy County Attorney David Randall, Stephen Warmoth, Tina VandeVede, Clerk Kile

Absent: Commissioner Calvin L. Scott

Bids received with bid bonds enclosed from:

W.E. Dust Control	\$1.0097	Total Bid \$281,884.00
Montana Dust Control, LLC	\$1.068	Total Bid \$298,159.97
Lyman Dust Control Services	\$1.038	Total Bid \$289,784.69

Commissioner Krueger made a **motion** to take the bids under advisement. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

CONSIDERATION OF REQUEST FOR DECLARATION OF SURPLUS PROPERTY: SHERIFF'S OFFICE

9:27:00 AM

Present: Chairperson Pamela J. Holmquist, Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Deputy County Attorney David Randall Clerk Kile

Absent: Commissioner Calvin L. Scott

Commissioner Krueger made a **motion** to approve the document for signature/ surplus property Sheriff's Office. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

PUBLIC HEARING: EAGLE CREEK, LLC ZONE CHANGE/ BLANCHARD LAKE ZONING DISTRICT

9:30:00 AM

Present: Chairperson Pamela J. Holmquist, Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Deputy County Attorney David Randall, Planner Erik Mack, Clerk Kile

Absent: Commissioner Calvin L. Scott

Mack entered into record FZC 13-04; an application submitted by Eagle Creek LLC with technical assistance from Sands Surveying for a zone change in the Blanchard Lake Zoning District. The 39.8 acre parcel is located at 125 Studebaker Lane and is currently zoned AG-20 Agricultural. The applicant wishes to split the property into two additional tracts and to zone the property SAG-10 that would allow for 10 acre density.

Chairperson Holmquist opened the public hearing to anyone wishing to speak in regards to the Eagle Creek, LLC Zone change request. No one rising to speak, Chairperson Holmquist closed the public hearing.

Commissioner Krueger asked Planner Erik Mack if either of the roads affecting the subdivision were controlled by DNRC.

Mack stated they are not.

Commissioner Krueger made a **motion** to adopt Findings of Fact. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

Commissioner Krueger made a **motion** to adopt Staff Report FZC 13-04. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

Commissioner Krueger made a **motion** to adopt Resolution 966AB. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

MONDAY, APRIL 28, 2014
(Continued)

RESOLUTION NO. 966AB

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 28th day of April, 2014 concerning a proposal by Eagle Creek, LLC, to change the zoning designation in a portion of the Blanchard Lake Zoning District from AG-20 (Agricultural) to SAG-10 (Suburban Agricultural);

WHEREAS, notice of that hearing was posted for at least 45 days prior to the public hearing and published pursuant to Section 76-2-205(1), M.C.A., on April 14 and April 21, 2014;

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 Blanchard Lake Zoning District.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby adopts the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board, and, in accordance with Section 76-2-205(4), M.C.A., hereby adopts this resolution of intention to change the zoning designation on a portion of the Blanchard Lake Zoning District from AG-20 (Agricultural) to SAG-10 (Suburban Agricultural), that area being described as the boundaries of Tracts 6AA, located in Section 14, township 30 North, Range 22 West, P.M.M., Flathead County, Montana and more particularly described as follows:

The Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 14, township 30 North, Range 22 West, P.M.M., Flathead County, Montana

TOGETHER WITH Road and Utility Easement recorded March 18, 1994, document No. 1994-077-15410, records of Flathead County, Montana

The property is located at 125 Studebaker Lane, Whitefish, MT, containing 39.8 acres.

BE IT FURTHER RESOLVED that notice of the passage of this resolution, stating the boundaries of the portion of the Blanchard Lake 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 Blanchard Lake 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 Blanchard Lake 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 Blanchard Lake Zoning District protest the proposed change in said districts, then the change will not be adopted.

DATED this 28th day of April, 2014.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Pamela J. Holmquist
Pamela J. Holmquist, Chairman

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

By/s/Absent
Calvin L. Scott, Member

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

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. 966AB) on April 28, 2014 to change the zoning designation in a portion of the Blanchard Lake Zoning District from AG-20 (Agricultural) to SAG-10 (Suburban Agricultural).

The boundaries of the areas proposed to be changed from the AG-20 classification to the SAG-10 classification are described as the boundaries of Tracts 6AA, located in Section 14, township 30 North, Range 22 West, P.M.M., Flathead County, Montana and more particularly described as follows:

The Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 14, township 30 North, Range 22 West, P.M.M., Flathead County, Montana

TOGETHER WITH Road and Utility Easement recorded March 18, 1994, document No. 1994-077-15410, records of Flathead County, Montana

The property is located at 125 Studebaker Lane, Whitefish, MT, containing 39.8 acres.

The proposed change would generally change the character of the zoning regulations applicable to the property from a district 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, to a district 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. The AG-20 classification has a minimum lot size of 20 acres; a change to SAG-10 would result in a minimum lot size of 10 acres.

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(Continued)

The Flathead County Zoning Regulations defining the AG-20 and SAG-10 Zones are on file for public inspection at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, and on the Flathead County Planning and Zoning Office's website, at: <http://flathead.mt.gov/downloads/documents>. Documents related to the proposed amendment are also on file for public inspection at the Office of the Clerk and Recorder and at the Flathead County Planning and Zoning Office.

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 Blanchard Lake 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 28th day of April, 2013.

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Pamela J. Holmquist
Pamela J. Holmquist, Chairman

Publish on May 1 and May 8, 2014.

CONSIDERATION OF ADOPTION OF RESOLUTION: AUTHORIZE SPECIAL DEPUTY COUNTY ATTORNEY TO ACT ON SECURITIES CASE

9:45:00 AM

Present: Chairperson Pamela J. Holmquist, Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Deputy County Attorney David Randall, County Attorney Office Administrator Vicki Eggum, Clerk Kile

Absent: Commissioner Calvin L. Scott

Commissioner Krueger made a **motion** to adopt the resolution authorizing special deputy county attorney to act on behalf of Flathead County. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: CDBG PLANNING GRANT PROPERTY APPRAISAL/ GATEWAY COMMUNITY CENTER

9:47:00 AM

Present: Chairperson Pamela J. Holmquist, Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Deputy County Attorney David Randall, Grant Writer Debbie Pierson, Clerk Kile

Absent: Commissioner Calvin L. Scott

Commissioner Krueger made a **motion** to approve the document for signature/ CDBG planning grant property appraisal at Gateway Community Center. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: HEALTH BENEFIT PLAN AMENDMENT 2014

9:48:00 AM

Present: Chairperson Pamela J. Holmquist, Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, H. R. Director Tammy Skramovsky, Clerk Kile

Absent: Commissioner Calvin L. Scott

Skramovsky summarized the health benefit plan amendments that would be effective July 1, 2014.

Commissioner Krueger made a **motion** to approve the document for signature/ Health Benefit Plan Amendment. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #13-07-5-31-027-0 AMENDMENT NO. 3

9:50:00 AM

Present: Chairperson Pamela J. Holmquist, Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney David Randall, Clerk Kile

Absent: Commissioner Calvin L. Scott

Commissioner Krueger made a **motion** to approve the document for signature/ DPHHS #13-07-5-31-027-0 Amendment No. 3. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: SERVICE PROVIDER DESIGNATION FORM/ CHEMICAL DEPENDENCY SERVICES

9:51:00 AM

Present: Chairperson Pamela J. Holmquist, Commissioner Gary D. Krueger, Assistant Mike Pence, Clerk Kile

Absent: Commissioner Calvin L. Scott

Commissioner Krueger made a **motion** to approve the document for signature/ service provider designation form. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

MONDAY, APRIL 28, 2014
(Continued)

PRELIMINARY PLAT: BLAINE CREEK ESTATES, AMENDED PLAT OF LOT 5 OF AMENDED PLAT OF LOTS 3, 4 AND 5

10:00:00 AM

Present: Chairperson Pamela J. Holmquist, Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney David Randall, Planner Alex Hogle, Planner Erik Mack, Steve Lamb, Clerk Kile

Absent: Commissioner Calvin L. Scott

Hogle entered into record FPP 13-07, Amended Plat of Lot 5 of Amended Plat of Lots 3, 4 and 5, Blaine Creek Estates; a major subdivision application submitted by Steve Lamb for a major subdivision that would create one additional 20 acre residential lot located at 207 Mennonite Church Road. Hogle noted no outstanding concerns pertaining to the subdivision have been noted, and the Planning Board forwarded a favorable recommendation of approval with 18 conditions of approval.

Commissioner Krueger made a **motion** to adopt Findings of Fact. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

Commissioner Krueger made a **motion** to approve the staff report with conditions and approve preliminary plat of FPP 13-07. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

Conditions:

1. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626C. All road names shall appear on the final plat. Street addressing shall be approved by Flathead County. [Section 4.7.16(g)(iv), 4.7.26(c) Flathead County Subdivision Regulations (FCSR)]
2. The applicant shall comply with all reasonable fire suppression and access requirements of the Creston Fire District. A letter from the fire chief stating the plat meets the applicable requirements of the district shall be submitted with the application for final plat. [Section 4.7.26(b), FCSR]
3. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved and implemented shall be submitted with the final plat. [Section 4.7.13(g) and 4.7.25, FCSR]
4. All utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Section 4.7.23, FCSR]
5. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed as applicable by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [Section 4.7.13, 4.7.20, 4.7.22 FCSR]
6. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the applicant has met their requirements shall be included with the application for final plat. [Section 4.7.28, FCSR]
7. In order to assure the provisions for collection and disposal of solid waste, the developer shall submit a letter from the applicable solid waste contract hauler stating that the hauler is able to provide service to the proposed subdivision. [Section 4.7.22, FCSR]
8. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
9. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All road names shall be assigned by the Flathead County Address Coordinator and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c), FCSR]
 - b. All utilities shall be placed underground. [Section 4.7.23, FCSR]
 - c. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
 - d. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.22, FCSR]
 - e. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.25, FCSR]
10. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i), M.C.A.]
11. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.0.16 FCSR]
12. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.1.13 FCSR]
13. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. Extension requests to the preliminary plat approval shall be made in accordance with the applicable regulations and following associated timeline(s). [Section 4.1.11 FCSR]
14. The common shared portion of the shared access and its approach shall be constructed and paved to applicable County standards to provide for safe all-season ingress and egress of vehicles. [Section 4.7.16 FCSR]
15. To ensure a proper maintenance mechanism is in place for the common shared portion of the shared access and its approach onto Mennonite Church Road, a Road Users' Agreement requiring each property owner to bear their pro-rata share for road maintenance shall be submitted prior to final plat. [Section 4.7.15(e) FCSR]
16. An approach permit for the shared access shall be obtained from the Flathead County Road and Bridge Department and submitted prior to final plat. [Section 4.7.16 FCSR]
17. The wetlands within and adjacent to Blaine Creek shall be shown and labeled as a 'No Build Zone' on the face of the final plat. [Section 4.7.10 FCSR]
18. The entire delineated SFHA 100-year floodplain within the subdivision boundary and its elevation shall be shown and labeled as a 'No Build Zone' on the face of the final plat. [Sections 4.7.5(a & d) and 4.7.9 FCSR]

MONDAY, APRIL 28, 2014
(Continued)

CONSIDERATION OF LAKESHORE PERMIT: CROSS, FLP 14-22

10:05:00 AM

Present: Chairperson Pamela J. Holmquist, Commissioner Gary D. Krueger, Deputy County Attorney Tara Fugina, Deputy County Attorney David Randall, Planner Erik Mack, Clerk Kile

Absent: Commissioner Calvin L. Scott

Mack reviewed the Lakeshore Permit application submitted by Ratelle and Laura Cross to construct a retaining wall and walkway and to replace an existing timber stairway at 250 Sunny Slope Road on Flathead Lake.

