
MONDAY, NOVEMBER 13, 2006

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

9:00 a.m. Chairman Watne, Commissioner Hall and Brenneman to Canvass General Election

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 14, 2006.

TUESDAY, NOVEMBER 14, 2006

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

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

MONTHLY MEETING W/ RAEANN CAMPBELL, HUMAN RESOURCE OFFICE

[9:19:36 AM](#)

Members present:

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

Others present:

Clerk Diana Kile, Raeann Campbell

Others absent:

Assistant Michael Pence

Discussion was held relative to the personnel transactions for the month of October. The trust fund balance is up by \$236,000 from where it was one year ago and the claims are up \$40,000. She then spoke about Solid Waste having several injuries this year and the Road Department incidents being reduced by over half.

Commissioner Hall made a **motion** to approve the personnel transactions for the month of October and authorize the Chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: ADMINISTRATIVE SERVICES AGREEMENT/ ALLEGIANCE

[9:28:44 AM](#)

Members present:

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

Others present:

Clerk Diana Kile, Raeann Campbell

Others absent:

Assistant Michael Pence

Commissioner Hall made a **motion** to approve the administrative services agreement with Allegiance and authorize the Chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

OPEN BIDS: COURTHOUSE ROOF

[9:32:19 AM](#)

Members present:

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

Others present:

Clerk Diana Kile

Others absent:

Assistant Michael Pence

No bids received.

OPEN BIDS: RSID # 139, #140, #141.

[10:09 AM](#)

Members present:

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

Others present:

Clerk Diana Kile, Terry Richmond, Ashton Ferruzzi, Denise Hanson, Dan Chilcote, Jeff Claridge, Stephen Welling, Jason Campbell, Kurtis Paulson

Others absent:

Assistant Michael Pence

Terry Richmond spoke in regards to the bids being set up as a base bid and that the paving would take place in the spring of 2007. The bids that were received were from Schellinger Construction, JTL Group Inc. and LHC Inc., for RSID #139, #140 and #141, each with bid bonds enclosed.

RSID #139	JTL Group Inc.	\$175,182.00
139	Schellinger Construction	\$156,730.00
139	LHC Inc.	\$191,623.00
RSID # 140	LHC Inc.	\$135,039.90
140	JTL Group Inc.	\$138,451.50
140	Schellinger Construction	\$133,509.00
RSID #141	JTL Group Inc.	\$129,305.50
141	Schellinger Construction	\$120,976.25
141	LHC Inc.	\$125,965.69

Commissioner Hall made a **motion** to take the bids submitted by Schellinger Construction, JTL Group Inc., and LHC Inc., for RSID #139, #140, #141 under advisement. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

MONTHLY MEETING W/ MARK PECK, OES

[10:29:05 AM](#)

Members present:

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

Others present:

Clerk Diana Kile, Mark Peck

Others absent:

Assistant Michael Pence

Mark Peck spoke in regards to the programs and projects that are a highlight on his list to get done, with the biggest being the Emergency Operations Plan for the County, which has not totally been updated since 1989. He also spoke about the development of the Incident Management Team and of his concern as to where some inventory is located at.

PRELIMINARY PLAT: STAR MEADOW LOGAN CREEK SUBDIVISION

This meeting was not held. Action needs to be taken within 60 days.

FINAL PLAT: GLACIER HILLS #3

[11:04:57 AM](#)

Members present:

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

Others present:

Clerk Diana Kile, Jeff Harris, Annie Thompson, Eric Mulcahy

Others absent:

Assistant Michael Pence

Thompson reviewed the application submitted by Spoklie & Hoover with technical assistance from Sands Surveying for Final Plat approval of Glacier Hills Subdivision, Phase III, a 17 lot major subdivision located directly southeast of Martin City. Preliminary Plat approval was granted on June 22, 2005, subject to 13 conditions. All conditions have been met. Staff recommends approval.

