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## MONDAY, DECEMBER 10, 2007

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

**1:00 p.m. Commissioner Lauman to Elected Officials Certification in Helena**  
**2:00 p.m. Commissioner Hall to MACo Board of Directors meeting in Helena**  
**N. W. Pre-release Working Committee meeting @ Earl Bennett Bldg.**  
**Commissioner Brenneman to meeting w/ heavy haulers re: spring weight limits**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 11, 2007.

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## TUESDAY, DECEMBER 11, 2007

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

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

Whitey Boughton spoke about power poles on Lupfer Road that he wants Lincoln Electric to move. He then spoke about the width of Lupfer Road, stockpiling of millings and his concerns with Mr. Gooagan in regards to paving Lupfer Road.

Bill Myers, representing Bayside Park and Marine Center questioned the approval of a temporary road by the Commission on October 31, 2007, in which he said the meeting was not noticed for 48 hours on the Commissioners agenda. He then said that in order to make sure this is done properly that it should be re-noticed and the issue considered again. Myers then stated that the Bigfork Water and Sewer District is not cooperating with him and that he has documented evidence. He then continued with stating that the issue has not been properly looked at in regards to the pump and said that we don't deliberately want to do the wrong thing. Myers also spoke about water shed, storm drains, water lines and a culvert that is totally inadequate.

Tom Lewis, 546 Grand Drive, commented that he first became involved in this project when he thought perhaps the lines on his property might be leaking; at which time he hired a Hydrologist. He then stated that he gave the information that he received from the Hydrologist to the Bigfork Water and Sewer District. Lewis then said that the lift station is an on going need that needs repaired and urged the Commission to look at the overall project that needs done.

Bill Myers, then spoke about the permitting nightmare process he has gone through and sewer lines.

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

### **CONSIDERATION OF HR TRANSMITTAL: HEALTH PROMOTION SPECIALIST/ HEALTH DEPT.**

[9:24:34 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Gary D. Hall

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Hall made a **motion** to approve a Health Promotion Specialist position for the Health Department. Chairman Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

### **MONTHLY MEETING W/ LAURIE REBUCK, JUVENILE DETENTION CENTER**

[9:30:35 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Gary D. Hall

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Juvenile Detention Officer Laurie Rebeck, Clerk Kile

Rebeck reported that presently there is a population of nine in the Juvenile Detention Center and that during renovations inmates were sent out of county. She then spoke about expenses in renovations, problems encountered with Johnson Controls in regards to heat for the center, replacement of showers, electrical wiring problems, purchase of a new copy machine and their camera situation that needs upgraded.

### **AWARD BIDS: USED BOAT/ SHERIFF'S OFFICE**

[10:02:18 AM](#)

Members present:  
Chairman Joseph D. Brenneman  
Commissioner Gary D. Hall  
Members absent:  
Commissioner Dale W. Lauman  
Others present:  
Assistant Mike Pence, Sheriff's Dept. Jordan White, Clerk Kile

Commissioner Hall made a **motion** to award the bid for the used boat to Elephant Boys for \$79,999.99. Chairman Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

**CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: JOHNSON'S RANCH LLC ZONE CHANGE/ BIGFORK ZONING DISTRICT**

10:09:18 AM  
Members present:  
Chairman Joseph D. Brenneman  
Commissioner Gary D. Hall  
Members absent:  
Commissioner Dale W. Lauman  
Others present:  
Assistant Mike Pence, County Attorney Jonathan Smith, Planner Eric Giles, Clerk Kile

Commissioner Hall made a **motion** to adopt Resolution #956CD. Chairman Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

RESOLUTION NO. 956 CD

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, after the publication of legal notice, on the 31<sup>st</sup> day of October, 2007, concerning a proposal to change the zoning designation in a portion of the Bigfork Area Zoning District from AG-40 (Agricultural) to SAG-5 (Suburban Agricultural);

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

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Bigfork Area 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. 956 CB, dated October 31, 2007) to change the zoning designation in a portion of the Bigfork Area Zoning District from AG-40 (Agricultural) to SAG-5 (Suburban Agricultural);

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on November 5 and November 12, 2007, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Bigfork Area Zoning District to change the zoning designation for the boundaries as shown on Exhibit A, from AG-40 (Agricultural) to SAG-5 (Suburban Agricultural), as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 93270 13500, in the Flathead County Clerk and Recorder's Office.

DATED this 11<sup>th</sup> day of December, 2007.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

By: \_\_\_\_\_  
Dale W. Lauman, Member

ATTEST:  
Paula Robinson, Clerk

By: /s/Diana Kile  
Diana Kile, Deputy

Johnson's Ranch LP Zone Change / Bigfork Zoning District  
Exhibit "A"

A Zone Change request in the Bigfork Zoning District by Johnson's Ranch LP, from AG-40 (Agricultural), to SAG-5 (Suburban Agricultural). The property is located at 290 Ramsfield Road and can legally be described as follows:

The Southwest Quarter of the Northeast Quarter, the Northwest Quarter of the Southeast Quarter, and the Southeast Quarter of the Northwest Quarter of Section 14, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana. EXCEPTING THEREFROM Public Roads and Rights of Way. ALSO EXCEPTING THEREFROM the following described Tract: That portion of Section 14, Township 27 North, Range 20 West, Flathead County, Montana, described as follows:

Commencing at the East ¼ corner of Section 14; thence along the East line of Section 14, North a distance of 1337.08 feet; thence West a distance of 3542.25 feet to a point on the Southerly line of a County Road at the Point of Beginning; thence South 0°15'30" East a distance of 755.95 feet to a point; thence North 89°22'30" West a distance of 439.12 feet to a point; thence North 0°26'03" East a distance of 749.68 feet to a point on the Southerly line of the County Road; thence along the Southerly line North 89°49'03" East a distance of 430.00 feet to the Point of Beginning.

**CONSIDERATION OF ADOPTION OF RESOLUTION: SURPLUS IN PROTEST TAX FUND FOR E911 PURPOSES**

[10:11:18 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Gary D. Hall

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, County Attorney Jonathan Smith, Treasurer Adele Krantz, Clerk Kile

Commissioner Hall made a **motion** to approve Resolution #2114. Chairman Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

RESOLUTION NO. 2114

WHEREAS, the protest fund maintained by the Flathead County Treasurer's Office is carrying a surplus which has developed over many years as a result of the methods by which the interest on the funds is accrued and is paid when the protests are finally determined;

WHEREAS, the Flathead County Treasurer's Office has recently initiated changes in the methods by which the interest on the funds is accrued and is paid when the protests are finally determined which will preclude a surplus from occurring; and

WHEREAS, the County has consulted with other governmental bodies, including cities and school districts, which might have an interest as to the disposition of the surplus, and none has objected to its being applied to E911 center capital project needs.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the surplus in the protest fund should be transferred to the E911 Emergency System (Capital Projects) Fund No. 4026 to be used for hardware, software, CAD and equipment uses only.