Commissioner Krueger made a **motion** to approve Lakeshore Permit/ Cross FLP 14-22. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

CONSIDERATION OF LAKESHORE PERMIT: EVANS, FLP 14-27

10:06:00 AM

Present: Chairperson Pamela J. Holmquist, Commissioner Gary D. Krueger, Deputy County Attorney Tara Fugina, Deputy County Attorney David Randall, Planner Erik Mack, Clerk Kile

Absent: Commissioner Calvin L. Scott

Mack reviewed the Lakeshore Permit application submitted by Michael and Leigh Evans to construct a stacked stone retaining wall within the Lakeshore Protection Zone at 696 and 698 Echo Lake Road on Echo Lake.

Commissioner Krueger made a **motion** to approve Lakeshore Permit/ Evans FLP 14-27. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

CONSIDERATION OF LAKESHORE PERMIT: STEWARD, FLP 14-28

10:07:00 AM

Present: Chairperson Pamela J. Holmquist, Commissioner Gary D. Krueger, Deputy County Attorney Tara Fugina, Deputy County Attorney David Randall, Planner Erik Mack, Clerk Kile

Absent: Commissioner Calvin L. Scott

Mack reviewed the Lakeshore Permit application submitted by Lance and Joan Steward to extend an existing concrete boat ramp from the average high water elevation waterward at 297 Lake Blaine Drive on Lake Blaine.

Commissioner Krueger made a **motion** to approve Lakeshore Permit/ Steward, FLP 14-28. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

CONSIDERATION OF LAKESHORE PERMIT: TANNER, FLP 14-21

10:08:00 AM

Present: Chairperson Pamela J. Holmquist, Commissioner Gary D. Krueger, Deputy County Attorney Tara Fugina, Deputy County Attorney David Randall, Planner Erik Mack, Clerk Kile

Absent: Commissioner Calvin L. Scott

Mack reviewed the Lakeshore Permit application submitted by Ron Tanner to replace an existing retaining wall at 1162 Echo Lake Road on Echo Lake.

Commissioner Krueger made a **motion** to approve Lakeshore Permit / Tanner FLP 14-21. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: PROPERTY DAMAGE LIEN RELEASE FROM GREAT WEST/ EAGLE TRANSIT

10:15:45 AM

Present: Chairperson Pamela J. Holmquist, Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Eagle Transit Director James Boyd, Clerk Kile

Absent: Commissioner Calvin L. Scott

Boyd reported on March 9, 2014 a 53 foot tractor trailer tried to make a 25 foot turn and rear ended a bus causing over \$3,400 in damages. An e-mail dated April 23, 2014 from Kim Thomas with Western States Insurance stated she is fine with the county signing off on the property damage release.

Commissioner Krueger made a **motion** to approve the document for signature/ property damage release for Eagle Transit. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

AUTHORIZATION TO PUBLISH CALL FOR BIDS: FAIRGROUNDS INFRASTRUCTURE, PHASE 1

10:17:14 AM

Present: Chairperson Pamela J. Holmquist, Commissioner Gary D. Krueger, Assistant Mike Pence, Clerk Kile

Absent: Commissioner Calvin L. Scott

Commissioner Krueger made a **motion** to authorize publication of Call for Bids/ Fairgrounds Infrastructure, Phase 1. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

**MONDAY, APRIL 28, 2014
(Continued)**

**ADVERTISEMENT FOR BIDS
FAIRGROUNDS – PHASE 1
INFRASTRUCTURE LOT IMPROVEMENTS
FLATHEAD COUNTY, MONTANA**

The Flathead County Board of Commissioners will receive sealed bids for all labor, materials and equipment necessary for construction of the Fairgrounds, Phase 1 Infrastructure Improvements. Bids will be received by the County Clerk & Recorder until **9:30 a.m. MST** on the **19th** day of **May, 2014**, at which time bids will be publicly opened and read aloud.

WORK TO BE PERFORMED WILL INCLUDE:

Work generally includes: The installation of an 8" water main, 8" sewer main, 8", 15" & 18" stormwater drain, a hydrodynamic vortexing separator; the relocation of an existing natural gas line; and reconstruction of a new parking/driving area near the Office and Expo Building.

Bids shall be addressed to the Flathead County Clerk & Recorder, 800 South Main, Room 302, Kalispell, Montana 59901, and must be sealed and entitled "**FAIRGROUNDS, PHASE 1 INFRASTRUCTURE IMPROVEMENTS**". All bidders shall possess an appropriate Montana Contractor's License and no contract shall be awarded to any bidder unless he or she is the holder of a license in the class within which the value of the project falls. The bidder's Montana Contractor's License number and address shall appear on the sealed bid envelope.

Plans, Specifications, Bidding and Contract Forms may be inspected at the office of the Consulting Engineer - Carver Engineering; 1995 Third Ave. East; Kalispell, Montana 59901. Copies of these documents may be obtained at the office of Carver Engineering upon payment of \$100.00 (non-refundable) for each complete set.

All bids offered shall be accompanied by a check payable to the Flathead County Treasurer, certified by a responsible bank, or a Bid Bond for an amount which shall not be less than ten (10%) percent of the aggregate of said proposal. The Bids shall, in open session, be publicly opened and examined and declared the same; provided, however, that no Bid shall be considered unless accompanied by said check or Bid Bond. The County may reject any and all Bids should it deem this for the public good, and also the Bid of any party who has been delinquent or unfaithful in any former contract with the County, and shall reject all Bids, other than the lowest regular bid of any responsible bidder, and may award the Contract for such work or improvement to the lowest responsible bidder at the prices named in his or her bid.

The checks or Bid Bonds of the three (3) low responsible bidders accompanying such accepted Bids shall be held by the County until the Contract for doing said work, as hereinafter provided, has been entered into, whereupon said checks or Bid Bonds shall be returned to said bidders. If the lowest responsible bidder fails, neglects, or refuses to enter into the contract to perform said work or improvements, as hereinafter provided, then the check or Bid Bond accompanying his or her bid, and the amount therein mentioned, shall be declared to be forfeited to the County. After a Contract is awarded, the successful bidder will be required to furnish a Performance and Payment Bond in the amount of one-hundred (100%) percent of the Contract.

No bidder may withdraw his bid for at least sixty (60) days after the scheduled time for receipt of bids.

Bidders on the work will be required to comply with Montana Prevailing Wage Rates. It is incumbent upon each employer to pay, as a minimum, the rate of wages including fringe benefits for health and welfare and pension contributions, and travel allowance provisions, provided in the most current Prevailing Wage Rates. Bidders on the project will also be required to pay the State's 1% Contractor's withholding tax.

Attention is called to the "Instructions to Bidders" on file with the Plans and Specifications, which instructions are to be followed in all respects. All Proposals shall be submitted on the forms provided in the Specifications and shall not be removed from the bound copy.

The successful bidder will be required to comply with "Flathead County Independent Contractor Requirements" included with these bidding documents and specifications.

Award of the Contract will be made solely by issuance of a Notice of Award to the successful bidder by the Office of the Flathead County Clerk and Recorder

Dated this 28th day of April, 2014.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Pamela J. Holmquist
Pamela J. Holmquist, Chairman

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Publish on May 1, May 8 & May 15, 2014.

CONSIDERATION OF PRINT BID: COUNTY ATTORNEY'S OFFICE

10:17:52 AM

Present: Chairperson Pamela J. Holmquist, Commissioner Gary D. Krueger, Assistant Mike Pence, Clerk Kile

Absent: Commissioner Calvin L. Scott

Chairperson Holmquist read into the record that Masters Touch was the low bidder for 5,000 #10 regular envelopes with a printed return address for \$155.00 for the County Attorney's Office.

Commissioner Krueger made a **motion** to award the print bid to Masters Touch. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

MONDAY, APRIL 28, 2014
(Continued)

BOARD APPOINTMENT: WHITEFISH CITY-COUNTY PLANNING BOARD

10:18:00 AM

Present: Chairperson Pamela J. Holmquist, Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Deputy County Attorney David Randall, Clerk Kile

Absent: Commissioner Calvin L. Scott

Commissioner Krueger made a **motion** to appoint Theodore Roosendahl to Whitefish City-County Planning Board. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

Commissioner Scott: Lifesavers Conference in Nashville, TN

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 29, 2014.

TUESDAY, APRIL 29, 2014

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairperson Holmquist, Commissioner Scott and Krueger, and Clerk Robinson were present.

Commissioner Scott: Lifesavers Conference in Nashville, TN

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 30, 2014.

WEDNESDAY, APRIL 30, 2014

Audiofile

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairperson Holmquist, Commissioner Scott and Krueger, and Clerk Robinson were present.

Chairperson Holmquist led the Pledge of Allegiance.

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

CONSIDERATION OF ADOPTION OF RESOLUTION: ESTABLISH FIRE SEASON 2014

10:45:00 AM

Present: Chairperson Pamela J. Holmquist, Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Clerk Kile

Absent: Commissioner Calvin L. Scott

General discussion was held relative to establishing the fire season and on-line burn permits.

Commissioner Krueger made a **motion** to adopt Resolution 2384. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

RESOLUTION NO. 2384

WHEREAS, The Board of Commissioners, Flathead County, Montana, has the authority, pursuant to Section 7-33-2205, M.C.A., to establish fire seasons annually, during which no person may ignite or set any forest fire, slash burning fire, land-clearing fire, or debris burning fire within areas of the County which they so designate, without the individual or other person desiring to ignite or set any of the above mentioned fires, having obtained an official written permit for such a fire from the recognized protection agency for that protection area;

WHEREAS, burning permits are typically required during the May 1 through September 30 State Forest Fire Season; and

WHEREAS, the Board of Commissioners, Flathead County, Montana has determined that the following fire season and the fire protection areas, as below set forth, should be set.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners hereby establishes a fire season for the year 2014 to run from May 1 to September 30, 2014, inclusive.

BE IT FURTHER RESOLVED, that the protection area to which this resolution applies is the entire Flathead County area, except the three Incorporated Cities in Flathead County and the areas inside the City Limits thereof. This does and shall include all private, State and Federal lands within Flathead County, outside the Cities.

BE IT FURTHER RESOLVED that the recognized protection agencies for the designated protection areas are the Rural Fire Districts, Fire Service Areas authorized under State law to provide fire protection within their districts, Montana Department of Natural Resources and Conservation, Glacier National Park, and Flathead National Forest, authorized to provide fire protection on certain private, Federal and State land.

WEDNESDAY, APRIL 30, 2014
(Continued)

BE IT FURTHER RESOLVED, that any person desiring to ignite or set any forest fire, slash-burning fire, land-clearing fire or debris-burning fire within the jurisdictional area of any of the above enumerated protection agencies during the May 1 to September 30 period, or any extension thereof, must first obtain an official written permit from that particular agency.

BE IT FURTHER RESOLVED, that this resolution will take effect on May 1, 2014.

PASSED AND ADOPTED this 30th day of April, 2014.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Pamela J. Holmquist
Pamela J. Holmquist, Chairman

ATTEST:
Paula Robinson, Clerk

By/s/Absent
Calvin L. Scott, Member

By/s/Diana Kile
Diana Kile, Deputy

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

11:00 a.m. County Attorney meeting @ Co. Atty's Office
Commissioner Scott: Lifesavers Conference in Nashville, TN

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 1, 2014.

Following are claims for the month of April, 2014.