Commissioner Hall made a **motion** to approve the SIA for Glacier Hills #3 Subdivision. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve the Final Plat for Glacier Hills #3 Subdivision. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

PRELIMINARY PLAT: HODGE CREEK SOUTH, AMENDED PLAT OF LOTS 1 & 2

[11:30:40 AM](#)

Members present:
Chairman Robert W Watne
Commissioner Gary D Hall
Commissioner Joseph D Brenneman
Others present:
Clerk Diana Kile, Jeff Harris, Annie Thompson, Joe Kauffman, Tom Brake
Others absent:
Assistant Michael Pence

Thompson reviewed the application submitted by Tom Brake with technical assistance from Big Sky Surveying for Preliminary Plat approval of Hodge Creek South, Amended Plat of lots 1 & 2, a major subdivision that will create 4 residential lots. The subdivision is proposed on 58.45 acres on Ashley Lake Road at the intersection with Hodge Creek Road.

Commissioner Hall made a **motion** to adopt Staff Report # FPP 06-50. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Hall made a **motion** to approve Preliminary Plat for Hodge Creek South, Amended Plat of Lots 1 & 2. Commissioner Brenneman **seconded** the motion. **Aye** – Watne and Hall. **Opposed** - Brenneman. Motion carried by quorum.

CONTINUATION OF PUBLIC HEARING: FARLEY, et al, ZONE CHANGE/ LOWER SIDE ZONING DISTRICT

[11:57:52 AM](#)
Members present:
Chairman Robert W Watne
Commissioner Gary D Hall
Commissioner Joseph D Brenneman
Others present:
Clerk Diana Kile
Others absent:
Assistant Michael Pence

Chairman Watne opened the public hearing for anyone wishing to speak in favor or opposition of the Farley, et al, Zone Change/ Lower Side Zoning District.

No one rising to speak, Chairman Watne continued the Public Hearing in 30 days.

Commissioner Brenneman made a **motion** to continue the Public Hearing for Farley, et al, Zone Change / Lower Side Zoning District. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: AGREEMENT/ BUS BUILDING RENTAL

[9:32:29 AM](#)
Members present:
Chairman Robert W Watne
Commissioner Gary D Hall
Commissioner Joseph D Brenneman
Others present:
Clerk Diana Kile
Others absent:
Assistant Michael Pence

Commissioner Brenneman made a **motion** to approve the agreement for rental of the bus building and authorize the Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

- 9:30 a.m. Juvenile Detention Facility Tour**
- 1:15 a.m. 911 Meeting @ Justice Center**
- 5:00 p.m. Commissioner Brenneman to Flathead Basin Commission Executive Committee meeting**
- 6:00 p.m. Growth Policy Work Session @ Commissioners' Meeting Room**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 15, 2006.

WEDNESDAY, NOVEMBER 15, 2006

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

Chairman Watne opened the public comment on matters within the Commissions' Jurisdiction.

Wallace Hill Best spoke in regards to the number of meetings that are being held in terms of the Growth Policy and the problems they are having in completing it. He questioned the completion date of the Growth Policy and asked if he could have an approximate date. He stated that this was his main concern today and is pleased that the work sessions are going on and that everyone is allowed to attend.

Rick DeJana, a representative of Semitool, spoke in regards to the zone change going forward and the fact that the county attorney's office opposes the zone change at this time, because of the lack of the Growth Policy. He stated that there are two