Dated this 11<sup>th</sup> day of December, 2007.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

By: \_\_\_\_\_  
Dale W. Lauman, Member

ATTEST:  
Paula Robinson, Clerk

By: /s/Diana Kile  
Diana Kile, Deputy

**DOCUMENT FOR SIGNATURE: MDOT RIGHT-OF-WAY AGREEMENT/ SIGNAL ACTIVATION SWITCH FOR EVERGREEN VOLUNTEER FIRE DEPT.**

[10:12:38 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Gary D. Hall

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Hall made a **motion** to approve the MDOT right of way agreement. Chairman Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

**COS REVIEW: THOMASON**

[10:15:50 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Gary D. Hall

Members absent:

Commissioner Dale W. Lauman

Others present:

Planner Annie Thompson, Planner Andrew Hagemeyer, Clay Thomason, Gail Thomason, Jane Eby, Clerk Kile

Thompson reviewed the chain of title for the COS request. This parcel is located on the south side of Ashley Lake with access from South Ashley Lake.

Commissioner Hall made a **motion** to approve the Clay Thomason COS. Chairman Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

#### **MONTHLY MEETING W/ MARK PECK, OES**

[10:36:42 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Gary D. Hall

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, OES Director Mark Peck, Clerk Kile

Peck reported on the E911 call center that proposes to consolidate the emergency dispatch centers together. He then pointed out that the system is not broken, but does need updated.

Discussion was held relative to where this call center would be located, in which Peck emphasized that they want to make sure the right decisions are made in order to enhance services for the county.

Peck also reported they are going through a state audit.

#### **DOCUMENT FOR SIGNATURE: IMPACT FEE CONTRACT/ TISCHLER BISE**

[11:05:24 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Gary D. Hall

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Assistant Planning & Zoning Director B J Grieve, Russ Crowder, Clerk Kile

Pence reviewed the contract with Tischler Bise who will be doing research in regards to impact fees for the Jail and Road Department. The contract is for performing all the preliminary work that will provide the county with a qualifying statement.

Discussion included public involvement in the process.

Grieve stated that an impact fee website has been built that links directly from the county Planning and Zoning website.

Discussion also included the Library and Parks Board and the timeline for the research in which it was stated that it looks like the jail would be done in May and roads would be done in October.

Commissioner Hall made a **motion** to approve the Tischler Bise contract and authorized the Chairman to sign. Chairman Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve the by laws and authorized the Chairman to sign. Chairman Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

#### **MEETING W/ MARCIA SHEFFELS, SUPT OF SCHOOLS RE: BOUNDARY ADJUSTMENTS**

[11:23:41 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Gary D. Hall

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Superintendent of Schools Marcia Sheffels, GIS Mindy Cochran, GIS Ron Schlagenhauser, Clerk Kile

Marcia Sheffels reported that in an effort to assure accuracy of Flathead County's taxation records that the GIS Department completed an audit in 2006 of all the land in the county. It was discovered that some parcels fell within more than one school district boundary. Most of these were given an additional assessor number to correct the situation. The County Clerk & Records Office verified that segments of 12 school district boundaries needed clarification and adjustment. It was then added that 18 boundary adjustments needed made with 13 of them dealing with waterways.

Mindy Cochran reported that the adjustments made would cause minimal impact.

Marcia Sheffels then added that after a number of meetings with the GIS Department, Plat Room and Jonathan Smith that she is applying under MCA 20-6-103 to adjust these boundaries.

Commissioner Hall made a **motion** to approve the boundary line adjustments. Chairman Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve the recommended boundary descriptions for West Glacier Elementary School District #8. Chairman Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

**MONTHLY MEETING W/ JEFF HARRIS, PLANNING & ZONING OFFICE**

[11:34:05 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Gary D. Hall

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Planning & Zoning Director Jeff Harris, Clerk Kile

Harris presented a proposed timeline for board appointment next year in which he feels they should start advertising for positions earlier to enable them to do a better job in recruiting. Harris then spoke about a misleading newspaper article in regards to a misunderstanding of the process. He then reported on staffing concerns and North Shore Ranch's request that the public hearing be postponed.

**1:15 p.m. Commissioner Lauman to Elected County Officials Certification in Helena  
911 meeting @ Justice Center**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 12, 2007.

**Due to a malfunction there is no audio recording of this meeting.**

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**WEDNESDAY, DECEMBER 12, 2007**

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

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

Present for public comment included: Whitey Boughton, Mahlon Randall, Bernie Windauer, Clerk Kile

Mahlon Randall, 617 Pommel Drive, a resident in the Ranch Subdivision stated that he had a concern with a public safety issue that relates to Saddlehorn. He then said that he supports Saddlehorn Subdivision and stated that he would like clarification of condition #21. He then introduced Bernie Windauer the Engineer that is aware of the condition of Ranch Road and Pommel Drive. Randall then spoke about condition #21 that refers to emergency egress routes that will be upgraded to county standards and gated. He then said that there are two county standards involved which would each produce different results, and he wants to make sure that a paved county road is not turned into a conforming gravel road when it is upgraded to standards. It was then noted that Ranch Water District has spent about 2 million dollars putting in a new water system, and in the process of doing so Pommel Drive and Ranch Road now needs 1500 yards of patching that the district is planning on doing next spring. Randall then said that one of their dilemmas is that the base material on the road does not come close to meeting the base standards for either of the road standard conditions.

Commissioner Hall asked who maintains the road presently, in which Mr. Randall replied that the road is owned by Quarter Circle Ranch but the homeowners have maintained the road for 25 years.

Discussion was held relative to the damage caused to the road in putting in a new water system and upgrading the roads.

Chairman Brenneman asked if the water district has money available to help pave the road.

Mahlon Randall then stated that they would be doing some degree of patching and overlay.

Discussion then ensued relative to the federal/ state grants that have strings attached with specific restrictions.