Vendor Name	Amount
A & I DISTRIBUTORS	\$7,474.29
A PLUS HEALTH CARE	\$1,200.00
A-1 VACUUM & JANITORIAL SUPPLYS,INC	\$133.55
ABELL, CHARLES R	\$26.10
ABLE BODY SHOP INC	\$160.00
ABSALONSON, KRISTI	\$68.00
ADVANCED REFRIGERATION & APPLIANCE INC	\$69.50
ADVANCED RESTAURANT SUPPLY INC	\$58.50
AFFILIATED PACKAGING SPECIALTIES INC	\$1,154.79
AGAPE' HOME CARE INC	\$10,336.29
AIRWORKS HEATING & COOLING INC	\$1,600.00
AL'S METAL WORK INC	\$575.90
ALCOPRO INC	\$291.25
ALLEGIANCE BENEFIT PLAN MANAGEMENT	\$902.50
ALPINE BUSINESS CENTER	\$4,360.00
ALPINE CABINETS & WOODWORKING INC -	\$1,440.00
AMERICAN ELECTRIC, INC	\$205.73
AMERICAN PLANNING ASSOCIATION 2	\$324.00
AMSAN CUSTODIAL SUPPLY	\$3,557.78
ANDERS BUSINESS SOLUTIONS	\$213.55
ANIMAL CARE EQUIPMENT & SVS	\$88.00
ANIMAL CLINIC OF KALISPELL	\$6,653.76
API INC	\$327.15
API SYSTEMS INTEGRATORS INC	\$327.15
APIC	\$250.00
APPEL, CHAR	\$120.00
APPEL, CYRIL	\$30.60
ARCHITECTS DESIGN GROUP PC	\$3,110.50
ARNT, SHARA C	\$40.00
ASCENT STRATEGIC DEVELOPMENT	\$1,500.00
ASSOCIATED EMPLOYERS GBP&T	\$1,461.06
AT&T MOBILITY	\$304.24
ATCFII MONTANA LLC	\$20,327.98
AUSTIN FUNERAL HOME	\$300.00
BAKER, ADA	\$25.00
BANK OF AMERICA -	\$127,759.01
BARNETT, SHAWN	\$25.00
BARTLETT, JAMES C	\$4,719.81
BASNETT, JENNIFER	\$45.00
BAYER HEALTHCARE LLC	\$627.56
BEAN, CURTIS	\$80.00
BECK, NOELLA	\$15.00
BENNETT, DANIEL	\$28.00
BIG JOHN'S	\$599.99
BIGFORK SENIOR CITIZENS	\$938.90
BIGFORK WATER/SEWER DISTRICT	\$130.25

APRIL, 2014
(Continued)

BINETTE, ANDREW	\$67.02
BISON BUILDING SYSTEMS, INC	\$12,678.75
BLACKTAIL MOUNTAIN INC	\$4,702.00
BLACKTAIL REFRIGERATION INC	\$146.00
BLICHARZ, FAITH	\$38.00
BLOOR, JASMINE	\$20.00
BLUE COW ENTERPRISES INC	\$40.00
BLUMENTHAL UNIFORMS & EQUIPMENT	\$3,878.36
BOB BARKER CO INC	\$436.75
BOILER SAFETY SECTION	\$280.00
BOLSTAD, PHIL	\$7.23
BOTT, DINO	\$20.40
BOUMA POST YARDS	\$4,947.50
BREEDEN, GORDON	\$20.00
BRIDGER FINANCIAL SERVICES	\$11,325.81
BRILES, RICHARD W MD	\$3,000.00
BRITTSAN, BRAD	\$21.00
BROOKS, ANN M	\$8.96
BROOKS, JANELLE	\$26.88
BROWNE, SAM	\$163.20
BRUYER, TRAVIS	\$67.00
BUFFALO HILL FUNERAL HOME	\$1,000.00
BULLITT COMMUNICATIONS	\$1,987.00
BURKHART DENTAL SUPPLY	\$582.95
BURLINGAME, EDGAR	\$46.00
BURTON, JAMES H	\$385.00
BUTTEL, STEVE	\$183.60
BYRD, OVILA	\$22.00
CAMPBELL PET COMPANY	\$113.70
CAPITAL ONE COMMERCIAL	\$3,034.12
CARDIN, SUEZETTE	\$35.00
CARDINAL DISCOUNT SUPPLY INC	\$334.49
CARDINAL HEALTH	\$629.32
CARVER ENGINEERING 1	\$14,349.42
CASSIDY, CARLY	\$14.00
CBM FOOD SERVICE	\$15,705.30
CDW GOVERNMENT INC	\$7,576.51
CENTRAL HEATING & COOLING INC	\$358.00
CENTURYLINK	\$1,910.68
CHARTER COMMUNICATIONS LLC	\$1,397.23
CHARTER MEDIA	\$580.00
CHS INC - KALISPELL	\$113.13
CHUTE, LINCOLN	\$46.00
CITYSERVICEVALCON LLC	\$118,004.36
CLARK, MARJORIE	\$26.40
CLARKE, CORY	\$106.50
CLEMENTE, MARIA	\$20.00
CLINICAL PHARMACY, THE	\$4,783.18
COLBY, PEGGY	\$36.00
COLUMBIA CONTAINERS	\$4,999.99
COMMERCIAL MACHINE SERVICES, INC	\$2,404.81
CONRAD MAIN STREET LLC	\$3,388.66
CONSOLIDATED ELECTRICAL DIST, INC	\$17.59
CORRIGAN, EDWARD	\$18.00
COX, HEATHER	\$42.00
CRAFT, LAWRENCE	\$100.00
CRAWFORD, DEL	\$25.00
CRESCENT ELECTRIC SUPPLY CO	\$1,079.03
CRIMINAL RECORDS	\$319.75
CRITELLI COURIERS	\$2,465.00
CROWLEY, KIM	\$92.00
CRUCCELL VACCINES INC	\$1,020.00
CTA ARCHITECTS ENGINEERS	\$3,500.08
CULLIGAN WATER	\$1,001.12
DAHLEM, MICHAEL W	\$200.00
DAILY INTERLAKE	\$4,111.77
DAPHNE SOFTWARE INC	\$1,341.67
DARNELL, JOY	\$500.00
DATA IMAGING SYSTEMS INC	\$527.83
DAVIS, TODD	\$18.00
DEIST, LANNY	\$24.00
DELERAY, ANNA	\$199.00
DENTON INC	\$125.00
DEPRATU FORD SALES	\$112.75
DEPT OF ADMINISTRATION 2	\$519.10

APRIL, 2014
(Continued)

DEPT OF ENVIRONMENTAL QUALITY 1	\$1,143.75
DEPT OF ENVIRONMENTAL QUALITY 3	\$10,421.30
DEPT OF TRANSPORTATION 3	\$4,000.00
DOOLEY, FRANK EARL	\$40.00
DPHHS/LAB	\$1,863.00
DRAPER, MARK	\$63.00
DUMON, KIMBERLY A	\$34.00
DYON, MICHAEL R	\$27.86
EAGLE COMMUN INC/KECI-KCFW-KTVM TV	\$700.00
EASTMAN, HILLERY	\$600.00
ECLINICAL WORKS	\$4,431.55
EDELEN, ERIC JAMES	\$5,338.00
EISENLOHR ENTERPRISES INC	\$1,040.00
EISINGER MOTORS	\$25.21
ELECTION SYSTEMS & SOFTWARE INC	\$5,282.40
ELECTRICAL SYSTEMS INC	\$24,148.16
ELECTRONIC DATA SOLUTIONS	\$1,370.10
ELITE FIRE PROTECTION	\$398.00
ELLIS, FREDRICK CLINTON	\$750.00
ELTEK INC	\$6,195.43
ENCOMPASS SUPPLY	\$85.03
ENVIRO-TIRE INC	\$1,338.50
EQUUS COMPUTER SYSTEMS INC	\$5,507.00
EVERGREEN DISPOSAL INC	\$12,172.09
EVERGREEN WATER DISTRICT #1	\$16.80
EXECUTIVE SERVICES	\$4,307.83
EXPRESS SERVICES INC	\$12,330.93
FASTENAL COMPANY	\$34.48
FASTENERS INC	\$220.54
FASTOYS LLC	\$55.17
FCM LEASING	\$838.00
FEDEX EXPRESS	\$44.17
FERGUSON ENTERPRISES, INC	\$370.18
FERRON AND SONS INC	\$100.00
FETVEIT, JASON	\$29.00
FHS PUBLICATIONS	\$190.00
FLATHEAD BEACON	\$707.00
FLATHEAD CONCRETE PRODUCTS INC	\$862.55
FLATHEAD ELECTRIC COOPERATIVE INC	\$23,221.01
FLO-RITE PLUMBING INC	\$320.00
FLOYD, TERESA	\$85.05
FOOD SERVICES OF AMERICA	\$6,383.17
FORTHOFFER GUNSMITHING & KNIFEMAKING	\$60.00
FUGINA, TARA	\$18.00
FUNKE, SHAINA	\$25.00
FURMAN, MARTHA	\$103.00
GALLAGHER FENCE INC	\$1,750.00
GCR TIRE CENTER	\$363.50
GE CAPITAL HEALTHCARE FINANCIAL SERVICES	\$3,039,674.76
GLACIER GLASS INC	\$269.00
GLACIER STEEL	\$144.63
GLACIER WHOLESALERS INC	\$194.17
GLAXOSMITHKLINE PHARMACEUTICALS	\$5,018.90
GLIDDEN, MEGAN	\$97.00
GLOBAL PROTECTION CORP	\$153.00
GLOBALSTAR USA LLC	\$74.22
GOODE, GREG	\$4,995.00
GRACHEK CONSULTING	\$1,935.00
GRADE 8 EARTHWORKS	\$2,550.00
GREASE MONKEY	\$237.25
GREAT NORTHERN LOCK & SAFE	\$27.00
GREAT NORTHERN PBE	\$1,371.72
GRESS, KENNETH R & CONNIE M	\$500.00
GRESS, ROCKY	\$750.00
GRIEVE, BRANDON	\$69.00
GRIFFIN, ANNE C	\$235.00
GRIZZLY SECURITY ALARMS INC	\$90.00
GUNDERSON, BRUCE	\$85.50
H&H EXPRESS INC	\$49.80
HABEL, DAVID MD	\$75.00
HAGESTAD PAINTING & COATINGS	\$7,002.00
HALL, KEITH L	\$24.00
HALL, TRAVIS	\$70.20
HARREL, ANDREW S	\$240.00
HARTSOCH, DOROTHY	\$750.00
HASHLEY, CASSIDY	\$180.00

APRIL, 2014
(Continued)