issues and he spoke about the CD that was sent to them in regards to following his reasoning on his opinion. He then stated that the attorney general made some real important comments back in the old days, one of which was that the Growth Policy statues do not prohibit re-zoning of a parcel of land using the present regulations already adopted by the county. He argues to them and would at least hope for a response from the County Attorneys office that states this is a re-zoning and because it is re-zoning and because the legislature has at least assumed to have known what the county attorney general said that re-zoning has not been precluded. There is always a fall back position to talk about, one of which is 7-5-123, the effective date of resolutions. He stated that this is what they would be adopting in this case. What this code says is that all resolutions shall be immediately effective unless a delayed effective date is specified, so he drafted what would be an amendment to the county resolutions, although he does not think it is necessary, but if they are trying to be cautious this might be the approach. It would read; this resolution is to be effective 10 days after the passage of the Growth Policy by this board or 31 days after final termination by a court of competent jurisdiction that resuming is not precluded by the failure to have a Growth Policy in place by October 1, 2006. In other words if gives them time to wait for the Growth Policy to happen or get a declaratory action making that determination. He stated that the 10 day figure was picked out of the air and the 31 day figure is important, because what that does is it takes us one day past appeal time. He is urging them to pass the zone change with it being a two year project. He then spoke about not blaming the Planning Office, but he wants them to recognize that it took a long time to get to this point.

Jonathan Smith spoke in regards to not being able to recommend that they pass the resolution on the Semitool Zone Change with the statue being clear that they cannot adopt or revise zoning after October 1, 2006, without a Growth Policy, and they don't have one in effect as of yet that meets the requirements of 76-1-601. He stated that they have until today to act in regards to adopting the zone change or not and to say we are going to adopt it and its going to be effective sometime in the future he does not feel is the right way to go either.

Commissioner Hall then questioned the two different view points.

Jonathan Smith again spoke about his legal advice to the Board of Commissioners is that they can not adopt the zone change, with the statue that was adopted in 2003 that states if you do not have a Growth Policy in place by October 1, 2006, you can not revise or adopt new zoning until you do have one in place.

Rick DeJana stated that what it says is that you can until October 1, 2006, adopt or revise regulations that are existing.

Commissioner Hall stated that it is obvious that the Commission does not have an issue with the zoning that is being requested from Semitool.

Chairman Watne questioned what the worse case scenario would be for the zone change to be passed.

Rick DeJana stated that if the zone change was challenged that Semitool would step in and defend it.

Commissioner Brenneman stated that it could be challenged at any point from here on out.

Rick DeJana stated that it could only be challenged for 5 years.

Jonathan Smith stated that it is something that the law does not allow you to do and Rick DeJana does not agree.

Rick DeJana then stated that they do agree on the necessity of the Growth Policy and then spoke about the possible challenge of the zone change and stated that finding out might be worthwhile to the county one way or another, since he is not to sure how quickly the Growth Policy is moving.

Jonathan Smith stated that today is the deadline that it can not be continued.

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

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: SEMITOOL ZONE CHANGE/ HWY 93 NORTH ZONING DISTRICT

[9:12:41 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Diana Kile, Jonathan Smith, Rick DeJana

Chairman Watne stated that he did not want to deny the Zone Change and is leaning towards approving the change.

Commissioner Brenneman stated that he is not against it, but stated that he agrees that it is pretty clear that it can not be done without a Growth Policy and make it a legal action.

Commissioner Hall spoke about the threat of a lawsuit over the Growth Policy even once they do get the work done with it taking forever is a frustration for him. He stated that it is piling more things into the legal box that they do not have clear direction on. He then questioned Jonathan Smith again as to if they could delay it until the Growth Policy was done, stating that is what he wants to do.

Jonathan Smith then stated that there wasn't any way that he knew of.

Commissioner Hall then questioned what the purpose of the zone change was for.

Rick DeJana stated that they will do a warehouse that will hold additional product and people and that the net effect would be around 1,500 jobs. He then stated that the structure is already built, but the internal things are not in the building yet.

Commissioner Hall then stated that he did not like going against Jonathan Smith's recommendations, but would like to get the project moving for Semitool.

Commissioner Brenneman then asked if his client was comfortable with the fact that should this be challenged, that the delay would almost certainly be longer than it would be to go through the zone change once we have a Growth Policy.

Rick DeJana stated that it would be strictly a legal argument and that they are not comfortable with it, but being put in this position of having put in two years of work on the project they would prefer to get started. He then stated that the legal issue would be decided on a summary judgment, which he feels would be briefed and argued very timely. He stated that he has been in regular contact with his client and that they feel this is the most efficient way to go.