Mahlon Randall then said that they tried very carefully to include in the wording specifically Ranch Road and Pommel Drive to address paving, and Jeff Harris was not comfortable supporting the change. He then asked that the developer work with the homeowners and water district in planning and development.

Whitey Boughton, 1150 Lupfer Road, commented that he has never contacted Mr. Googan and as far as he knows there is no one on Lupfer Road that has contacted him. He then added that people in Flathead County are fed up with the only ones getting service being the ones with big money. Boughton then said that the county is wasting money by paving and overlaying roads; they should instead have the work done by the private sector.

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

**REVISED PLAT: WATERSIDE CONDOMINIUMS**

[9:10:49 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Gary D. Hall

Members absent:  
Commissioner Dale W. Lauman  
Others present:  
Assistant Mike Pence, Planner Alex Hogle, Clerk Kile

Hogle entered into record FRP 07-01. He then reviewed the application submitted by Waterside Development, LLC with technical assistance from Jackola Engineering for revised preliminary plat approval of Waterside Condominiums. This 65 unit condominium development occurs within an approved PUD located within the Lakeside Zoning District. The subject property abutting Flathead Lake is located on Hwy 93 in Lakeside. The project formerly known as Cottage Cove, has undergone sanitation review and development since preliminary plat approval was granted on June 30, 2004. On May 21, 2007, the Board of Commissioners granted a one year extension for preliminary approval of Cottage Cove and the expiration date was extended to June 30, 2008. Preliminary plat was granted with 22 conditions attached. All conditions have been met.

Commissioner Hall made a **motion** to approve revised plat of Waterside Condominiums. Chairman Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

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

[9:16:35 AM](#)  
Members present:  
Chairman Joseph D. Brenneman  
Commissioner Gary D. Hall  
Members absent:  
Commissioner Dale W. Lauman  
Others present:  
Assistant Mike Pence, Fairgrounds Director Jay Scott, Clerk Kile

Scott reported the work on the floor is done and discussion was then held relative to entertainment for the 2008 Fair, which will include Sawyer Brown, Emerson Drive and Mercy Me. Also discussed were entertainment suggestions and a Master Plan for the Fairgrounds.

#### **MONTHLY MEETING W/ DAVE PRUNTY, SOLID WASTE DISTRICT**

[9:32:37 AM](#)  
Members present:  
Chairman Joseph D. Brenneman  
Commissioner Gary D. Hall  
Members absent:  
Commissioner Dale W. Lauman  
Others present:  
Assistant Mike Pence, Public Works Director Dave Prunty, Solid Waste Operations Manager Jim Chilton, Clerk Kile

Prunty reported things are going well at Solid Waste and then introduced Jim Chilton the new Operations Manager at Solid Waste. He then added that Mike Eve has resigned from the board due to health issues. Prunty then spoke about the landfill gas to energy project, re-zoning of the Columbia Falls container site, recycling contract with Evergreen Disposal, landfill mining in regards to recycling, prescription recycling, work on financial statements and an RFP that will go out for general engineering services.

#### **PUBLIC HEARING: SADDLEHORN II PUD**

[10:00:40 AM](#)  
Members present:  
Chairman Joseph D. Brenneman  
Commissioner Gary D. Hall  
Members absent:  
Commissioner Dale W. Lauman  
Others present:  
Planning and Zoning Director Jeff Harris, Planner Annie Thompson, Planner Alex Hogle, Ralph Walton, Doug Averill, Chase Averill, Nikki Frizzell, Jim Frizzell, Frank Landis, G. Berendt, Jim Hansen, Tom Weller, Clerk Kile

Annie Thompson reviewed the Planning Board hearing that was held on November 15, 2007, for Saddlehorn II PUD that was reviewed and approved unanimously. The proposed original Saddlehorn II PUD was amended to add 558 acres with 180 residential units, 2 commercial units and 8 open space units. Saddlehorn I had 96 residential units, Saddlehorn II has 180 residential units and the future development will be 44 units for a total of 320 residential units. The area in lots is 226 acres with minimum lot size .26 acres, maximum lot size is 6 acres and 332 acres will be open space. The property is served by the Bigfork Water and Sewer District, Bigfork School District and Bigfork and Ferndale Fire District. Thompson then reviewed the extent to which the plan departs from zoning and subdivision regulations with the use being fairly similar.

Discussion was then held relative to a Conservation Easement that was addressed at the Planning Board hearing.

Annie Thompson continued with reviewing the criteria of reviewing a PUD application in which the Fire District has some concerns with the proposal in terms of roadway width with the main roads in the subdivision proposed to have a 24 foot paved surface and the other roads proposed to have an 18 foot paved surface with a one foot gravel shoulder on each side. She then added that from discussions with the fire district it would be important that all the area be annexed into the Bigfork Fire District and that there be no landscaped islands or cul-de-sacs. The primary access will be from Hwy 209 through Barn Dance Trail onto Ranch Road through the existing Ranch Subdivision, with proposed emergency accesses with breakaway gates. Thompson added that a portion of Pommel Drive would be brought up to emergency access standards and a portion of Ranch Road that is currently 22 feet of gravel surfaces. The Planning Board added an additional condition to the PUD plan that

states: The PUD plan shall be amended to prohibit creation of additional lots by the developer in the event two or more lots are aggregated by a purchaser. No further subdivision of lots shall be allowed.

**Chairman Brenneman opened the public hearing to anyone wishing to speak in favor or opposition of the PUD plan.**

Mahlon Randall, 617 Pommel Drive, president of the Ranch Water District stated that he came to address condition #18. He then said that he supports Saddlehorn, but has an issue pertaining to clarification of condition #21 in regards to emergency egress routes; specifically Pommel Drive and Upper Ranch Road from Barn Dance to the south east terminus. Randal said they are dealing with a local access road that has been paved for over 25 years and to introduce an upgrade that goes from paved to gravel in this county would be a major problem, and therefore is recommending that the condition be stated that the road will remain paved and that it would be up to the County Road Department to determine what the standards are. Randall then added this is a great development that they would like to see succeed.