HAWLEY, CHANTEL	\$34.00
HEALTH E-WEB	\$237.00
HEINO, BRIAN	\$67.00
HELP DESK TECHNOLOGY CORP	\$2,529.80
HENRY SCHEIN	\$2,182.85
HIGH COUNTRY LINEN SUPPLY	\$1,405.34
HIGH PLAINS PIZZA INC	\$160.49
HILGENBERG, SANDRA	\$41,811.37
HILL'S PET NUTRITION SALES INC	\$896.24
HIMMELL & WILSON LIBRARY CONSULTANTS	\$11,000.00
HOGLE, ALEX	\$69.00
HOLAND, SALLY	\$74.70
HOLIDAY INN	\$95.16
HOME DEPOT CREDIT SERVICES	\$93.08
HOUSER, VICTOR C. MD PC	\$170.00
HOWIE'S TIRE & ALIGNMENT INC	\$405.00
HUNGRY HORSE WATER & SEWER DIST	\$52.60
HUTTON COMMUNICATIONS INC	\$56.70
HYDROMETRICS INC	\$1,888.60
IAMS, EILEEN	\$40.00
IBS INCORPORATED	\$505.52
INFORMER SYSTEMS	\$3,942.00
INGRAM LIBRARY SERVICES	\$14,055.04
INSTAMED	\$225.00
INSTY PRINTS	\$802.47
INTEGRATED SECURITY SOLUTIONS INC	\$1,240.00
J&H INC	\$179.78
J&M TRANSPORTATION SERVICE INC	\$14.00
J2 OFFICE PRODUCTS	\$14,339.54
JACKOLA ENGINEERING & ARCHITECTURE PC	\$1,085.00
JACOBS, WENDEE	\$18.00
JANITORS WORLD SUPPLIES	\$579.99
JAWORSKY, MICHAEL	\$15.00
JENKINS, ELIZABETH	\$84.00
JOHNSON CONTROLS INC	\$17,677.25
JOHNSON, CASH ANDERS	\$340.00
JOHNSON, ROBERTS & ASSOCIATES	\$18.00
JOHNSON-GLOSCHAT FUNERAL HOME	\$1,300.00
JOM PHARMACEUTICAL SERVICES	\$1,987.91
JONES, GREGORY	\$24.00
JORDT, HOLLY	\$41.00
K&J AUTO PARTS INC	\$72.55
K&J INVESTMENTS LLC	\$82,862.67
KAHLE, JOHN	\$72.36
KAJ-TV	\$590.00
KALISPELL ALIGNMENT & AUTO REPAIR INC	\$30.00
KALISPELL AUTO PARTS	\$1,253.73
KALISPELL CITY	\$136.00
KALISPELL CITY WATER DEPT	\$6,344.56
KALISPELL COPY & BLUE INC	\$86.97
KALISPELL DOWNTOWN ASSOCIATION	\$50.00
KALISPELL ELECTRIC INC	\$1,349.15
KALISPELL PUBLIC SCHOOLS	\$10,201.86
KALISPELL REGIONAL MEDICAL CENTER	\$15,943.90
KALISPELL SENIOR CENTER	\$1,359.71
KALISPELL WRESTLING	\$300.00
KALMONT DISTRIBUTORS INC	\$32.00
KAMAN INDUSTRIAL TECHNOLOGIES CORP	\$2,080.63
KEEFE COMMISSARY NETWORK SALES	\$437.50
KELLY, BRIAN	\$420.00
KILE, KAYLA	\$34.00
KMART 7030	\$85.90
KNUTSON, LEONARD & JEANIE	\$500.00
KOHL, PAMELA	\$45.90
KOSTELECKY, CHARLOTTE	\$50.00
KRANTZ, ADELE	\$3,266.83
KRUCKENBERG, LISA M	\$400.00
KUNDA, SUSAN	\$30.00
LAKESIDE COMMUNITY CHAPEL	\$300.00
LAKESIDE COUNTY WATER & SEWER	\$47.79
LAMAR COMPANIES THE	\$600.00
LASALLE SAND & GRAVEL	\$215.26
LAVIN, STEVE	\$106.50
LBMT LLC	\$28,499.37
LC STAFFING SERVICE	\$8,464.20
LEBERMAN, ANNIE	\$20.72

**APRIL, 2014
(Continued)**

LEGRIS, AIMEE	\$8.40
LELAND'S HONDA-SUZUKI-BMW	\$174.00
LENOIR, RODNEY	\$24.00
LEWIS & CLARK COUNTY EXTENSION FUND	\$249.42
LEXISNEXIS MATTHEW BENDER	\$92.08
LHC, INC	\$2,959.46
LIBERTY MUTUAL INSURANCE	\$7,557.78
LILIENTHAL INSULATION COMPANY LLC	\$5,140.00
LINCOLN ELECTRIC COOPERATIVE INC	\$30.00
LOCKEY INC	\$2,752.90
LODIEN, PHILIP	\$40.00
LORANG, MARK	\$24.00
LOREN'S CARPET CARE	\$400.00
LOVELESS, FAYE	\$31.80
LOWNDES, DUSTI	\$299.12
MACKIE, THOMAS R	\$30.00
MAHUGH FIRE & SAFETY, LLC	\$131.25
MAIL ROOM, THE	\$8,126.57
MASA, JODI & ANDY	\$85.00
MCALLISTER, HARRY	\$116.00
MCGARRY, BROOKLYNN	\$40.00
MCINTYRE, SUSAN J	\$261.52
MCKENZIE, MARGARET	\$500.00
MCSHEE, SUSANNAH	\$41,811.37
MDM SUPPLY	\$60.05
MEDICAL ARTS PHARMACY	\$8.00
MERCK SHARP & DOHME CORP	\$7,808.73
MIDWAY RENTAL & POWER EQUIPMENT INC	\$904.28
MIDWEST CANCER SCREENING	\$1,688.97
MIDWEST TAPE LLC	\$6,206.10
MIELKE, JEFF	\$79.08
MIKE GRACHEK AGENCY INC	\$6,154.00
MIKE'S CONOCO CORPORATE OFFICE	\$70.11
MILLER ELECTRIC LLC	\$221.67
MOHN, JAMES L	\$12.00
MONTANA ACE - KALISPELL	\$110.17
MONTANA ASSN OF WIC AGENCIES	\$60.00
MONTANA BOARD OF MEDICAL EXAMINERS	\$20.00
MONTANA COUNTY FIRE WARDEN ASSOCIATION	\$50.00
MONTANA ENVIRONMENTAL LAB LLC	\$64.00
MONTANA LAND PROJECT, LLC	\$44,594.60
MONTANA LAW ENFORCEMENT ACADEMY	\$56.00
MONTANA LIVING MAGAZINE	\$137.50
MONTANA ONE CALL CENTER	\$378.56
MONTANA PETERBILT	\$1,052.28
MONTANA SCALE COMPANY, INC.	\$1,125.00
MONTANA SCHOOL BOARDS ASSOCIATION	\$250.00
MONTANA SENIOR NEWS	\$418.00
MONTANA STATE EXTENSION	\$5,500.00
MONTANA STATE FUND	\$883.48
MONTANA STATE TREASURER 1	\$2,936.04
MONTANO, FELICIA	\$50.00
MOORE, KAREN 1	\$1,045.80
MORRELL, JIM	\$37.20
MOTOROLA	\$240,107.30
MOUNTAIN HIGH CONSTRUCTION INC	\$2,410.00
MOXIE LAND & HOME	\$2,775.00
MULLANEY, CINDY	\$46.00
MURDOCH'S RANCH & HOME SUPPLY, INC	\$5,126.27
MWI VETERINARY SUPPLY	\$1,022.90
NCST	\$340.00
NEWMAN TRAFFIC SIGNS INC	\$4,958.30
NICK'S FLOORING	\$4,785.00
NIESNER, ROSE	\$20.00
NOMAD TECHNOLOGIES INC	\$286.00
NORCO, INC	\$3,819.13
NORIDIAN ADMINISTRATIVE SERVICES LLC	\$86.85
NORTH VALLEY HOSPITAL INC	\$4,646.75
NORTH VALLEY REFUSE	\$60.00
NORTH VALLEY SENIOR CENTER	\$1,613.21
NORTHERN ENERGY INC	\$887.16
NORTHLAND HOBBIES	\$17.00
NORTHWEST FUEL SYSTEMS	\$10,767.69
NORTHWEST IMAGING PC	\$110.94
NORTHWEST MONTANA FAIR	\$470.00
NORTHWEST PARTS & EQUIPMENT	\$18,979.10

**APRIL, 2014
(Continued)**

NORTHWEST PIPE FITTINGS INC	\$915.09
NORTHWEST PORTABLES LLC	\$535.00
NORTHWEST TRUCK REPAIR INC	\$30,444.60
NORTHWESTERN ENERGY 1	\$27,317.03
NOVARTIS VACCINE	\$2,378.93
NOVOSEL, JACK	\$46.00
NURTURING CENTER INC	\$9,778.20
NWGIA	\$1,100.00
O'NEIL PRINTERS, INC	\$143.00
OGDEN, DAVID	\$183.60
OHS BODY SHOP	\$922.30
OLSON, LINDA	\$500.00
ORLEANS COUNTY SHERIFF'S OFFICE	\$38.00
OSHWALLA LLC	\$17,603.16
PACIFIC STEEL & RECYCLING	\$1,828.56
PARADIGM MANAGEMENT PC	\$112,095.86
PARAGARD DIRECT	\$245.00
PARAGON BERMUDA (CANADA) LTD	\$751.00
PARSONS TRACTOR & IMPLEMENTS CO	\$5.06
PATHOLOGY ASSOCIATES MEDICAL LABS	\$129.70
PATHWAYS HEALTHCARE	\$2,283.31
PAULSON, JOAN	\$46.00
PB ELECTRONICS INC	\$485.00
PEASLEY, DEAN R	\$100.00
PECHTEL, DOUGLAS G	\$1,200.00
PECK, KYLIE	\$37.50
PENCO POWER PRODUCTS	\$765.58
PENWORTHY COMPANY, THE	\$638.48
PERRY, JEFFREY	\$42.04
PETEDGE	\$38.31
PETERSEN, MEREANUS	\$500.00
PETERSON, ALYSSA M	\$105.00
PETHEALTH SERVICES INC	\$3,175.00
PETTY CASH - LIBRARY	\$33.65
PETTY CASH - REFUSE DISPOSAL DIST.	\$60.53
PETTYJOHN'S THE WATER STORE INC	\$30.50
PHELPS, ASHLEY	\$40.00
PHILLIPS, JEAN M	\$32.40
PHOTO VIDEO PLUS	\$60.96
PIERCE MFG. COMPANY INC	\$118.90
PILSCH, COREY	\$12.00
PINNACLE INVESTIGATION CORP	\$1,365.50
PIONEER HEATING & COOLING	\$403.00
PITNEY BOWES RESERVE ACCOUNT	\$3,000.00
PLAINSMAN PRINTING & SUPPLY	\$921.20
PLUMB-RITE PLUMBING & HEATING INC	\$1,308.00
POMEROY, RUTH	\$36.00
PORTER, CAROLYN	\$42.00
PREMIER VEHICLE INSTALLATION INC	\$375.89
PRUNTY, DAVID ROBERT	\$12.00
PUBLIC AGENCY TRAINING COUNCIL	\$295.00
PURYER, MARTY JOHN	\$50.02
R&S NORTHEAST, LLC	\$979.81
RALSTON & ASSOCIATES	\$835.00
RANGER STORAGE	\$2,650.00
RASMUSSEN, GRANT	\$27.16
REBUCK, LAURELLA	\$29.00
REDDIG EQUIPMENT & REPAIR INC	\$4,600.00
REID, MICHAEL L	\$60.00
RESEARCH TECHNOLOGY INTERNATIONAL	\$49.41
RICOH USA INC	\$133.65
RINGQUIST SIGNS, INC	\$190.75
ROBERT PECCIA & ASSOCIATES INC	\$4,063.93
ROBERTS, CHRISTOPHER	\$24.00
ROSAUERS 1	\$25.39
ROSE COMMUNICATION	\$140.00
ROTH, WAUNETA	\$108.00
SAM'S HOSPITALITY & CATERING CONSULTING	\$105.00
SANDS SURVEYING INC	\$4,965.00
SANOFI PASTEUR, INC	\$4,144.80
SCHINDLER ELEVATOR CORPORATION	\$2,150.04
SCHOOL DISTRICT #6	\$165.00
SCOTT, CAL	\$106.50
SCS FIELD SERVICES	\$5,800.00
SECRETARY OF STATE	\$29.25
SECURUS TECHNOLOGIES INC	\$1,514.80