Commissioner Hall questioned Rick DeJana in regards to his statement of anticipating that the adoption of the Growth Policy due to litigation is not going to be forth right in any manner and is asking how much Rick DeJana is involved in the litigation of the Growth Policy in regards to American Dream.

Rick DeJana then stated that he is not involved in litigation and that he is actively discussing with people on both sides that they need a Growth Policy good or bad. He then spoke about never having to take a land use position he did not agree with in his career, and would not be forced to do so.

Commissioner Brenneman made a **motion** to adopt the Semitool Zone Change/ Hwy 93 North Zoning District Resolution #837BL. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Brenneman. Motion carried unanimously.

RESOLUTION NO. 837 BL

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 12th day of September, 2006, concerning a proposal to change the zoning designation in a portion of the Highway 93 North Zoning District from SAG-10 (Suburban Agricultural) to I-1 (Light Industrial);

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

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

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 837 BK, dated September 12th, 2006) to change the zoning designation of the property described on Exhibit A, in a portion of the Highway 93 North Zoning District from SAG-10 (Suburban Agricultural) to I-1 (Light Industrial); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on September 16 and September 23, 2006, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders in the Highway 93 North Zoning District.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Highway 93 North Zoning District to change the zoning designation in a portion of the Highway 93 North Zoning District from SAG-10 (Suburban Agricultural) to I-1 (Light Industrial), that property being described on Exhibit A.

DATED this 15th day of November, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: /s/Robert W. Watne
Robert W. Watne, Chairman

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

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

ATTEST:
Paula Robinson, Clerk

By: /s/Diana Kile
Deputy

SEMITOOL, INC.
ZONE CHANGE FROM SAG-10 TO I-1
STAFF REPORT #FZC-06-13
JULY 19, 2006

Location and Legal Description of Property:

The property is located at 655 West Reserve Drive, and can legally be described as Assessor's Tract 3E situated, lying, and being in the Northwest Quarter of the Southeast Quarter of Section 30, Township 29 North Range 21 West, P.M., M., Flathead County, Montana. (Certificate of Survey No. 9442)

DOCUMENT FOR SIGNATURE: HEALTH BENEFIT PLAN AMENDMENT #1

9:27:25 AM

Members present:

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

Others present:

Assistant Michael Pence
Clerk Diana Kile, Raeann Campbell

Raeann spoke in regards to the Health Benefit Plan amendment which is a request to add a combined vaccination which would be more cost effective with the combination shot costing \$15.00.

Commissioner Brenneman made a **motion** to approve the Health Benefit Plan Amendment #1 and authorize the Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

COS REVIEW: CLARK

[9:21:15 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Diana Kile, Kirsten Holland, Sam Clark, Andy Belski

Holland reviewed the Clark family transfer request which is to transfer a parcel of land to his son and daughter.

Commissioner Brenneman questioned the applicant in regards to his being familiar with the 509-D Resolution.

Sam Clark stated that his purpose is to divide the land and give the land to his children so that they can be close to their grandchildren and that their kids can help them as they get older.

Commissioner Hall made a **motion** to approve the Clark family COS. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

PUBLIC HEARING: SADDLEHORN PUD

[9:30:00 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Diana Kile, Kirsten Holland, Nicole Lopez-Stickney, Eric Giles, Stephen Felt, Jana Felt, Mahlon Randall, Bill Baum, Don Loranger, Janet Loranger, Paul Rana, Jim Pierce, Doug Averill, Gesine Thomson, Jim Frizzell, Ralph Walton, Christine Rommreim, Robert Packer, M.K. Felt, Kevin Barrows, Ron Inoronato, Dee Inoronato, Orin Webber, Charles Lapp, George Darrow, Carol Venable, Paul T Williams, Thomas Weller, Ralph Walton, Dan Day

Lopez Stickney reviewed the request for the Saddlehorn PUD, which proposes to create 106 developable lots, 96 of which will be single family residential lots, 7 commercial lots, 2 recreation lots and 1 maintenance lot. In addition, nine lots designated for future development will be created along with 17 common areas. In total 132 parcels will be created in this subdivision. The 17 lots created for future development will only be eligible for development at the time that additional land, to satisfy the necessary density requirements, is acquired and annexed into the PUD, and the PUD is amended. The proposed PUD is zoned SAG-5. Staff recommends approval, subject to 6 conditions. The Planning Board has acknowledged that until the Growth Policy is adopted it can not go to Final Plat.