Mike Fraser, representing the applicant presented some history to the project that originated in 2005 with the adoption of the Quarter Circle Plan that envisioned a rustic community theme with the first phase coming to the Commission in August 2006 as Saddlehorn I. He then said that Saddlehorn I set the pattern of development as originally established within the neighborhood plan and Saddlehorn II is an extension of Saddlehorn I PUD that set the road widths and standards with extensive walking and equestrian trails. Fraser then added that one of the goals has been to minimize the disturbance of the area and that the overall orientation with Ranch Road is that they have a single egress onto Hwy 35 with the Saddlehorn project having a second emergency access also providing a significant benefit to them. The EA that was approved as part of Saddlehorn I and the conditions of plat approval said that they would make the road to emergency standards and access onto Pommel Drive as well as improving Ranch Road and Barn Dance Road, which would be appropriate with it now being a primary access; that may change over time as clarification is made with the 60 foot ingress and egress onto Hwy 209. Fraser added that Saddlehorn II emergency access isn't really required with the road network meeting subdivision standards. He then spoke about the condition added by the Planning Board and asked for the option; if an owner purchases 2 lots and goes through the subdivision process and aggregates the two lots that the PUD would still retain the approved 320 unit density.

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

Discussion was held relative to condition #6 added by the Planning Board which is:

The PUD plan shall be amended to prohibit the creation of additional lots by the developer in the event two or more lots are aggregated by a purchaser. No further subdivision of platted lots shall be allowed without going through the normal county review process.

Chairman Brenneman said that one of the reasons this development has received such favorable community support is because it does a great deal to preserve the views from Bigfork and surrounding area. He then added that it seems if allowing someone to aggregate the lots and put a home somewhere else could have the potential of violating the spirit of what the community thinks they are getting in the PUD.

Doug Averill said that the people that would have the ability to buy the more expensive areas with better views have come to them and said they would like to buy the neighboring lots as well. He then added with a limit of 4,000 square feet under one roof they can't build a monster home even though they have more land. Averill then said that he feels it would be an advantage to have less homes on the areas that are up higher and that the PUD has designated areas on it already as far as future development and that the view sheds are set aside as parks.

Jeff Harris said that as long as they maintain a portion of open space to lot areas then they could come back in and attempt to amend the PUD plan as well as the plats.

Doug Averill said that he feels Mr. Harris is correct, but that you would have to come back through the process to do so.

Jeff Harris added that where he feels the Planning Board was going is that in a planned community the applicants took a great deal of time to lay out the plan, and people buying into the development should know what they are buying; if it changes over time then they have bought into something that was perceived. He then said that the density is based on maximum and they have before them taken their SAG 5 down to a maximum of 320 units and to move the lots around with the argument that they are entitled to 320 units would be an administrative nightmare.

Jim Frizzell stated that the amenities are being built for 320 members and if someone wants to vacate a property line for the right reason in the spirit of what they are trying to accomplish, they want to be able to accommodate that. He then added that all of the amenities are sized for 320 members, so if they add something in later and come through the process and it doesn't jeopardize the spirit of what they are after they want to be able to keep the flexibility open.

Jeff Harris said that the PUD in itself is the harness that replaces the zoning district, and becomes the zoning district with the standards and specifications that are laid out in the plan. The benefit of the PUD is obviously the increased density as well as altering county specifications such as road widths and other aspects of zoning. When this is done they do so with the idea of what is being asked in a PUD is what it will be; not with flexibility. Harris then added that if the purchaser chooses to build on both lots or not is their own personal decision and that it should not have anything to do with them providing greater flexibility down the road to aggregate lots or to move the lots around.

Chairman Brenneman then said that condition #6 on the PUD should be amended to prohibit the creation of additional lots by the developer in the event two lots are aggregated by the purchaser, and that no further subdivision of platted lots shall be allowed. Brenneman then asked Doug Averill if this was a great concern for him.

Doug Averill said that the lodges, dining rooms, marina and equestrian area are all sized proportionally and require a membership of 320 to support it. He then added that it seems to him that it would be in the sense of good planning if purchasers are willing to combine lots and abandon lot lines and build the same square footage on two lots that they would on one; it seems like there should be a mechanism that benefits everyone to have the reduction.

Commissioner Hall then asked how another lot would be created as far as building down in the village.

Mike Fraser replied with they would have to go back through the process. He then added if the language in the PUD doesn't exclude any re-subdivision then they would be comfortable with that; as it is written now, it says no further subdivision.

Ralph Walton commented that the owner of the two homesites requesting to vacate a property line would not be the party initiating the additional shifting of density somewhere else; that it would be the subdivider. He then added that they would only do so if they had a spot for it; what they don't want is to exempt themselves from county regulations that allow property owners to propose subdivisions. Walton stated that their intent is not to take platted homesites and subdivide them. What they would like the condition to say is: except as provided for in the subdivision regulations.

Jeff Harris said that the way this was laid out was that areas were clustered leaving large open spaces and management's decision as to how many lots someone buys should not have any bearing on a PUD plan or a subdivision plat in terms of density; they are still lots.

Chairman Brenneman said that Mr. Averill's concern in regards to sufficient resources to run various amenities can also be dealt with internally, because if you choose to put two lots together then you will have to pay higher membership fees.

Jeff Harris added that they see that as something that the management of the property should address.

Commissioner Hall asked if this was brought before the Planning Board.

Ralph Walton said that they backed down with the Planning Board. He then emphasized that they want flexibility within the PUD to shift things that they weren't subdividing. He then added that if the "no further subdivision shall be allowed" is taken literally, that it would make them exempt from county regulations that permit subdivisions under certain processes. Walton then said that they don't see this as a major issue, but if it did happen and there was a viable need they want to be able to have the flexibility to propose something.

Discussion was then held relative to taking out part of the language.

Jeff Harris said that there is a distinction between the PUD plan that is now being done and the subdivision platting act which is part of platting. He then added that the Planning Board's main concern was that when they do a PUD plan that it locks in zoning; they can come back in to apply and re-subdivide, that it has no bearing on what they can administratively do.

Commissioner Hall then said that with the language that is in that they can come back in and re-apply and change the PUD and go through the process. He then said that part of the condition of the PUD is that they are now allowed to come back in and go through the process.

Jeff Harris added that the Planning Board had a full discussion and decided on the language, but there is nothing that would preclude the owners of the PUD to come back in and say that we need to change the plan to reflect the condition. He then said that an attempt to change the plan can be made at any time, including changing the condition. Harris added that there may be a reason to do so overtime, but the Planning Board wanted to make sure their thoughts were locked in.

Ralph Walton then said that on condition #6 if the sentence is extended to say: no further subdivision of platted lots shall be allowed without going through the normal review process inherent in the county subdivision regulations that the same change would need to be applied when they get to preliminary plat, condition #28.