APRIL, 2014
(Continued)

SELBYS	\$400.24
SELLEG, JEFF	\$268.65
SHADOW ENTERPRISES	\$200.00
SHAFFNER'S BINDERY	\$32.63
SHAW, GARRETH W	\$100.00
SHAWBACK, LOGAN 1	\$24.00
SHORTELL, HEATHER	\$78.00
SIGNS NOW	\$339.00
SIX ROBBLEES' INC	\$527.96
SKURVID, NANCY J, RPR	\$87.50
SLITERS ACE	\$5.58
SLITERS ACE 1	\$12.78
SMITH MEDICAL PARTNERS LLC	\$3,003.68
SMITH, JULIA	\$190.00
SNOW CREST CHEMICALS LLC	\$140.00
SNOW GHOST DESIGNS	\$800.00
SNOWY MOUNTAIN RIFLES	\$950.00
SOLID WASTE SYSTEMS INC	\$686.63
SPOONER, ELIZABETH	\$132.23
SPORTSMAN & SKI HAUS	\$385.95
STANARD & ASSOCIATES, INC	\$1,565.00
STAPLES CREDIT PLAN	\$28.77
STEEL MOUNTAIN ROCK PRODUCTS	\$7,896.00
STEFANATZ, JOHN	\$78.00
STELLAR INTEGRATION & SAFETY SOLUTIONS I	\$5,369.70
STERE-NELSON, DANIELL	\$3.00
STERICYCLE INC	\$401.23
STURDEVANT, BECKY	\$106.50
SULLIVAN BROS. CONSTRUCTION INC	\$840.00
SULLIVAN, DIA M REVOCABLE TRUST	\$122.36
SULLIVAN, PAULA	\$40.00
SUTTON AGRICULTURAL ENTERPRISES INC	\$509.80
SWISS CHALET EXCAVATING	\$750.00
SWT ENGINEERING, INC	\$15,485.88
SYKES PHARMACY INC	\$601.39
SYSCO FOOD SERVICES OF MONTANA INC	\$4,058.21
TARTAGLINO, EUGENIA	\$29.00
TASER INTERNATIONAL	\$2,047.32
TBS CUSTOM PAINTING INC	\$580.00
TENNANT, DAVE	\$120.00
TERRACON CONSULTANTS INC	\$3,446.25
TESSCO INCORPORATED	\$836.29
TETRATECH INC	\$6,460.00
THERACOM, INC	\$1,592.95
THIRD SIGNAL, LLC	\$4,417.64
THOMAS, DEAN & HOSKINS INC	\$492.84
THREE RIVERS BANK	\$7,400.84
TIKKA, SHARON A	\$14.10
TIRE RAMA SOUTH	\$764.96
TIRE-RAMA WEST	\$16,215.82
TKACHYK, KIPP	\$632.53
TLO LLC	\$21.50
TONERPORT INCORPORATED	\$96.50
TOP TO BOTTOM	\$21.59
TOTAL SCREEN DESIGN & EMBROIDERY	\$159.00
TOWNE MAILER INC	\$693.07
TRIMBLE NAVIGATION LTD	\$1,581.35
TRIPLE W EQUIPMENT INC	\$3,139.28
TRIPPET'S PRINTING	\$649.00
TRS	\$9.46
TUMBLEWEED PRESS INC	\$699.00
TX RX SYSTEMS	\$27,186.80
TYR TACTICAL, LLC	\$34,743.70
UI CONTRIBUTIONS PROGRAM	\$38.28
UNIQUE MANAGEMENT SERVICES INC	\$1,491.15
UNITED WAY OF FLATHEAD COUNTY	\$35.00
URBAN, PAT	\$36.00
US POSTAL SERVICE	\$440.00
VALLEY BANK OF KALISPELL	\$76.30
VALLEY GLASS INC	\$3,725.78
VALLEY LINEN	\$97.08
VANCE, MARIAH A	\$108.00
VERIZON WIRELESS 4	\$7,048.15
VISA	\$81.56
VISION NET, INC	\$1,045.00
VONDAL, DAYLE R	\$33.00

**APRIL, 2014
(Continued)**

W E CONSTRUCTION LLC	\$279.00
WALLACE WILDLIFE SERVICES, LLC	\$273.00
WARNE CHEMICAL & EQUIPMENT CO	\$1,066.00
WEAVER, VELMA GEE	\$28.00
WEBER, ZACHARY JAY	\$2,500.00
WERK, KAITLYN	\$170.00
WESTCOAST PAPER	\$595.40
WESTERN BUILDING CENTER 3	\$7,563.73
WESTERN ELECTRONICS, INC	\$1,055.00
WESTERN MT MENTAL HEALTH CENTER	\$1,540.00
WESTERN OUTDOOR	\$377.95
WESTERN STATES EQUIPMENT COMPANY	\$16,907.70
WHITEFISH AUTO PARTS INC	\$4,592.91
WHITEFISH GOLDEN AGERS INC	\$1,359.71
WOLFE, RUSSELL	\$500.00
WOZNAK, DOUGLAS	\$41,811.37
XEROX CORPORATION 1	\$555.79
XL DENT	\$40.00
YOUNG, MARILYN	\$500.00
ZEE MEDICAL SERVICE	\$3,198.00
ZIEROW, BEVERLEY S	\$590.00
ZOETIS INC	\$1,136.00

Total: \$4,916,554.55

Claims for the month of April, 2014 approved this 14th day of May, 2014.

**BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana**

**By/s/Pamela J. Holmquist
Pamela J. Holmquist, Chairman**

**By/s/Paula Robinson
Paula Robinson, Clerk**

PUBLIC NOTICE

The Board of County Commissioners of Flathead County did this 14th day of May, 2014, approve payroll and claims for payment in the amount of \$7,364,889.17 for the period beginning April 1, 2014, and ending on April 30, 2014.

The full and complete claim list is available for public view in the Office of the Clerk & Recorder, Flathead County Courthouse, Kalispell, Montana. Individual requests for personal copies will be accepted by the Clerk and Recorder.

Dated this 14th day of May, 2014.

**BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana**

**By /s/Pamela J. Holmquist
Pamela J. Holmquist, Chairman**

**By /s/Paula Robinson
Paula Robinson, Clerk**

Publish May 25, 2014.

PUBLIC NOTICE

The Board of County Commissioners' proceedings for Flathead County for the period of April 1, 2014, and ending April 30, 2014, are now available for public review in the Office of the Clerk and Recorder, Flathead County Courthouse, Kalispell, Montana.

Individual requests for personal copies will be accepted by the Flathead County Clerk and Recorder, Flathead County, Courthouse, Kalispell, Montana.

Dated this 14th day of May, 2014.

**BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana**

**By /s/Pamela J. Holmquist
Pamela J. Holmquist, Chairman**

**By /s/Paula Robinson
Paula Robinson, Clerk**

Publish May 25, 2014.

THURSDAY, MAY 1, 2014

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairperson Holmquist, Commissioner Scott and Krueger, and Clerk Robinson were present.

8:30 a.m. Commissioner Krueger: TAB meeting @ Eagle Transit

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 2, 2014.

FRIDAY, MAY 2, 2014

Audiofile

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairperson Holmquist, Commissioner Scott and Krueger, and Clerk Robinson were present.

Chairperson Holmquist led the Pledge of Allegiance.

CONSIDERATION OF LAKESHORE PERMIT: VALGARDSON, FLP 14-24

9:00:00 AM

Present: Chairperson Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Planning & Zoning Director B. J. Grieve, Deputy County Attorney David Randall, Clerk Kile

Grieve reviewed the Lakeshore Permit application submitted by Sherman and Glenda Valgardson to replace an existing tiered retaining wall at 1154 Echo Lake Road on Echo Lake.

Commissioner Krueger made a **motion** to approve Lakeshore Permit FLP 14-24. Commissioner Scott **seconded** the motion. Motion carried unanimously.

CONSIDERATION OF LAKESHORE PERMIT: EVANS, FLP 14-34

9:03:00 AM

Present: Chairperson Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Planning & Zoning Director B. J. Grieve, Deputy County Attorney David Randall, Clerk Kile

Grieve reviewed the Lakeshore Permit application submitted by Michael and Leigh Evans to install concrete strips on an existing boat ramp at 696 and 698 Echo Lake Road on Echo Lake.

It was noted for the record this permit may be referred to as FLP 14-35 in older documents.

Commissioner Scott made a **motion** to approve FLP 14-34. Commissioner Krueger **seconded** the motion. Motion carried unanimously.

CONTINUATION OF CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT: VARIOUS TEXT AMENDMENTS/ FLATHEAD COUNTY ZONING REGULATION AMENDMENTS #1, #2, #3, #4, #5, #7, #8, #9, #10 (TO INCLUDE CONSIDERATION OF TEXT AMENDMENT #3 REGARDING STABLES, RIDING ACADEMIES AND RODEO ARENAS IN AG AND SAG ZONING DISTRICTS, WHICH WAS Tabled ON APRIL 25, 2014 TO MAY 2, 2014 AND TEXT AMENDMENT #4 REGARDING THE DURATION OF POSTING OF POLITICAL SIGNAGE THAT WAS Tabled ON APRIL 25, 2014 FOR AN INDEFINITE PERIOD OF TIME)

9:04:00 AM

Present: Chairperson Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Planning & Zoning Director B. J. Grieve, Deputy County Attorney David Randall, Clerk Kile

Grieve summarized Amendment No. 3 which was tabled last week in order for staff to make revisions to Findings of Fact 9-16. The changes made to the Findings of Fact were reviewed.

AMENDMENT NO. 3 Clarify the use of stables, public versus private in Agricultural and Suburban Agricultural zoning districts, amend the regulations by removing 'Stable' from 'Stable, riding academy, rodeo arena' and adding 'Stable, public and private' to the list of permitted use in AG-80, AG-40, AG-20, SAG-10 and SAG-5 zoning districts, found in Sections 3.04, 3.05, 3.06, 3.07 and 3.08.

General discussion was held relative to enforcement issues pertaining to public and private stables.

Commissioner Scott made a **motion** to approve Amendment No. 3 / Findings of Fact 9-16. Commissioner Krueger **seconded** the motion. Motion carried unanimously.

Grieve noted Amendment No. 4 was tabled indefinitely last week. He explained he received word from the commission since that time that they wanted to re-consider the amendment again today. Grieve stated Findings of Fact 17-20 are the same as the Planning Board forwarded to the commission earlier.

AMENDMENT NO. 4 Changes to restrictions on timing of posting of political signs on all private property in Section 5.11.010(8) based on court decisions regarding political signs. The size of a sign can be regulated but the duration of a sign cannot be regulated.

FRIDAY, MAY 2, 2014
(Continued)

Chairperson Holmquist said she felt it was important to hold further discussion on the amendment. She stated she is aware that none of them want to see political signs up year around, but this is a matter of following the constitution and free speech which we are put in this office to do. She said individuals can put signs up in unzoned areas year around; if truly in our current regulations when there is a violation in a zoned area by the time a letter is sent out and they are given 30 days to comply it becomes a moot point, and I would hope the candidates and their parties would police themselves should they decide to move forward. Holmquist said a recommendation from her view point would be that candidates place their signs no more than 30 days before the primary absentee ballots are mailed, and then remove the signs as soon as possible.