Chairman Watne opened the public hearing for anyone wishing to speak in favor or opposition of the Saddlehorn PUD.

Mahlon Randall spoke in regards to being a resident that would be surrounded by Saddlehorn Subdivision and spoke as a representative for the water district. As a resident of the subdivision he emphasized the cooperation that he has had from the developer keeping him fully informed of what is going on. He stated that one of the key things that have been done is Saddlehorn Subdivision providing for the very first time in the thirty years an emergency exit, with the subdivision having had one entrance and exit onto Hwy 35, which has been an on going concern for the members that are in the 50 lot subdivision. He spoke about Mr. Averill being very helpful in assisting them with the fire reduction efforts in the green belt area. From the stand point of the water district he spoke about the county and the Ranch Water District being in partnership of some federal funding under CDBG, in which the county got a chunk of money and they also received a chunk of money so that they can continue to have an economically mixed neighborhood and offer assistance to those members of the community that are of a limited income. Another issue that he spoke of is that this year they received additional federal funding from the water resources development act; the unfortunate news is that the federal funding has time limitations on it and the money must be spent in the fiscal year that it is received. They are anticipating several hundred thousand dollars of water money once Congress gets back up to speed that will have to be spent before September of 2007, which has put a lot of pressure on them and Saddlehorn development, because Doug Averill some time ago offered to team up with them and share some facilities, such as transmission lines and storage facilities to the benefit of both Bigfork Water & Sewer and to the Ranch District,. He then stated that ultimately they would like to be annexed into Bigfork and make it a more efficient operation for the county water district. He spoke about the costs going up and the risks increasing and stated that he felt they should be able to complete the project by the end of next summer with the federal money. He then spoke about encouraging them to help move the system along so that they can do some limited degree of partnership and cost control on the water district.

Steve Felt spoke in regards to urging the Commissioners to approve the Saddlehorn Subdivision and stated that seldom do we see a project come along that is this innovative and environmentally sound. When it was reviewed by the Bigfork Committee, not only was it approved, but everyone there wanted to make a statement and hold this subdivision up as an example for the valley as something that should be encouraged. He spoke of approval of Saddlehorn Subdivision and is asking them not to restrict them with the conditions and to approve it as proposed concerning the road way. He then stated that they have a great

innovative design that they have proven works with their existing operation with Flathead Lake Lodge for years. He spoke about the road system that they proposed as being safe and appropriate for the development and is asking that they not encumber them with changes that will cause them to redesign the project. He also spoke about the condition in regards to the Growth Policy and the subdivision conforms to the original Bigfork plan that was done back in 1992 or 1993 and from what he understands about the proposed Growth Policy this also conforms to it. He is asking why they should be restricted time wise on something that they know to be a slam dunk.

Don Loranger spoke about the growth in regards to the Commissioners having taken their share of stepping up to the plate and saying listen, growth is inevitable, but we need to do it in a controlled reasonable fashion that respects the community, personal property rights and all the reasons that we live here. He applauded them for that and offered to them that the PUD that they have before them, if it could be stapled together and handed out to every developer in the valley, it is exactly the kind of respect that they want shown to the community, environment and personal property rights. It was stated that it is a model of how as we grow in the Flathead Valley and try to maintain the reasons that we all live here that we grow in a responsible fashion. He is urging them to re-look at the road restrictions as he feels that they have in a very innovative way made very adequate adjustments in terms of fire protection and at the same time it is esthetically pleasing to the area.