Annie Thompson then noted that the Planning Board didn't specifically talk about the gravel roads or emergency access in the PUD; that it was further outlined in the preliminary plat application. She then said that the following language could be added:

The PUD plan should be amended to include the following language: Emergency access for the proposed PUD is via Pommel Drive and Ranch Road from the gated south east terminus at Saddlehorn's boundary to its intersection with Barn Dance Trail.

Commissioner Hall made a **motion** to adopt staff report fact FPUD 07-02 as findings of fact with amended language. Chairman Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve Resolution #2115 for the PUD in the Bigfork Zoning District. Chairman Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

#### RESOLUTION NO. 2115

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following the publication of legal notice, on the 12<sup>th</sup> day of December, 2007, to consider a proposal for a Planned Unit Development (PUD) in the Bigfork Zoning District ;

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

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

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 3.31.020.4, Flathead County Zoning Regulations, hereby conditionally approves the proposed Planned Unit Development (PUD) in the Bigfork Zoning District to overlay approximately 558.87 acres to be developed into 182 developable lots, including 180 residential lots and 2 lots for commercial use. Additionally, 8 lots will be in open space, either recreational or natural. The deviations from the SAG-5 zoning classification requirements are related to the allowance of mixed uses, including central maintenance facilities, transportation center, fire and emergency facilities, employee housing, commercial use, higher density for residential use, and different setbacks.

BE IT FURTHER RESOLVED that the property to be overlaid is described as a portion of Section 5 and the Northeast Quarter of Section 6, Township 26 North, Range 19 West and the Southwest Quarter of Section 32 of Township 27 North, Range 19 West, P.M.M., Flathead County, Montana. The property is located south of Montana Highway 209 and east of Montana Highway 35, Bigfork, Montana.

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

DATED this 12<sup>th</sup> day of December, 2007.

BOARD OF COUNTY COMMISSIONERS

Flathead County, Montana

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

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

By: \_\_\_\_\_  
Dale W. Lauman, Member

ATTEST:  
Paula Robinson, Clerk

By: /s/Diana Kile  
Diana Kile, Deputy

### **PRELIMINARY PLAT: SADDLEHORN II**

[10:48:09 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Gary D. Hall

Members absent:

Commissioner Dale W. Lauman

Others present:

Planning and Zoning Director Jeff Harris, Planner Annie Thompson, Alex Hogle, Ralph Walton, Doug Averill, Chase Averill, Nikki Frizzell, Jim Frizzell, Frank Landis, G. Berendt, Jim Hansen, Tom Weller, Clerk Kile

Annie Thompson entered in record Staff Report FPP 07-33. She then stated that the Planning Board received written comments from the Ranch Homeowners Associations, Bigfork Fire District, MDOT, Flathead City/ County Health Department, Flathead County Superintendent of Schools and Bonneville Power Administration. Thompson further reviewed that the Commission approved Quarter Circle Ranch LA Neighborhood Plan as a master plan amendment to the Bigfork Area Land Use Plan in October 2005. The plan includes provisions for clustering development, preserving natural resources, limiting the impact to the natural environment and establishing the mountain resort development theme. This application was prepared to implement the Quarter Circle Ranch LA Neighborhood Plan and is in compliance with the growth policy.

Annie Thompson then reviewed findings #1-9:

1. The proposal is consistent with the Flathead County Growth Policy.
2. The proposal will conform to local zoning if the PUD zoning overlay is approved.
3. The proposal complies with the Flathead County Subdivision Regulations and any departures from the Subdivision Regulations are addressed by the PUD and mitigated through conditions.
4. Effects on health and safety are acceptable with adequate fire and emergency service exits.
5. Effects on wildlife and wildlife habitat are acceptable due to the large areas of open space.
6. Effects on natural environment are acceptable with the imposition of conditions as water and sewer will be provided by the Bigfork Water and Sewer District and reviewed by DEQ. Additionally storm water will be reviewed by DEQ also.
7. The effects on local services are acceptable with the existing roads being capable of accommodating increased traffic and impacts to the state highway system will be thoroughly reviewed by MDOT. Impacts to other services are anticipated to be minimal due to the anticipated demographics.
8. Effects on silvicultural are anticipated to be minimal.
9. There is no impact to agriculture or agricultural water use because the area is not used for agricultural purposes.

Commissioner Hall made a **motion** to adopt findings of fact from Staff Report FPP 07-33. Chairman Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

Annie Thompson then reviewed condition #21 that states:

- All emergency egress routes shall meet all standards set forth in Table 3 / Road Development Standards of the Minimum Standards for Design and Construction of the Flathead County Road and Bridge Department and emergency egress points accessing Ranch Road shall be gated.

Doug Averill then pointed out on a map the proposal on how to deal with condition #21, and stated that what seems to him today is that there has never been discussion in regards to making the road a 20 foot gravel surface.

Chairman Brenneman said the concern is with condition #21 saying that all emergency egress roads shall meet the standards set forth in Table 3 and that the roads currently don't meet the specifications, so the condition will require that the roads be re-built to meet county standards. He then added that the concern is when they are re-built we don't want them to go from existing paved roads to county gravel roads.

Mahlon Randall stated that there are two county standards with a secondary standard that usually applies to egress which is a 22 foot wide gravel surface, and there is a local rural road standard which is what they are. He then added that they have a non-compliant road.

Ralph Walton said there are two components to the emergency route with the existing roads and the segment that ties them to existing roads. He then added that a short segment of the road will be built to current county standards and that they never talked about upgrading the entire route to the same standard; where the confusion came from is the new segments that they are going to construct will be to county standards and the remainder of the road is as is and they will be tying into an existing road.

Mahlon Randall said that based on his conversations with the Flathead County Planning Office was that they did not plan on leaving 15 foot wide roads to be used for an emergency egress, and in the case of a catastrophic situation the roads need to be widened. He then added that at 15 feet wide and in some cases no shoulder; to do a strip through a lot that is 22 foot wide and funnel it down to a 15 foot wide road is a public safety concern.

Doug Averill then added that Ranch Road did a water project on their own and tore up the roads and the asphalt has never been patched back, and so it is desirable for the Ranch Road citizens to have their road re-built. Averill then said that they never agreed to re-build Ranch Road and that Mr. Randall has always felt that they need wider roads up there and that many live there because they like the rural road aspect of the area.

