



PUBLIC MEETING
November 12, 2015
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, November 12, 2015, at 9:00 AM in Commission Chambers Room 330.

Roll Call

Chairman Andy Hunthausen called the meeting to order at 9 a.m.

Commissioner Susan Good Geise and Commissioner Mike Murray were present. Others attending all or a portion of the meeting included Eric Bryson, Michele Peterson-Cook, K. Paul Stahl, Kevin Hamilton, Lindsay Morgan, John Paul, Art Thompson, Tom Thompson, Sean Paul, David Brown, Linda Ingersoll, Ron Ingersoll, and Nichole Nisbet, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

Subdivision Improvements Agreement Extension Request for Northstar P.U.D., Phase VI-B. (Applicant: Northstar Development, L.L.C.) (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner II, presented the subdivision improvements agreement extension request for Northstar Phase VI-B. The subdivision is located north of Valley View Road and west of North Montana Avenue and was granted preliminary approval on August 16, 2005. Final approval of this phase of the subdivision was granted on August 8, 2013. At the time of final approval the applicant entered into a Subdivision Improvements Agreement (SIA) with the County to guarantee that all remaining improvements would be completed. According to this agreement the remaining improvements were the internal road network for Phase VI-B, off-site road/stormwater improvements and the lagoons were to be completed by November 30, 2015 however no additional improvements have been completed since 2013. The current letter of credit in the amount of \$593,310 will expire on December 31, 2015. The applicant is requesting a one year extension of the SIA completion date for the subdivision until November 30, 2016. The request also includes that the applicant be able to use the Engineer's Estimates from November of 2013 to calculate the amount of the new financial guarantee and that the subdivision be granted this extension by the County Commission without having received the new financial guarantee in the amount of \$593,310 for the remaining improvements. The County Public Works Department noted that the cost estimates for the asphalt and gravel provided by the developer's engineer in 2013 for the remaining improvements will need to be updated.

Commissioner Geise asked Ms. Morgan about the nature of the request and if it was in regards to the changes in the traffic in the area.

Lindsay Morgan stated the applicant's current requirement includes the installation of 3 turn lanes and due to the recent reduction of the speed limit in that area and knowing there will not be a new school as recently discussed in the area the applicant would like to do a new speed study to determine if there is a need for all three turn lanes.

Michele Peterson-Cook, Deputy County Attorney, stated that legal would only suggest allowing for an extension of one year due to the period of time the letter of credit is good for. No public comment was received.

A motion was made by Commissioner Geise to approve the extension request one year to November 30, 2016 subject to receiving an updated letter of credit and an updated engineering estimate by December 29, 2015 and seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

Request to Reopen a Segment of Lewis and Clark Pass Road. (tabled 11/3/15) (Applicant: Ron Ingersoll) (Planner: Frank W. Rives)

Kevin Hamilton, Deputy Director of Planning, presented the request to reopen a segment of Lewis and Clark Pass Road. The segment of road proposed to be reopened is approximately two miles in length and 60 feet wide. The applicant requests to reopen and reestablish to motorized traffic a segment of Lewis and Clark Pass Road in Sections 17, 18, and 19 in order to access his property. The applicant's property cannot be accessed by motorized vehicles, due to the closing of the road to motorized traffic in 1993 and was never abandoned or vacated by the County Commissioners. The road segment remains open for non-motorized access to public lands to the west.

Michele Peterson-Cook, responded to the questions from the previous meeting and stated that she spoke to one title company in regards to what legal and insurable access is and if it is dependent on motorized access and was told that the title company defined legal access as whether there is an easement or document of record that shows access to the property, it was not stated that access has to be motorized. It was noted that the property would not be insured if it did not have legal access and Ms. Peterson-Cook noted that this is the same definition the County Attorney's office would use. She addressed the question of what the difference was between forest service and County roads and noted the difference is how the roads are created as each entity is responsible for maintaining those roads. A County road may cross Forest Service property but would not have jurisdiction over it. She noted that Lewis and Clark Pass Road is a County road that was created in 1885 through a petition process and the nature of the road includes a County road easement that currently exists which was closed to motorized traffic. She noted that the roads within the Elk Meadows Road Subdivision are not dedicated as public roads therefore there is not public access to the section in question as it does not show an easement for access. She addressed the concerns of the road going by a cabin and noted that the cabin appears to encroach into the County easement that exists. She addressed the question if the County closes the road if the road is being relied on for access and noted that you can abandon a County road if it accesses two or more properties and the property owners agree to the closure. In this case, all of the property owners agreed to close the road to motorized traffic at the time. She further noted that legal would like additional time to respond to the final question with what the Counties responsibility to Lewis and Clark Pass Road.

Commissioner Hunthausen asked legal to look into how the Forest Service defines legal and insurable access since the applicant has the option to sell the property to the Forest Service. The road was petitioned in 1985 and is a County road all the way to Alice Creek leaving the County jurisdiction all the way through on that road. A follow up was requested on the McCurdy Creek case as well.

Michele Peterson-Cook stated legal would look into the additional questions and provide information at the next meeting.

Commissioner Geise asked about the petition to close the road and what qualifications do you need to be the signatories on the document.

Michele Peterson-Cook stated the statue requires you to be a free holder, not necessarily having knowledge of the road.

Commissioner Geise stated she is pending additional information about the letter received from Mr. Stansberry and how it will impact the Lincoln area.

PUBLIC COMMENT-

Barb McDonough stated the map that is shown reflects a logging road not the Lewis and Clark Pass Road that is part of the request. She noted according to her records the road to access the red line shown on the map was closed to the public only to access the state land.

John Paul stated he e-mailed correspondence to the Planning Department from 2011 that inquires about access from the Elk Meadows Subdivision from the title companies that stated there is no access to section 19 from that subdivision. He noted statutes that addressed access and noted that he believes motorized access is a must to have legal access.

Commissioner Murray asked Ms. McDonough about the ranch being split and if all three families had access to the other properties.

Barb McDonough stated the Ingersoll's had access to their cabin but no one had access outside of their family. She further stated yes the three families can access each others property.

Commissioner Hunthausen asked the legal staff to further investigate the term access whether it is non-motorized or motorized.

Kevin Hamilton noted that the map shown is a vicinity map it is not a survey of the road.

Michele Peterson-Cook noted this road was surveyed in 1895.

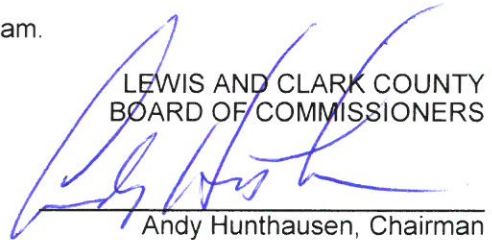
A motion was made by Commissioner Geise to render a decision at to the regularly scheduled meeting on November 19, 2015 and was seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.

Adjourn

There being no further business, the meeting adjourned at 9:51 am.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Andy Hunthausen, Chairman

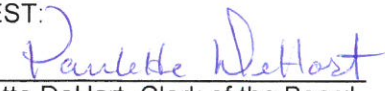


Michael Murray, Vice Chair



Susan Good Geise, Member

ATTEST:



Paulette DeHart, Clerk of the Board