Orin Webber spoke in regards to living in the valley for the past 25 years and stated that he doesn't think he has ever spoken in favor of a subdivision. He then spoke in favor of this project, primarily because this project has community, neighborhood and Planning Board support. He stated that he is in support of this project and pointed out that this is the kind of thing we should be looking at for the future of the valley.

Paul Williams stated that he also has a perspective on these types of projects from his service as a member of the Board of Flathead Lakers, where he is involved in speaking to organizations in governmental bodies about proposals often with some reluctance, speaking in somewhat negative terms about what was proposed. He then stated that both as a citizen and resident and owner of nearby property he wants to commend the project and urge them to vote in favor of it.

Carol Venable spoke in regards to reiterating what had already been said and then spoke about Flathead Lake Lodge that has been here since the 1940's and stated that it works very well with what they have done there. She then stated that she does not feel that it needs widened roads and spoke about the restrictions from the Growth Policy. She stated that she feels that everything that he has done is a model for the whole state.

Andy Miller spoke as a fellow developer and stated that one of the greatest things that you look for is the character of the project and stated that the project speaks volumes of what Mr Averill and this staff has done. He stated that the people have expressed their concern with the conditions and he is asking that they be looked over and that they would be favorable with them, especially the road issues. He also stated that as a fellow Flathead citizen that we look forward to this kind of project, with it being a project with class, character and dignity, and he feels that if the rest of the developers in his business would look at that type of thing that it would set a tone that they will all be very proud of in the future.

George Darrow spoke about Bigfork being a very special area and feels that Saddlehorn Subdivision would be an ideal compliment to everything that already exists in the growing community of Bigfork. He then spoke about the thinking and planning for this subdivision that has been in effect for years and stated that it comes before them as a fully thought out planned development. He then stated that this is a project that fits ideally in its location on the south side of the Swan River and the north end of the Mission Mountain Range, and that it is a project that the community looks forward to having. He is asking that it will be given favorable consideration and that they can find a legal way past the potential delays of the Growth Policy legalities in order to allow this project to go forward as it now should.

No one else rising to speak, Chairman Watne closed the Public Hearing.

Commissioner Hall stated that he was hoping Doug Averill was going to come up and speak so that he could question him on a couple of items.

Chairman Watne re-opened the Public Hearing for Doug Averill to make his presentation on the Saddlehorn PUD.

Doug Averill spoke about Saddlehorn Subdivision and the Bigfork Land Use Group touring the project and approving it entirely. It was stated that the architect that they used came from Europe and has been involved in crafting some of the most unique ideas into the project. The Bigfork group put emphasis on the roads the way they were and stated that the whole idea of a PUD is to craft a project to fit the land. He then stated that this particular project is not about selling dirt, it is about creating a community and property that has longevity for generations that functions and works properly with the community. In order to do that they are trying to create an early pioneer theme, western village that has hospitality and social interaction in it. He then spoke about the fire department that they will have on site that will have equipment crafted just for the site which will be well configured to get over the roads and off the roads if necessary. He also spoke about the width of the roads and stated that he doesn't want anyone to think that he is trying to minimize the roads by saving costs, because the cost of 2 feet of asphalt is about a fraction of one percent of the project.

Commissioner Hall questioned whether fire equipment from around the valley would be able to turn around.

Doug Averill stated that there are 110 foot cul-de-sacs every 1000 feet and that would be a tremendous area to maneuver in and he also spoke about the pull outs, cul-de-sacs and transportation areas that could be used to turn around. He stated that if they had a major forest fire and needed forest fire staging areas, that there are big areas all through out the area, as well as the whole equestrian area that could function as a major staging area. He stated that they will address the fire concerns very seriously. He then stated that they would like to compromise on an 18 foot secondary road. The other road that came into question was the one way access and if that was to become a 60 foot easement everything would be fine and he thinks they are very close to getting the agreement with Pacific-Corp. If it doesn't then the Ranch Road on the back way will become a 24 foot road in and out. They are suggesting that the emergency access be 20 feet instead of 24 and that would go for just a short distance. It was explained that there are plenty of ways to get out of the property. If you turned off Hwy 35 which is 24 feet and going into an emergency access into a subdivision it just doesn't look right to take the highway to the subdivision. He spoke about the condition in regards to 45 foot heights, and stated that there is a design for a historic looking fire look out, but he doesn't think it is over 35 feet and he thinks they are okay with sprinkling if they go to 45 feet, which he does not perceive that they will do. He also spoke about the big barn in which they are trying to raise it up and give it an old barn look. He stated that these are the only issues that they have other than the Growth Policy delay.