Jeff Harris said that he was uncomfortable with the condition because it didn't clarify where these routes were. He then added that it was staff's intent that they would have to improve Pommel Road and Upper Ranch Road to emergency road standards design. The issue then became do we tear out the pavement and put in gravel because that is the standard; they would not suggest to do that. Harris then said that this is where the Road Department needs to step in and come up with an alternative solution.

Chairman Brenneman then asked if 15 foot of pavement is okay if the gravel on the shoulders reaches 22 feet.

Commissioner Hall asked why the 24 foot paved surface was taken out and 15 foot was added.

Annie Thompson then pointed out on a map the proposed changes.

Mahlon Randall said that they are only concerned about a safe egress and when you have 50 property owners with 40 homes in Ranch Subdivision right now, and you add another situation with emergency vehicles trying to get in with people trying to exit on a 16 foot paved wide surface, and in some cases no shoulder is asking for problems. He then added that the issue is that if the Road and Bridge Department want to leave the current paving in place then they have to accept the sub-base that does not conform to county road standards.

Guy Foy presented a letter from TD & H that references sub grades on Ranch Road.

Jeff Harris said that this was discussed and that for safety reasons that there should be something to compliment the 15 foot of asphalt in terms of a safety shoulder. He then added that there was confusion at the Planning Board meeting as to what was actually the emergency access and what was the primary road leading out. Harris then said that overtime this needs to be clarified in conditions.

Mahlon Randall said that Mr. Averill spoke about the damage done to the road when the new water system was put in, which he said is about 1,200 square yards of patching that is needed on the section of Ranch Road that is being talked about; up to the egress point to the terminus of Pommel Drive. He then said the district plans to go ahead next spring with the repair work and the concern of the district is they will be spending thousands of dollars of public money to do the asphalt work and they don't want to repair it when it needs 18 inches of base material in a year or two. Randall then said they are proposing to work with the developer to do the work next spring at the same time, so they don't waste public money. He then stated that the question before the County Road Department is are they willing to do something to waive the base material standards so they don't have to tear up the paving or will they stick with their standards.

Doug Averill then added that the asphalt on the road is old and may be the most solid piece of 35 year old asphalt in the valley and that it has held up incredibly well except for a small area. Averill then stated that when Quarter Circle agreed to let Ranch District put in a water line down the side of the road they agreed that they would leave a four foot shoulder on the road, and he feels if the Ranch Water District would finish out their four foot and they put four foot on the other side then those that use Ranch Road are getting an upgraded road for almost 100 percent of their use; with the only time they would have any use of the road would be in an emergency.

Chairman Brenneman said that no one is recommending that the pavement be torn up and that the base wouldn't be torn up. He then added that a letter from the Road Department saying: specific to this situation for this instance this is acceptable.

Mahlon Randall said that the district needs to be careful in using federally subsidized funds for the water project that does include repairing the roads and for the water district to take on the debit other than for patching to do half of the shoulders would require legal approval. He then added that they are not at liberty to make a deal on the proposal.

Ralph Walton said that the EA that is being discussed is optional and that it is good for Saddlehorn to have another EA out and that it is also good for the Ranch District to have another EA into Saddlehorn for roads that do meet county standards in their PUD. He then added to saddle Saddlehorn in upgrading their road for their project for an optional EA that it doesn't seem right.

Mike Fraser then noted on the map that Saddlehorn 1 was approved in November 2006 - January 2007 that set the standards, and that they can't go back and start changing the conditions set forth in the EA. He then added if they are considering an EA that the cul-de-sac is only 100 feet and doesn't require an EA.

Commissioner Hall then stated that they want to protect citizens from a possible fire.

Mike Fraser added that the area is not a high fire hazard area that it is well managed. He then said that the conditions of Saddlehorn I prevail.

Commissioner Hall asked the developers if they had their own gravel pit.

Doug Averill replied with rather than hauling the material off they did save the material and are crushing it on site. He then added that he feels that Ranch Road with wider shoulders would certainly be a safer road.

Jeff Harris proposed for language that they identify the emergency accesses of Upper Ranch Road and Pommel Drive.

Annie Thompson suggested that condition #21 be amended to state: Emergency access for the proposed subdivision is via Pommel Drive and Ranch Road from the gated south east terminus at the Saddlehorn boundary to its intersection with Barn Dance Trail. All emergency egress routes shall meet all standards set forth in Table 3 or a letter from the Road Department that states: in this instance because of existing road conditions an alternative road design is approved. Emergency egress points will be gated.

Dave Prunty said that the letter they provide will say that on the shoulder width they will follow the design standard of what they presently have and that the 15 feet of asphalt is staying.

Chairman Brenneman then added another sentence to condition #21 that says the developer of the Ranch Water and Sewer District shall work together to design adequate egress accesses as specified by the Road Department.

Doug Averill said that the project would be a homeowners cost that it would be beyond the water project.

Mahlon Randall then added that they need to do the patching on the road.

Annie Thompson said that Ranch Subdivision has all sub standard roads that are all 15 foot paved.

Mahlon Randall then added that the homeowners do not own the roads that they are owned by Quarter Circle Ranch.

Jeff Harris said that there shouldn't be any cost to the homeowners, unless the homeowners work with the developer to come up with an alternative solution to extend the paving.

Doug Averill asked if the curb stops were set when the water system was built.

Mahlon Randall said that curb stops were placed according to a restrictive easement from Quarter Circle. He also spoke about set backs of fire hydrants and shoulder width on the road.

Commissioner Hall questioned the cul-de-sac at the end of Pommel Drive.

Doug Averill said the cul-de-sac is oblong because of six large pine trees that they are trying to be saved at the time.

Commissioner Hall then said that most of the cul-de-sac is on private land.

Doug Averill replied with it is partly on their lot too.

Mahlon Randall then said that there is another aspect dealing with public safety relative to the cul-de-sac. He then stated that two well heads from the water district are in the cul-de-sac and they have issues with the DEQ in regards to drainage.

Chairman Brenneman then said that for the purpose of their authority a letter from the fire department is all that they are contemplating today in regards to an emergency egress.

Doug Averill then suggested that on the main road with county standards being 22 feet with 3 foot shoulders on each side for emergency use. With the way the road is configured with curb stops, fire hydrants or electrical boxes if you took a straight 22 foot stretch you would run into trouble. Averill then suggested that more pull outs be provided to try to maintain a 22 foot stretch.

