



PUBLIC MEETING

February 1, 2018
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, February 1, 2018, at 9:00 AM in Commission Chambers Room 330.

Roll Call

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

Commissioner Jim McCormick and Commissioner Susan Good Geise were present. Others attending all or a portion of the meeting included Roger Baltz, Ron Bartsch, Nicho Hash, Matt Heimel, Charles Lane, Lindsay Morgan, Greg McNally, Jonathan Ries, Christal Ness, Wade Wilkinson, Brent Colbert, Rocky Infanger, Kerry Bartlett, Cherche Prezeau, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

There were no consent action items.

Proposed Revocation of an Agricultural Covenant on the 14.09 Acre Tract of C.O.S. 342358. (Tabled 1-11-18) (Applicant: Wade Marcus Wilkison) (Planner: Matt Heimel)

Matt Heimel, Special Districts Planner, presented the proposed revocation of an agricultural covenant on the 14.09 Acre Tract of C.O.S. 342358. The property is located north of the boundary of Jefferson County along S. Hills Road and southwest of Sweetgrass Road and Lodgepole Road in Section 15, T09N, R03W, P.M.M. This was tabled on January 11, 2018 for additional time for the applicant to address concerns by the Commission and the neighboring property owners. Today's consideration is to grant preliminary approval of the revocation; that would then be subject to subdivision review. If the applicant meets all conditions of approval, then the Commission would consider a resolution to officially lift the restriction at time of plat approval.

Wade Wilkinson, applicant, stated he met with the county planners twice and has walked around the neighborhood and has met with each of his neighbors. He presented a series of slides showing his property and the location of the neighboring properties. Mr. Wilkinson stated he plans to continue to reduce fuel hazards by working to clear dead trees that are located on this parcel.

Additionally, the land is not suitable for agricultural purposes; therefore, he is requesting approval of the revocation.

No public comment was received.

Commissioner Good Geise referenced the original resolution that placed the covenant on the property and stated that it had language in it that stated the covenant could only be lifted for unforeseen circumstances, however all concerns from neighboring landowners can be addressed through the subdivision review process.

A motion was made by Commissioner Good Geise to approve the preliminary approval of the proposed revocation of the agricultural covenant. The motion was seconded by Commissioner McCormick. The motion passed on a 3-0 vote.

Proposed Evacuation Plan for Holter Lake Lodge Subdivision. (Tabled 1-25-18)
(Applicant: Backdoor Mountain, L.L.C.) (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner II, presented the proposed evacuation plan for the preliminarily approved Holter Lake Lodge Subdivision adjacent to Holter Lake. This item was tabled on January 25, 2018. Since that meeting an updated evacuation plan proposal has been received. In addition, the County has received comments on the updated proposal from Rocky Infanger, Wolf Creek/Craig Fire Services Area chief.

Ms. Morgan stated there are a list of three qualified fire management specialists in the area that could do the evacuation plan. She understands the applicant has spoken with someone from Northwest Management, one of those specialists, regarding the plan. In the condition of approval a qualified fire management specialist must draft the plan, however, in this case an engineering firm drafted the plan and had the fire management specialist review it.

Charles Lane, Deputy County Attorney clarified there is a list of fire management specialists that was prepared but he does not believe that it is an all inclusive list; a firm does not have to be on that list. Ms. Morgan clarified it is an all inclusive list for vegetation management plans but not for fire management plans. Mr. Lane did confirm that a fire management specialist signing off on the drafted plan would satisfy the criteria listed in the conditions of approval. Currently there is not a document in front of them showing this was approved by a qualified fire management specialist.

Cherche Prezeau, 314 N Last Chance Gulch, representative for Backdoor Mountain. The engineer on the project contacted Northwest Management for consultation on the evacuation plan. Northwest Management will review the plan, therefore, Ms. Prezeau is asking that the item can be tabled until that occurs. In consultation with Mr. Lane, changes were made to the plan to removed the private road as a route to specifically state that in the event of an emergency, if private land were accessed, the county would not have any liability.