Commissioner Scott said if this comes to a vote today that he would abstain and recuse himself from voting as he is a current candidate, and doesn't want to confuse that issue; however, as an opinion I am highly in favor of our constitutional right for free speech and the ability for anyone to put their signs up. The contradiction I find he stated is that if they were to resolve the issue that is of concern to a majority of our public out there we would find ourselves in a position of going towards more regulations and enforcement; I am not in favor of more regulations or the cost for enforcement. Even though I would not vote on this matter at this time, I would say regardless of that, I would like to encourage self-policing and then take a look at the situation during and after this current election period to see what we could do to encourage our candidates during election time to remove the signs after the election.

Commissioner Krueger said it appears we have plenty of testimony from legal and people that watch and talk about free speech that our current regulations would probably not be able to be defended. If we can't defend our sign regulations my fear is that we would not enforce them, and if we don't enforce them it belittles all our rules in zoning. Krueger stated we have rules and zoning rules that whether you like them or not they are rules and for us to pick and choose which rules we want to enforce or not enforce runs afoul of what I believe as a commissioner. Knowing that we probably won't be able to defend the sign issue as it is currently written, and our legal staff tells us they don't believe they can I have to listen to what I am told. Therefore, I would have to say the limits on the timeframe for signage must be taken from our zoning regulations.

Grieve pointed out that a comment regarding this section talks about a maintenance requirement that obviously will be continued. There is a maintenance requirement for all signs and if for example we had a political sign that was unmaintained and a horrible eyesore they would certainly have the defensibility to make contact with the owner of the property or the owner of the sign.

Commissioner Krueger made a **motion** to approve Findings of Fact 17-20 and Amendment No. 4. Chairperson Holmquist **seconded** the motion. **Aye** - Holmquist and Krueger. **Abstained** - Scott. Motion carried by quorum.

AMENDMENT NO. 6 *Regarding 'Increase yard requirements,' amend the regulations by striking the reference to County Master Plan or City-County Master Plan found in Sections 3.04.040(3)(D), 3.05.040(3)(D), 3.06.040(3)(D), 3.07.040(3)(D), 3.08.040(3)(D), 3.09.040(3)(D), 3.10.040(3)(D), 3.11.040(3)(D), 3.12.040(3)(D), 3.13.040(3)(D), 3.14.040(3)(D), 3.15.040(3)(D), 3.16.040(4)(C), 3.17.040(3)(C), 3.18.040(4)(C), 3.19.040(4)(C), 3.20.040(4)(E), 3.21.040(4)(C), 3.22.040(4)(C), 3.27.040(3)(C), 3.29.040(3)(C), and 3.30.040(3)(C), and replacing it with Flathead County Road Classification Map because the map is the most up to date road classification for the County.*

Grieve noted a motion was made on April 25, 2014 to reject Amendment No. 6, therefore since it was forwarded to you by the Planning Board there should be in the record some reason for the rejection. He explained he struck Findings of Fact 25-29 and replaced it with Finding of Fact 25. Amendment No. 6 as it was advertised is stricken and the Finding of Fact why it was stricken reads:

25. While the intent of the proposed amendment to remove references to the County Master Plan in the zoning regulations for determining road classifications and replace it with a reference to the Flathead County Functional Road Classification Map adopted March 14, 2013 is desirable for long-term purposes of public safety and general welfare and the amendment appears to comply with the statutory criteria and guidelines for zoning regulations, it was determined that since there appear to be differences in road classifications between the two documents the proposed amendment would have the effect of altering setbacks on some properties in Flathead County and the proposed amendment was not noticed in a manner that would provide appropriate notification to landowners of the potential impacts of the particular amendment; therefore the Commissioners reject the amendment to replace references to the County Master Plan with a reference to the Flathead County Functional Road Classification Map at this time.

Commissioner Krueger made a **motion** to approve Finding of Fact 25 to replace 25-29 based on discussion to reject Amendment No. 6 at the April 25, 2014 board discussion. Commissioner Scott **seconded** the motion. Motion carried unanimously.

Grieve pointed out Amendment No. 7 and Amendment No. 10 were previously dealt with and the Findings of Fact associated with Amendment No. 7 and Amendment No. 10 are now renumbered, so for the record Findings of Fact for Amendments 7 and 10, which were reviewed and approved as the basis for total approval are now renumbered as Findings of Fact 26 - 47 on the attached Resolution of Intent, Exhibit A.

Commissioner Krueger made a **motion** to adopt Resolution 955HO/ Resolution of Intent to Adopt. Commissioner Scott **seconded** the motion. Motion carried unanimously.

RESOLUTION NO. 955 HO

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 21st day of April, 2014, to consider amending the text of the Flathead County Zoning Regulations;

WHEREAS, the proposed amendment (as originally noticed for public hearing on April 21, 2014) would improve administration and clarity of the regulations as proposed in the following:

- 1) Add 'Cellular Tower' to the list of conditional uses as an administrative conditional use in the 'NF North Fork' zoning district Section 3.40.030 because Section 3.40.040(7) currently states, 'Cellular Tower - Administrative Conditional Use Permit' and 'Cellular Tower' was not previously listed as a conditional use.
- 2) Clarify the use of livestock in Agricultural and Suburban Agricultural zoning districts, amend the regulations by adding 'Livestock' to the list of permitted use in AG-80, AG-40, AG-20, SAG-10 and SAG-5 zoning districts, found in Sections 3.04, 3.05, 3.06, 3.07 and 3.08 because livestock is listed as a permitted use in R-1 and R-2.5 but not listed in AG and SAG zones.

FRIDAY, MAY 2, 2014
(Continued)

- 3) Clarify the use of stables, public versus private in Agricultural and Suburban Agricultural zoning districts, amend the regulations by removing 'Stable' from 'Stable, riding academy, rodeo arena' and adding 'Stable, public and private' to the list of permitted use in AG-80, AG-40, AG-20, SAG-10 and SAG-5 zoning districts, found in Sections 3.04, 3.05, 3.06, 3.07 and 3.08.
- 4) Changes to restrictions on timing of posting of political signs on all private property in Section 5.11.010(8) based on court decisions regarding political signs. The size of a sign can be regulated but the duration of a sign cannot be regulated.
- 5) Regarding 'Street and Roadway Standards,' amend the regulations by striking the reference to 'Approach Standards for Montana Highways' in Section 6.16.010 and replacing it with 'Montana Department of Transportation or Flathead County Road and Bridge Department' because the regulations currently reference highway standards but access to a lot may not be via a highway. In the same section, replace the word "greater" with "more stringent" to improve the clarity of the intent.
- 6) Regarding 'Increase yard requirements,' amend the regulations by striking the reference to County Master Plan or City-County Master Plan found in Sections 3.04.040(3)(D), 3.05.040(3)(D), 3.06.040(3)(D), 3.07.040(3)(D), 3.08.040(3)(D), 3.09.040(3)(D), 3.10.040(3)(D), 3.11.040(3)(D), 3.12.040(3)(D), 3.13.040(3)(D), 3.14.040(3)(D), 3.15.040(3)(D), 3.16.040(4)(C), 3.17.040(3)(C), 3.18.040(4)(C), 3.19.040(4)(C), 3.20.040(4)(E), 3.21.040(4)(C), 3.22.040(4)(C), 3.27.040(3)(C), 3.29.040(3)(C), and 3.30.040(3)(C), and replacing it with Flathead County Road Classification Map because the map is the most up to date road classification for the County.
- 7) Regarding reference to 'Master Plan' in Sections 1.02.010, 2.02.040, 3.01.010, 3.31.023(3)(A) and 3.39.110, amend the regulations by striking all reference to 'Master Plan' and replacing it with 'Growth Policy' because the Flathead County Growth Policy has replaced the Flathead County Master Plan.
- 8) Regarding conditional use standards and the definition of a 'Caretaker's Facility,' amend the regulations by striking 'principal dwelling' and replacing it with 'principal use' in Section 4.04.010 and 7.04.025 because there are other uses besides dwelling that could require a caretaker.
- 9) Regarding performance standards for a 'Caretaker's Facility,' amend the regulations by striking all references to deed restrictions in Section 4.04.010(4), based on the Planning Board's request to staff to remove the deed restriction at a Planning Board workshop on August 28, 2013.
- 10) Regarding 'Setbacks' in Residential Clustering, amend the regulations by striking 'at least 40 feet from any other boundary of the "parent" tract or adjacent property(ies);' and replacing it with 'otherwise conform to the minimum setbacks of the district;' in Sections 3.04.040(3), 3.05.040(3), 3.06.040(3), 3.07.040(3), 3.08.040(3) and 5.09.030(7) based on the Planning Board's request to staff to reduce the 'setback' requirement at a Planning Board workshop on August 28, 2013.

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205, M.C.A., on April 7, 2014 and April 14, 2014;

WHEREAS, the Board of Commissioners heard public comment on the proposed amendments to the Flathead County Zoning Regulations at that hearing;

WHEREAS, after the close of the public hearing, the Board of Commissioners delayed discussion and action on this resolution to allow time for consideration of all written and verbal comment provided at the April 21st hearing;

WHEREAS, on April 25th, the Board of Commissioners reviewed, discussed and considered the recommendations of the Flathead County Planning Board and the written and verbal public comment provided at the April 21st hearing and made alterations to some of the amendments based on this discussion and consideration.

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 the findings of fact as set forth in the attached Exhibit A, as to the statutory criteria as adopted by the Flathead County Planning Board and as revised by the Board of Commissioners, and adopts this Resolution of Intention to amend the text of the Flathead County Zoning Regulations for the purpose of improving administration and clarity of the regulations. The general character of the proposed amendments are described as follows:

- 1) Add 'Cellular Tower' to the list of conditional uses as an administrative conditional use in the 'NF North Fork' zoning district Section 3.40.030 because Section 3.40.040(7) currently states, 'Cellular Tower – Administrative Conditional Use Permit' and 'Cellular Tower' was not previously listed as a conditional use.
- 2). Clarify the use of livestock in Agricultural and Suburban Agricultural zoning districts, amend the regulations by adding 'Livestock' to the list of permitted use in AG-80, AG-40, AG-20, SAG-10 and SAG-5 zoning districts, found in Sections 3.04, 3.05, 3.06, 3.07 and 3.08 because livestock is listed as a permitted use in R-1 and R-2.5 but not listed in AG and SAG zones.
- 3) Clarify the use of stables, public versus private in Agricultural and Suburban Agricultural zoning districts, amend the regulations by removing 'Stable' from 'Stable, riding academy, rodeo arena' and adding 'Stable, public and private' to the list of permitted use in AG-80, AG-40, AG-20 and SAG-10 zoning districts found in Sections 3.04, 3.05, 3.06, 3.07 and adding 'Stable, private' to the list of permitted uses in the SAG-5 zoning districts and separating 'Stable, public' and 'Riding academy, rodeo arena' on the list of conditional uses found in Section 3.08.
- 4) Changes to restrictions on timing of posting of political signs on all private property in Section 5.11.010(8) based on court decisions regarding political signs. The size of a sign can be regulated but the duration of a sign cannot be regulated.
- 5) Regarding 'Street and Roadway Standards,' amend the regulations by striking the reference to 'Approach Standards for Montana Highways' in Section 6.16.010 and replacing it with 'Montana Department of Transportation or Flathead County Road and Bridge Department' because the regulations currently reference highway standards but access to a lot may not be via a highway. In the same section, replace the word "greater" with "more stringent" to improve the clarity of the intent.
- 6) Regarding reference to 'Master Plan' in Sections 1.02.010, 2.02.040, 3.01.010, 3.31.023(3)(A) and 3.39.110, amend the regulations by striking all reference to 'Master Plan' and replacing it with 'Growth Policy' because the Flathead County Growth Policy has replaced the Flathead County Master Plan.
- 7) Regarding conditional use standards and the definition of a 'Caretaker's Facility,' amend the regulations by striking 'principal dwelling' and replacing it with 'principal use' in Section 4.04.010 and 7.04.025 because there are other uses besides dwelling that could require a caretaker.