Chairman Brenneman said that the Road Department would need to access that, because if it is specific to the landscape topography the Commission can't make that decision. He then added that the requirements of final plat would need to be fulfilled and before any changes are made they need to make sure it is approved through the planning staff.

Commissioner Hall added that Jeff Harris was in agreement.

Jeff Harris then said that the only issue remaining is both sides of the road, or one.

Chairman Brenneman said that his opinion is that they will have to go with condition #21 as it was worded, and it would be up to various partners to figure out how to comply with the Road Departments final plat requirements.

Annie Thompson then read condition #21 which states: Emergency access for the proposed subdivision is via Pommel Drive and Ranch Road from its gated southeast terminus at the Saddlehorn boundary to its intersection with Barn Dance Trail. All emergency egress routes shall meet all standards set forth in Table 3 – Road Building Standards or a letter from the Road Department stating that an alternative road design is approved. Emergency egress points shall be gated.

Mike Fraser then said that they can't affect the emergency access on Saddlehorn I because it would alter the conditions.

Chairman Brenneman said that he would argue that in fact the emergency access is certainly affected by the fact that 320 more lots are being added beyond Saddlehorn I.

Mike Fraser said that when Saddlehorn I was looked at it was looked at as a 320 unit project.

Doug Averill said that he was okay with condition #21.

Mahlon Randall said that they want something that will be safe for everyone, but don't want to break the bank creating a Cadillac solution.

Condition #28 will be altered to state:

There shall be no further subdivision of platted lots without going through the normal county review process.

Commissioner Hall made a **motion** to approve preliminary plat of Saddlehorn II with amended conditions of #21 and #28. Chairman Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

#### **CONDITIONS**

1. The applicant shall receive physical addresses and road names in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by the Address Coordinator. [Section 4.7.17(iv), FCSR]
2. 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.

3. Except for sewer and water lines, underground utilities (if placed in the road right-of-way or easement) shall be located between the roadway and the right of way or easement line to simplify location and repair of lines. These underground facilities shall be installed after the road has been brought to grade and before it is surfaced. Utility lines shall be designed by utility firms in cooperation with the subdivider, subject to all applicable laws and all rules and regulations of any appropriate regulatory authority having jurisdiction over such facilities. At the time of final plat, letters shall be provided from the appropriate utilities stating that the lines constructed meet these requirements and any of their additional requirements. [Section 4.7.24, FCSR]
4. Utility easements shall be 10 feet wide unless otherwise specified by the utility company. These easements shall be shown on the face of the final plat. [Section 4.7.24(c), FCSR]
5. The proposed water and sewage treatment systems and storm drainage systems for the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [Sections 4.7.21 and 4.7.22, FCSR]
6. The applicant shall submit to the Flathead County Planning and Zoning Office an approved Storm Water Pollution Prevention Plan from the MT DEQ – Water Protection Bureau prior to any construction activity. [Section 4.7.13, FCSR; 75-5-101, MCA]
7. The subdivider shall comply with reasonable fire access requirements of the Bigfork Volunteer Fire Department. A letter from the Bigfork fire chief stating requirements have been met shall be submitted with the application for Final Plat.
8. The applicant shall provide an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved and implemented. The Weed Control Plan shall be implemented prior to final plat application. The County Weed Supervisor may charge a fee to inspect the subdivision and approve the implementation. [Section 4.7.26, FCSR]
9. 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 4.7.29, FCSR]
10. The developer shall contact the Superintendent of Schools and, if required, provide and improve a location for the safe loading and unloading of students. [Section 4.7.30, FCSR]
11. The following statements shall be placed on the face of the final plat applicable to all lots:
  - a. Address numbers shall be posted at the commencement of construction and be clearly visible at all times thereafter. Numbers shall be placed in the driveway entrance and at any subsequent divergent points of access for shared driveways. All address numbers shall be displayed on a contrasting background using a minimum four-inch numeral height. [Section 4.7.27(c), FCSR]
  - b. All utilities shall be placed underground. [Section 4.7.24, FCSR]
  - c. Lot owners are notified they are living in a rural area of Flathead County and delayed response times may be experienced from emergency service providers.
  - d. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler.
  - e. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed.
  - f. 

Waiver of Protest  
Participation in Special Improvement District  
[per County Resolution 503-M]

\_\_\_\_\_ (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.

12. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i), MCA]
13. 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 4.4.27, FCSR]
14. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 4.4.23, FCSR]
15. Preliminary plat approval is valid for three years. [Section 4.4.20, FCSR]

#### **PROJECT SPECIFIC CONDITIONS**

16. Saddlehorn Trail shall consist of a 24-foot paved travel surface and 60-foot road easement. All roads shall meet the construction standards set forth in the "Minimum Standards for Design and Construction" published by the Flathead County Road and Bridge Department.
17. 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.
18. All cul-de-sacs shall consist of a minimum 60-foot outside right of way radius.
19. Landscaped islands within roads or cul-de-sacs shall be prohibited.
20. Ranch Road will be widened from a 16-foot paved surface to a paved county standard from the primary access point to Highway 35.
21. Emergency access for the proposed subdivision is via Pommel Drive and Ranch Road from its gated southeast terminus at the Saddlehorn boundary to its intersection with Barn Dance Trail. All emergency egress routes shall meet all standards set forth in Table 3 –Road Development Standards of the Minimum Standards for Design and Construction of the Flathead County Road and Bridge Department or a letter shall be provided from the Flathead County Road and Bridge Department stating that an alternative design is approved. Emergency egress points shall be gated.
22. Hydrants shall be placed in accordance with the requirements of the Bigfork Fire District, including every 400 feet for residential and commercial areas and every 1000 feet for open space areas.
23. The applicant shall apply for and receive annexation into the Bigfork Fire District for that portion of the subject

property that is currently located in the Ferndale Fire District.

24. The PUD final plan reviewed in report FPUD-07-02 shall be approved by the County Commission prior to final plat approval of any phase of the preliminary plat application.
25. The following statements shall be placed on the face of the final plat:
  - a. Defensible Space and *Firewise* principles shall be incorporated around all structures.
26. The following statement shall be placed on the face of the final plat:
  - a. Class A or B roofing materials shall be required.
27. The applicant shall submit an updated 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 180 additional residential units, and all related commercial facilities, including trailhead services, the lodge, lodge cottages, and employee housing.
28. The following statement shall be placed on the face of the final plat:
  - a. There shall be no further subdivision of platted lots without going through the normal county review process.