No one else rising to speak, Chairman Watne closed the Public Hearing.

Commissioner Hall addressed the conditions of the PUD Preliminary Plat with comments being made in regards to the Growth Policy and would like to take condition #6 out.

Commissioner Hall made a **motion** to remove condition #6 for the Preliminary Plat of the PUD. Commissioner Brenneman seconded the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Brenneman stated that he did not see any sharp corners that should be a concern and feels that 18 feet should be adequate.

Commissioner Brenneman made a **motion** to change condition #1 for the Preliminary Plat of the PUD to be changed to 18 feet driving surface. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Hall made a **motion** to change condition #4 to say that after 45 feet the lodge shall be fully sprinkled. Commissioner Brenneman seconded the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the Preliminary Plat of the PUD with Resolution #1983. Commissioner Brenneman seconded the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

PRELIMINARY PLAT: SADDLEHORN

10:36:10 AM

Members present:

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

Others present:

Assistant Michael Pence
Clerk Diana Kile, Kirsten Holland, Nicole Lopez-Stickney, Eric Giles, Stephen Felt, Jana Felt, Mahlon Randall, Bill Baum, Don Loranger, Janet Loranger, Paul Rana, Jim Pierce, Doug Averill, Gesine Thomson, Jim Frizzell, Ralph Walton, Christine Rommreim, Robert Packer, M.K. Felt, Kevin Barrows, Ron Inoronato, Dee Inoronato, Orin Webber, Charles Lapp, George Darrow, Carol Venable, Paul T Williams, Thomas Weller, Ralph Walton, Dan Day

Holland reviewed the application submitted by Swan Mountain Partners with technical assistance from Michael Fraser for Preliminary Plat approval of Saddlehorn Subdivision, a 116 lot mixed-use major subdivision and PUD on 250 acres south of Bigfork on Ranch Road, to the east of the intersection of Mt Hwy 35 and Mt Hwy 209, subject to 24 conditions. Staff recommends approval.

Holland stated that for the record that condition 20D was changed by the Planning Board and states no lot or open space shall be further subdivided. Added was with the exception of those lots designated for future development to make sure that the applicant did not hit a snag when they came in to implement the plan, that they have been up front from the beginning, that there will be future development of the site once the additional lands are under single ownership. Staffs original condition 3 before it was changed by the Planning Board read that all road surfaces for all other internal roads shall consist of a 40 foot right of way and 20 foot hard drive surface with a minimum of 16 feet paved, with 2 foot shoulders on each side of the paved surface, shall be constructed with a surface acceptable to the Bigfork Fire Marshall to address concerns.

Doug Averill spoke in regards to clarifying condition 1 that would say that 18 foot paved surface with 1 foot on each side.

Commissioner Brenneman made a **motion** to adopt Staff Report #FPP 06-51 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Doug Averill spoke about condition 19 in regards to a bus stop and they are suggesting that the bus stop if ever required be built at that time, but for now there will be a shuttle that will take kids to school.

Commissioner Hall questioned condition 19 and it will remain but the language will be changed to read, if required by the Superintendent of Schools the bus stop shall be established on Mt Hwy 209 and approved by the Superintendent.