FRIDAY, MAY 2, 2014
(Continued)

- 8) Regarding performance standards for a 'Caretaker's Facility,' amend the regulations by striking all references to deed restrictions in Section 4.04.010(4), based on the Planning Board's request to staff to remove the deed restriction at a Planning Board workshop on August 28, 2013.
- 9) Regarding 'Setbacks' in Residential Clustering, amend the regulations by striking 'at least 40 feet from any other boundary of the "parent" tract or adjacent property(ies);' and replacing it with 'otherwise conform to the minimum setbacks of the district;' in Sections 3.04.040(3), 3.05.040(3), 3.06.040(3), 3.07.040(3), 3.08.040(3) and 5.09.030(7) based on the Planning Board's request to staff to reduce the 'setback' requirement at a Planning Board workshop on August 28, 2013.

BE IT FURTHER RESOLVED, that notice of the passage of this resolution, stating the general character of the proposed change to the Flathead County Zoning Regulations, that said proposed changes and those regulations 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 adoption of the proposed change, shall be published once a week for two weeks. A copy of the Flathead County Zoning Regulations, with the proposed amendments, is available in the Clerk and Recorder's Office and the Flathead County Planning & Zoning office for public inspection.

BE IT FURTHER RESOLVED, that written protests to the adoption of the proposed change will be received from persons owning real property within any zoning district heretofore created by Flathead County, for a period of thirty (30) days after the first publication of that notice, provided that, in order that only valid signatures are counted, the owners of real property 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 percent of the owners of real property of the property zoned by Flathead County under Section 76-2-201, *et seq.*, M.C.A., protest the adoption of the proposed change, the change will not be adopted.

DATED this 2nd day of May, 2014.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Pamela J. Holmquist
Pamela J. Holmquist, Chairman

By/s/Calvin L. Scott
Calvin L. Scott, Member

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

EXHIBIT A
FLATHEAD COUNTY COMMISSIONERS
FINDINGS OF FACT
MAY 02, 2014

Commissioner's Adopted Findings of Fact:

1. The proposed amendment would comply with the Flathead County Growth Policy and the North Fork Neighborhood Plan because the proposed amendment would serve to add administrative clarity to the regulations and not add any conditional uses to the North Fork zoning classification because the use is already allowed subject to an administrative conditional use permit.
2. Amending the Flathead County Zoning Regulations by clarifying that cellular towers are an administrative conditional uses permit in the North Fork zoning classification was found to comply with and have no impact on safety from fire and other dangers, public health, safety, general welfare, transportation, water, sewerage, schools, parks and other public requirements because the amendment makes the intent of the regulations more clear through consistency with other sections of the regulations and is not adding 'Cellular tower' as an administrative conditional.
3. Amending the Flathead County Zoning Regulations by clarifying that cellular towers are an administrative conditional use in the North Fork zoning classification was found to have no impact on light, air, motorized, non-motorized transportation, urban growth in the vicinity of cities and towns, character of the district, its peculiar suitability for a particular use, value of buildings and encourage the most appropriate use of land throughout the area because the amendment makes the intent of the regulations more clear through consistency with other sections of the regulations and is not adding 'Cellular tower' as an administrative conditional.
4. This text amendment has no bearing on zoning ordinances of nearby municipalities because the North Fork Zoning District is located over 20 miles from the nearest municipality and the amendment will not add any administrative conditional uses to the North Fork zoning as a cell tower is already allowed with an administrative conditional use permit.
5. The proposed text amendment to clarify that livestock is a permitted use in Agricultural and Suburban Agricultural zones is in accordance with the applicable neighborhood plans and Growth Policy because livestock is already interpreted to be a permitted use within the AG and SAG zoning classifications and the proposed amendment is not functionally adding a permitted use, only clarifying it.
6. The proposed amendment appears to have no impact on safety from fire and other dangers, public health, safety, general welfare, transportation, water, sewerage, schools parks, and other public requirements because livestock is currently presumed to be a permitted use within the AG and SAG zoning classifications and the proposed amendment is not functionally adding a permitted use, only clarifying it.
7. The proposed text amendment to clarify livestock as a permitted in Agricultural and Suburban Agricultural zones appears to have no impact on light, air, motorized, non-motorized transportation, urban growth in the vicinity of cities and towns, character of the district and its peculiar suitability for a particular use, value of buildings and encouraging the most appropriate use of land throughout the area because the keeping of livestock is already interpreted to be allowed in AG and SAG zoning classifications.
8. The proposed text amendment to clarify livestock as a permitted use in Agricultural and Suburban Agricultural zones is unlikely to impact whether or not the zoning regulations are compatible with the zoning ordinances of nearby municipalities because livestock is already interpreted to be a permitted use within the AG and SAG zoning classifications.
9. The proposed text amendment to separate stables from riding academy and rodeo arena on the list of permitted use in the AG-80, AG-40, AG-20 and SAG-10 zones appears compatible with the Growth Policy and applicable neighborhood plans because it will not add any new uses to those zoning classifications.

FRIDAY, MAY 2, 2014
(Continued)

10. The proposed text amendment to list "Stable, private" as a permitted use and "Riding academy, rodeo arena" and "Stable, public" separately as a conditional use in the SAG-5 zone appears compatible with the Growth Policy and applicable neighborhood plans because it would serve to allow agriculture to remain viable, productive and sustainable and would generally meet the definition of agriculture/silviculture in the neighborhood plans, it would allow private stables as a permitted use because they are lower impact than public stables, and it would continue to provide for Conditional Use Permit review of Riding Academies, Rodeo Arenas and Public Stables in the highest density Suburban Agricultural zone to review and mitigate potentially deleterious impacts.
11. The proposed text amendment in AG-80, AG-40, AG-20 and SAG-10 zones will not impact safety from fire and other dangers, will promote public health, public safety and general welfare and will provide adequate facilities for transportation, water, sewerage, schools, parks, and other public requirements because the proposed amendment is not adding any additional uses to the list of permitted uses and is simply separating stable from riding academy, rodeo arena.
12. The proposed text amendment to list "Stable, private" as a permitted use and "Riding academy, rodeo arena" and "Stable, public" separately as a conditional use in the SAG-5 zone will not impact safety from fire and other dangers, will promote public health, public safety and general welfare and will provide adequate facilities for transportation, water, sewerage, schools, parks, and other public requirements because the uses are rural in nature, and the uses are consistent with and compatible to other existing or permissible uses in the same district such as agricultural/horticultural/silvicultural, private stables should be permitted uses in SAG-5 zones because they are lower impact than public stables, and continuing Riding Academies, Rodeo Arenas and Public Stables on the list of conditional uses will allow for review for impacts of these uses in the highest density Suburban Agricultural zone, providing for a mechanism to ensure review and mitigation if required.
13. The proposed text amendment in AG-80, AG-40, AG-20 and SAG-10 zones will not negatively impact light, air, motorized, non-motorized transportation, urban growth in the vicinity of cities and towns, character of the district and its peculiar suitability for a particular use, value of buildings and the most appropriate use of land throughout the area because stable, riding academy and rodeo arena are already permitted uses in those zones and this amendment would serve to improve the clarity of the regulations.
14. The proposed text amendment to list "Stable, private" as a permitted use and separately list "Riding academy, rodeo arena" and "Stable, public" as a conditional use in SAG-5 zones will not negatively impact light, air, motorized, non-motorized transportation, urban growth in the vicinity of cities and towns, character of the district and its peculiar suitability for a particular use, value of buildings and the most appropriate use of land throughout the area because the uses are rural in nature, and the uses are consistent with and compatible to other existing permitted uses in the same district, and private stables have lower impact than riding academies, rodeo arenas and public stables, and providing for continued Conditional Use Permit review for Riding Academies, Rodeo Arenas and Public Stables will provide for review of these land uses in the highest density Suburban Agricultural zone and ensure review and mitigation of impacts.
15. The proposed amendment will not impact the Flathead County Zoning Regulations compatibility with the zoning ordinances of nearby municipalities because stables, riding academies and rodeo arenas are already allowed in AG-80, AG-40 AG-20 and SAG-10 zones and this amendment is to improve the clarity of the regulations.
16. Although it is not possible to make the zoning regulations compatible with the zoning ordinances of all the municipalities in the county because the municipalities each have different regulations regarding agricultural uses, (the City of Kalispell does not have agricultural zoning, Columbia Falls does not allow stables, riding academies or rodeo arenas as a permitted or conditional use in the CSAG-5 zone and Whitefish requires a conditional use permit for stables and riding academies in their WA zone), since SAG-5 zoning is the highest density suburban agricultural zoning and the definition of the zone is to provide a buffer between agricultural uses and urban uses, amending the text of the SAG-5 zone to add "Stables, private" as a permitted use and continue to require a Conditional Use Permit for "Riding Academies, Rodeo Arenas" and Stables, public" as separate uses will provide for review and mitigation of potentially deleterious impacts associated with these higher impact uses in areas closer to and adjacent to municipalities in the county, thereby improving compatibility of land uses.
17. The proposed text amendment appears to be in accordance with the Growth Policy and applicable neighborhood plans because removing the limitation on timeframe for placement of political signs would allow property owners to preserve their rights to free speech, as deemed by many courts.
18. The proposed amendment appears to have no impact on safety from fire and other dangers, public health, public safety, general welfare, transportation, water, sewerage, schools parks, and other public requirements because limiting the duration of political signs on private property does not promote a valid public interest, whereas restricting size does.
19. The proposed amendment to the sign regulations appears to have no impact on light, air, motorized, non-motorized transportation, urban growth in the vicinity of cities and towns, character of the district and its peculiar suitability for a particular use, value of buildings and the most appropriate use of land throughout the jurisdictional area because the proposed amendment would remove the limitation on duration of a political sign which is generally acknowledged to be unconstitutional and the restriction on size would remain.
20. It is not possible to make the zoning regulations compatible with the zoning ordinances of nearby municipalities because each municipality in the county has different regulations regarding political signs.
21. Amending the regulations to ensure access to businesses, service stations, roadside stands, public parking lots and all other businesses requiring motor vehicle access meet the requirements of the Flathead County Road and Bridge Department and the Montana Department of Transportation is made in accordance with the Growth Policy and neighborhood plans because many of the neighborhood plans and the Growth Policy state as a goal to maintain safe and efficient traffic flow and mobility on roads by limiting direct access on to the roadways and this amendment to clarify the regulations would promote safety.
22. The proposed amendment appears to have no negative impact on safety from fire and other dangers, public health, public safety, general welfare, transportation, water, sewerage, schools parks, and other public requirements because MDT and the Road and Bridge Department have standards that limit and restrict private driveways from directly accessing local roads, collectors, arterials and highways which can improve traffic flow and mobility on state and county roads, and require access points to be built to safe standards, when they are allowed.
23. The proposed amendment appears to not have a negative impact on light, air, motorized, non-motorized transportation, urban growth in the vicinity of cities and towns, the character of the district and its peculiar suitability for a particular use, value of buildings and the most appropriate use of land throughout the area because the proposed amendment will clarify access standards, may minimize uncontrolled access to and from publicly maintained roads and highways, will not foster or hinder growth, would impact access requirements for all uses in all districts, will ensure adequate access is provided for transportation of people and goods and may serve to preserve property values by protecting safe access.
24. The proposed text amendment is unlikely to impact the compatibility with zoning ordinances of nearby municipalities because it would improve clarity on access standards for private lots under county jurisdiction.
25. While the intent of the proposed amendment to remove references to the County Master Plan in the zoning regulations for determining road classifications and replace it with a reference to the Flathead County Functional Road Classification Map adopted March 14, 2013 is desirable for long-term purposes of public safety and general welfare and the amendment appears to comply with the statutory criteria and guidelines for zoning regulations, it was determined that since there appear to be differences in road classifications between the two documents the proposed amendment would have the effect of altering setbacks on some properties in Flathead County and the proposed amendment was not noticed in a manner that would provide appropriate notification to landowners of the potential impacts of the particular amendment; therefore the Commissioners reject the amendment to replace references to the County Master Plan with a reference to the Flathead County Functional Road Classification Map at this time.