#### **DOCUMENT FOR SIGNATURE: QUITCLAIM DEED & SETTLEMENT AGREEMENT/ FLATHEAD COUNTY MUSEUM**

[11:31:06 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Gary D. Hall

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, County Attorney Jonathan Smith, County Attorney Dennis Hester, Clerk Kile

Smith reported on the settlement agreement in regards to the Siderius property south of town.

Commissioner Hall made a **motion** to sign the settlement agreement and authorized the Chairman to sign. Chairman Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

#### **AUTHORIZATION TO PUBLISH NOTICE OF CALL FOR BIDS: LEGAL ADVERTISING 2008**

[11:34:21 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Gary D. Hall

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Hall made a **motion** to authorize the publication of the Notice of Call for Bids for legal advertising for 2008. Chairman Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

#### CALL FOR BIDS

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana will receive bids on Legal Advertising.

Bids are to be submitted on percentage of Code prices as outlined in the Montana Code Annotated, Section 7-5-2401, et seq., and the Administrative Rules of Montana, Section 2.67.301, et seq. Bidders shall bid by section.

Each bidder must deposit with their bid, a bid security in the amount of One Thousand Dollars (\$1,000.00) to secure the bidder's express covenant that if the bidder is awarded the contract, the bidder will, within ten (10) days, enter into a formal contract for the provision of Legal Advertising. Bid security shall be payable to Flathead County and shall be in the form of lawful money of the United States, a cashier's check, certified check, bank money order, or bank draft issued by a Montana bank, or bid bond executed by a surety corporation authorized to do business in Montana.

The bidder shall include with his bid a signed contract, which will be for a term of one (1) year, commencing January 1, 2008, and terminating December 31, 2008. The successful bidder will be required to furnish a bond in the amount of Two Thousand Dollars (\$2,000.00) signed by sufficient sureties, to secure the contractor's covenant to faithfully perform all of the conditions of the contract in accordance with the law and that contract.

All sealed bids, plainly marked "**SEALED BID - LEGAL ADVERTISING**" must be in the hands of the County Clerk and Recorder, 800 South Main Street, Kalispell, Montana 59901, at or before 9:00 o'clock p.m. on December 26, 2007. Bids will be opened and read at 10:30 o'clock a.m. on December 26, 2007, in the Commissioners' Office at the Courthouse, West Annex, 800 South Main Street, Kalispell, Montana.

Flathead County reserves the right to accept or reject any bid and to waive any irregularities which are deemed to be in the best interest of the County. Preference will be given to bidders who will receive legal advertising text via electronic transmission.

The award of bid will be made solely by the issuance of a letter of award to the successful bidder by the Office of the County Clerk and Recorder.

DATED this 12<sup>th</sup> day of December, 2007.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

By: /s/Joseph D. Brenneman

Joseph D. Brenneman, Chairman

By: /s/Diana Kile  
Diana Kile, Deputy

Publish on December 17 and December 24, 2007.

**CONSIDERATION OF ADOPTION OF RESOLUTION: APPLICATION FOR PURCHASE OF ARMORY/ AOA**

11:35:09 AM

Members present:

Chairman Joseph D. Brenneman  
Commissioner Gary D. Hall

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, County Attorney Jonathan Smith, AOA Director Jim Atkinson, Clerk Kile

Atkinson reported that an applicant has to be submitted to Department of Health and Human Services and if they okay the application then GSA can then convey the Armory to the County as long as health related activities are provided.

Commissioner Hall made a **motion** to approve Resolution #2116 and to sign the application. Chairman Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

RESOLUTION NO. 2116

WHEREAS, certain real property owned by the United States, located in the County of Flathead, State of Montana, has been declared surplus and is subject to assignment for disposal for homeless or public health purposes by the Secretary of Health and Human Services under the provisions of Section 203(k)(1) of the Federal Property and Administrative Services Act of 1949, as amended, and rules and regulations promulgated pursuant thereto, more particularly described as follows:

Sonsteli Hall USARC  
1110 2<sup>nd</sup> Street West  
Kalispell, MT 59901-4202

WHEREAS, the Flathead County Agency on Aging, needs and can utilize said property for public health purposes in accordance with the requirements of said Act and the rules and regulations promulgated thereunder of which this Board is fully informed, including commitments regarding use and time such use shall commence.

NOW THEREFORE, BE IT RESOLVED, that Flathead County has legal authority, is willing, and is in a position financially and otherwise to assume immediate care and maintenance of the property, and that Jim Atkinson, Director, Area Agency on Aging, is hereby authorized, for and on behalf of Flathead County, to do and perform any and all acts and things which may be necessary to carry out the forgoing resolution, including the preparing, making, and filing of plans, applications, reports, and other documents; the execution, acceptance, delivery, and recordation of agreements, deeds and other instruments pertaining to the transfer of said property; and to authorize the payment of any and all sums necessary on account of the purchase price thereof, including fees or costs incurred in connection with the transfer of said property for surveys, title searches, appraisals, recordation of instruments, or escrow costs, together with any payments by virtue of nonuse or deferral of use of the property.

BE IT FURTHER RESOLVED that if the applicant is unable to place the property into use within the time limitation indicated below (or determines that a deferral of use should occur), it is understood that the County of Flathead will pay to the Department the sum of 1/360 of the fair market value for each month of nonuse, beginning 12 months after the date of the deed, or 36 months where construction or major renovation is contemplated.

BE IT FURTHER RESOLVED that if application is approved, a copy of the application and standard deed will be filed with the permanent minutes of the Board.

DATED this 12th day of December, 2007.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

By: /s/Diana Kile  
Diana Kile, Deputy

**11:15 a.m. Commissioner Lauman to Elected County Officials Certification in Helena  
County Attorney meeting @ Co. Atty's Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 13, 2007.

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**THURSDAY, DECEMBER 13, 2007**

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

**12:00 p.m. Commissioner Lauman to Elected County Officials Certification in Helena**  
**2:00 p.m. Bigfork Steering Committee Public Forum @ Bethany Lutheran Church**  
**5:00 p.m. AOA Board meeting @ Kalispell Sr. Center**  
**7:00 p.m. Road Advisory Committee meeting @ Solid Waste District Conference Room**  
**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 December 14, 2007.

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**FRIDAY, DECEMBER 14, 2007**

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

**NO MEETINGS SCHEDULED**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 17, 2007.

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