Commissioner Hall made a **motion** to approve the Preliminary Plat on Saddlehorn Subdivision with amended conditions. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

CONDITIONS

1. The subdivider shall comply with reasonable fire access requirements of the Bigfork Volunteer Fire Department and Montana DNRC. A letter from the Bigfork fire chief stating requirements have been met shall be submitted with the application for Final Plat
2. Saddlehorn Drive shall consist of a 24-foot paved travel surface and 60-foot road easement. Separated one-way ingress/egress points off Highway 209 shall consist of minimum 14-foot paved surfaces and 30-foot easements. Further development will require obtaining a full 60-foot right of way on Saddlehorn Drive and expanding the paved surface to 24 feet. In the event that the necessary easements cannot be obtained, primary access via Ranch Road will be required.
3. Road surfaces for all other internal roads shall consist of a 40-foot right-of-way and 18-foot paved driving surface, with one-foot gravel shoulders on each side of the paved surface.
4. All cul-de-sacs shall consist of a minimum 55-foot outside right of way radius and not include landscaped islands.
5. Emergency access routes shall be built to County standards as set forth in Section 3.8(E).
6. Hydrants shall be placed at 400 foot intervals within seven feet of the asphalt or concrete edge.
7. Defensible Space and *Firewise* principles shall be incorporated around all structures.
8. Class A or B roofing materials shall be required.

9. The applicant shall submit a service plan for approval to the Bigfork Water and Sewer District. This plan shall include detailed information regarding service to the uses proposed in this application, including 96 residential units, the lodge and cabins, employee housing, and all related commercial facilities.
10. The lots within the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. A Certificate of Subdivision Approval shall be submitted with final plat.[Sections 3.14 and 3.15, FCSR]
11. Stormwater management shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [Section 3.12, FCSR]
12. Building sites shall be in complete compliance with Section 3.6, specifically subsections (E) and (F) regarding slope.
13. The applicant shall work with the Address Coordinator to provide adjustments to the transportation network to meet road naming requirements. The adjustments shall appear on the final plan and a letter from the Address Coordinator shall be submitted with the final plan stating that requirements have been met. [Section 3.9(I)(7), FCSR]
14. The applicant shall meet all requirements of the Montana Department of Transportation for access onto Montana Highway 209, including proof of completed approach permits. A letter shall be submitted with final plat stating the department's requirements have been met.
15. An approved approach permit for access onto Ranch Road shall be obtained from the Flathead County Road Department, indicating the approaches have been built and received final inspection. [Section 3.8(A), FCSR]
16. New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
17. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. [7-22-2116 MCA and Section 3.12(J), FCSR]
18. The developer shall provide written documentation from the appropriate USPS postmaster, indicating mail delivery requirements have been met. [Section 3.22, FCSR]
19. If required by the Superintendent of Schools, a bus stop shall be established on MT Highway 209 and approved by the Superintendent.
20. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All addresses shall be visible from the road, and at the driveway entrance or on the house.
 - b. All utilities shall be extended underground.
 - c. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
 - d. No lot or open space shall be further subdivided with the exception of those lots designated for future development.
 - e.

Waiver of Protest
Participation in Special Improvement District

_____ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes _____ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that _____ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. _____ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for _____ Subdivision.
21. All required improvements shall be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, shall be provided by the subdivider prior to final approval by the County Commissioners. [Chapter 8, FCSR]
22. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]
23. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]
24. If used as an emergency access, Ranch Road shall be constructed to a 20-foot paved travel surface from Barn Dance Drive to MT Highway 35.

KH

11:00 a.m. County Attorney meeting @ County Atty's Office
12:00 p.m. Commissioner Brenneman to DUI Task Force Meeting @ The Summit

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 16, 2006.

THURSDAY, NOVEMBER 16, 2006

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

2:00 p.m. Chairman Watne to Health Board Meeting @ Earl Bennett Bldg.
6:00 p.m. Growth Policy Work Session @ Commissioners' Meeting Room
7:00 p.m. Fair Board Meeting @ Fair Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 17, 2006.

FRIDAY, NOVEMBER 17, 2006

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

Commissioner Brenneman to Missoula for a CDC & Mental Health Council Meeting

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 20, 2006.