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26. The proposed amendment to eliminate references to the Master Plan and instead reference the Growth Policy is made in accordance with the Growth Policy and neighborhood plans because the purpose of the amendment is to add reference to the Growth Policy in the zoning regulations.
27. The proposed amendment will have no impact on any safety from fire and other dangers, public health, public safety, general welfare, transportation, water, sewerage, schools parks, and other public requirements because the amendment is simply removing the references to Master Plan and replacing it with references to the Growth Policy which replaced the Master Plan as the document that provides guidance for growth in the County.
28. The proposed text amendment will not impact light, air, motorized, non-motorized transportation systems, urban growth in the vicinity of cities and towns, character of the district and its peculiar suitability for a particular use, value of buildings and the most appropriate use of land throughout the area because the amendment is simply removing the references to Master Plan and replacing it with updated references to the Growth Policy.
29. This text amendment will not impact the zoning ordinances of nearby municipalities because the proposed amendment would simply change the references to Master Plan in the zoning regulations to reference the current Growth Policy that replaced the Master Plan.
30. The proposed amendment is generally in compliance with the Growth Policy and many of the neighborhood plans because allowing a caretaker's facility for more uses could increase housing opportunities while preserving the rights of property owners.
31. The proposed amendment is generally not in compliance with the Rogers Lake Neighborhood Plan because it does not meet the definition of caretaker's facility in the Rogers Lake Neighborhood Plan.
32. The proposed amendment will likely have minimal impact on safety from fire and other dangers, public health, public safety, and general welfare because the bulk and dimensional requirements and review by the Environmental Health Department were established for securing safety from fire and other dangers and promoting public health, safety, and general welfare.
33. The proposed text amendment has the potential to impact transportation, water, sewerage, schools, parks, and other public requirements because a caretaker's facility is considered a dwelling which could result in increased traffic and it could increase the demand on water, sewer and schools as it would allow for an additional dwelling on a property.
34. The proposed text amendment has the potential to impact motorized and non-motorized transportation because a caretaker's facility is considered a dwelling and increased traffic could result on rural roads, however most rural roads are capable of handling the sporadic traffic generated by a caretaker's facility.
35. The proposed text amendment will not negatively impact light, air, urban growth in the vicinity of cities and towns, character of the district and its peculiar suitability for a particular use, or value of buildings and would encourage the most appropriate use of land throughout the area because both Columbia Falls and Whitefish define a caretaker's facility as caretaking of the use or activity being conducted not just the dwelling, Kalispell does not have standards for a caretaker's facility, bulk and dimensional requirements have been established in each zoning classification with the purpose of providing adequate light and air and it would allow for a caretaker's facility as an accessory use to other uses besides the principal dwelling, which is consistent with the character of permitted uses in districts where caretaker's facility are allowed.
36. The proposed amendment would generally comply with both the City of Whitefish and Columbia Falls zoning ordinances as both cities define a caretaker's facility as caretaking of the use not just the dwelling and Kalispell does not have standards for a caretaker's facility.
37. The proposed amendment is generally in compliance with the Growth Policy and many of the neighborhood plans because removing deed restriction requirements could increase housing opportunities and preserve the rights of property owners to subdivide.
38. The proposed amendment will have minimal impact on any safety from fire and other dangers, public health, public safety, general welfare, transportation, water, sewerage, schools parks, and other public requirements because the caretaker's facility could still be used with no restriction on duration, the placement of a caretaker's facility on a property could be constrained by the availability of sewerage and water if the lot size is not adequate to support the proposed use, would still require the caretaker's facility to meet applicable setback requirements of the underlying zoning and any future subdivision of land would require review with the Planning and Zoning Office or Environmental Health Department or both.
39. The proposed amendment is not compatible with the urban growth in the vicinity of Whitefish or Columbia Falls because properties within the jurisdiction of Whitefish and Columbia Falls would be required to place a deed restriction on their property but a property in the county would no longer be required to do so.
40. It is not possible to determine if the proposed text amendment is compatible with the urban growth in the vicinity of Kalispell because the Kalispell Growth Policy does not address caretaker's facilities.
41. The proposed text amendment will not impact light, air, motorized, non-motorized transportation, character of the district, its peculiar suitability for a particular use, value of buildings and would encourage the most appropriate use of land throughout the area because the caretaker's facility would remain a permitted or conditional use in all the zones it is currently permitted or conditionally permitted, has no bearing on and will not negatively impact motorized and non-motorized transportation systems because it will be reviewed through subdivision review, the caretaker's facility could still be used with no restriction on duration of use, and would still require the caretaker's facility to meet applicable setback requirements of the underlying zoning.
42. This proposed text amendment would not be compatible with the zoning ordinances of nearby municipalities because Whitefish and Columbia Falls zoning ordinance both require a deed restriction to be placed on the property.
43. It is not possible to determine if the proposed text amendment is compatible with the zoning ordinance of Kalispell because the Kalispell zoning ordinance does not address caretaker's facilities.
44. The proposed amendment is made in accordance with the Growth Policy and neighborhood plans because it would not diminish the applicability of clustering requirements, only setbacks from parent tracts.
45. The proposed amendment will have no impact on any safety from fire and other dangers, public health, public safety, general welfare, transportation, water, sewerage, schools parks, and other public requirements because the proposed amendment will not result in increased traffic, no additional demand on water, sewer, school, parks and other requirements will be generated, and the minimum setback requirements in the underlying zoning are already sufficient to provide safety from fire and other dangers, and promote public health, public safety and general welfare.
46. The proposed text amendment will not impact light, air, motorized, non-motorized transportation systems, urban growth in the vicinity of cities and towns, character of the district and its peculiar suitability for a particular use, value of buildings and would encourage the most appropriate use of land throughout the jurisdictional area because the minimum setback requirements of the underlying zoning would still apply and no new traffic will be generated.
47. The proposed amendment would make the regulations more compatible with the City of Whitefish's zoning ordinance and would not alter compatibility with the zoning ordinances of Columbia Falls and Kalispell because Columbia Falls and Kalispell do not appear to have clustering provisions and Whitefish does not have additional setbacks for "parent" tracts within the clustering provisions.

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(Continued)

Commissioner Krueger made a **motion** to authorize publication of the Notice of Passage of Resolution of Intent. Commissioner Scott **seconded** the motion. Motion carried unanimously.

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 intent (Resolution No. 955 HO) on May 2, 2014, to adopt a proposed amendment to the text of the Flathead County Zoning Regulations.

The proposed amendments would improve administration and clarity of the regulations described as follows:

- 1) Add 'Cellular Tower' to the list of conditional uses as an administrative conditional use in the 'NF North Fork' zoning district Section 3.40.030 because Section 3.40.040(7) currently states, 'Cellular Tower – Administrative Conditional Use Permit' and 'Cellular Tower' was not previously listed as a conditional use.
- 2). Clarify the use of livestock in Agricultural and Suburban Agricultural zoning districts, amend the regulations by adding 'Livestock' to the list of permitted use in AG-80, AG-40, AG-20, SAG-10 and SAG-5 zoning districts, found in Sections 3.04, 3.05, 3.06, 3.07 and 3.08 because livestock is listed as a permitted use in R-1 and R-2.5 but not listed in AG and SAG zones.
- 3) Clarify the use of stables, public versus private in Agricultural and Suburban Agricultural zoning districts, amend the regulations by removing 'Stable' from 'Stable, riding academy, rodeo arena' and adding 'Stable, public and private' to the list of permitted use in AG-80, AG-40, AG-20 and SAG-10 zoning districts found in Sections 3.04, 3.05, 3.06, 3.07 and adding 'Stable, private' to the list of permitted uses in the SAG-5 zoning districts and separating 'Stable, public' and 'Riding academy, rodeo arena' on the list of conditional uses found in Section 3.08.
- 4) Changes to restrictions on timing of posting of political signs on all private property in Section 5.11.010(8) based on court decisions regarding political signs. The size of a sign can be regulated but the duration of a sign cannot be regulated.
- 5) Regarding 'Street and Roadway Standards,' amend the regulations by striking the reference to 'Approach Standards for Montana Highways' in Section 6.16.010 and replacing it with 'Montana Department of Transportation or Flathead County Road and Bridge Department' because the regulations currently reference highway standards but access to a lot may not be via a highway. In the same section, replace the word "greater" with "more stringent" to improve the clarity of the intent.
- 6) Regarding reference to 'Master Plan' in Sections 1.02.010, 2.02.040, 3.01.010, 3.31.023(3)(A) and 3.39.110, amend the regulations by striking all reference to 'Master Plan' and replacing it with 'Growth Policy' because the Flathead County Growth Policy has replaced the Flathead County Master Plan.
- 7) Regarding conditional use standards and the definition of a 'Caretaker's Facility,' amend the regulations by striking 'principal dwelling' and replacing it with 'principal use' in Section 4.04.010 and 7.04.025 because there are other uses besides dwelling that could require a caretaker.
- 8) Regarding performance standards for a 'Caretaker's Facility,' amend the regulations by striking all references to deed restrictions in Section 4.04.010(4), based on the Planning Board's request to staff to remove the deed restriction at a Planning Board workshop on August 28, 2013.
- 9) Regarding 'Setbacks' in Residential Clustering, amend the regulations by striking 'at least 40 feet from any other boundary of the "parent" tract or adjacent property(ies);' and replacing it with 'otherwise conform to the minimum setbacks of the district;' in Sections 3.04.040(3), 3.05.040(3), 3.06.040(3), 3.07.040(3), 3.08.040(3) and 5.09.030(7) based on the Planning Board's request to staff to reduce the 'setback' requirement at a Planning Board workshop on August 28, 2013.

The Flathead County Zoning Regulations are on file for public inspection at the Office of the Clerk and Recorder, 800 South Main, Kalispell, Montana, at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, and on the Flathead County Planning and Zoning Office's website, at: http://flathead.mt.gov/planning_zoning/downloads.php. Documents related to the proposed amendments, including the Flathead County Zoning Regulations showing the proposed amendments to the text, along with the current Flathead County Zoning Regulations, are available for public inspection at the Office of the County Clerk and Recorder and the Flathead County Planning and Zoning Office.

For thirty (30) days after the first publication of this notice, the Board of Commissioners will receive written protests to the adoption of the proposed amendment to the Flathead County Zoning Regulations, from persons owning real property within any zoning district heretofore created by Flathead County whose names appear on the last completed assessment role of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

Dated this 2nd day of May, 2014.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

By/s/Pamela J. Holmquist
Pamela J. Holmquist, Chairman

By/s/Diana Kile
Diana Kile, Deputy

Publish on May 7 and May 14, 2014.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 5, 2014.