PUBLIC COMMENT -

Rocky Infanger, Wolf Creek/Craig Fire Chief, stated he has questions regarding the qualifications of a fire management specialist to approve an evacuation plan. He has concerns about other disasters such as earthquakes, in addition to a wildland fire. He asks that the Sheriff's Department also be involved in the approval of the plan.

A motion was made by Commissioner Good Geise to table the item until the February 8, 2018 public meeting. The motion was seconded by Commissioner McCormick. The motion passed 3-0.

Agreement to Establish a Lien for Off-Site Road Improvements on the Amended Plat of Lot A-1A of the H.W. Smith Minor Subdivision, Document Number 3049709, Records of Lewis and Clark County, Montana to be known as Heron Creek Subdivision Phases 1, 2, and 3 and Lien by Agreement. (Tabled 1-30-18) (Applicant: Sussex Development Inc.) (Planner: Greg McNally)

Greg McNally, Planner II presented the agreement to establish a lien for off-site road improvements on the amended plat of Lot A-1A of the H.W. Smith Minor Subdivision, known as Heron Creek Subdivision Phases 1, 2 and 3. The item was tabled on January 30, 2018. The agreement is to comply with the preliminary condition of approval for improvements to an off-site road known as Eames Lane. If approved, the agreement would allow the applicant to postpone completion of those improvements and to create an incremental payment plan to fund such improvements and the County shall be entitled to hold a lien on the subdivision as security to ensure the construction of the off-site road improvements.

Charles Lane, Deputy County Attorney, stated he worked with the applicant's attorney to clarify the intent of the agreement. The language in section 4.0 Remedies for Nonperformance, allows the County to use the money for maintenance, repair or improvements of the segment of Eames Lane should the developer abandon the subdivision prior to the 32 lots being sold. For example, if only 30 lots are sold and the developer does not move forward with any more lots, the County can access the money for repairs or maintenance. Additionally, after the sale of the 32nd lot, if the applicant fails to complete the repairs to the road, the County can access the funds and move on the liens to get additional funds to complete the repairs.

Jonathan Ries, First Montana Land Title, explained the closing process in regards to the lien that will be recorded on the subdivision. Mr. Ries wanted to clarify that the actual lots would be recognized by lot number in the lien as he advises against including language that would include things such as dedicated park land or roads.

Cherche Prezeau, 314 N Last Chance Gulch, attorney for the developer, stated the questions raised at the last meeting were good questions. She will take the revised language and add to the most recent document to clean up any clerical issues. She added that the lien release will not be recorded until the money is received by the County.

No public comment was received.

A motion was made by Commissioner Good Geise to incorporate the revised language into the agreement that will be ultimately adopted. The motion was seconded by Commissioner McCormick. The motion passed 3-0.

A motion was made by Commissioner McCormick to approve the agreement to establish a lien for off-site road improvements on the amended plat of Lot A-1A of the H.W. Smith Minor Subdivision. The motion was seconded by Commissioner Good Geise. The motion passed on a 3-0 vote.

Final Plat Application and Subdivision Improvements Agreement for the Amended Plat of Lot A-1A of the H.W. Smith Minor Subdivision, Document Number 3049709, Records of Lewis and Clark County, Montana to be known as Heron Creek Subdivision Phases 1, 2, and 3. (Tabled 1-30-18) (Applicant: Sussex Development, Inc.) (Planner: Greg McNally)

Greg McNally, Planner II, presented the final plat application and subdivision improvements agreement (SIA) for the amended plat of Lot A-1A of the H.W. Smith Minor Subdivision, known as

Heron Creek Subdivision Phases 1, 2 and 3. This item was tabled on January 30, 2018. With the approval of the lien agreement, all conditions of approval have been met by the applicant with the included SIA.

PUBLIC COMMENT -

Ron Bartsch, applicant, thanked the Commission for their consideration of this project. He appreciates the effort by all parties to reach an agreement.

A motion to Approve was made by Commissioner McCormick and seconded by Commissioner Good Geise. 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 10:17 am.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS

Andy Hunthausen, Chair



Jim McCormick, Vice Chair



Susan Good Geise, Member

ATTEST:



Paulette DeHart, Clerk of the Board