



## **PUBLIC MEETING**

February 8, 2018

### **MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, February 8, 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, Marni Bentley, Lindsay Morgan, Cherche Prezeau, Bonnie Jo Young, and Nadine McCarty, Recording Secretary.

#### **Pledge of Allegiance**

Everyone recited the pledge.

#### **Consent Action Items**

a. Vendor Claims Report for Week Ending February 9, 2018. (Marni Bentley)

Roger Baltz reported on the consent action item 2 a and recommended approval.

No public comment was received.

A motion to Approve was made by Commissioner McCormick and seconded by Commissioner Good Geise. The motion Passed on a 3-0 vote.

#### **Proposed Evacuation Plan for Holter Lake Lodge Subdivision. (Tabled 2-1-18) (Applicant: Backdoor Mountain, L.L.C.) (Planner: Lindsay A. Morgan)**

Lindsay Morgan, Planner II, presented the proposed evacuation plan for the preliminarily approved 22 unit condominium Holter Lake Lodge Subdivision adjacent to Holter Lake. This was tabled from February 1, 2018. Since the meeting another updated evacuation plan proposal was received, this time prepared by Northwest Management, Inc. on the list of qualified fire management specialists. In addition comments were received from the Board of Trustees for the Wolf Creek Craig Fire Service Area (WCCFSA). At the end of the letter from the Board of Trustees it states they are not in support of the proposed evacuation plan as stated in the settlement document. However, after receiving the evacuation plan late February 7th prepared by Jim Cancroft of Northwest Management and receiving the approval by fire chief Rocky Infanger, as long as the Sheriff's office approves the trustees of the WCCFSA will support the plan.

Commissioner Good Geise referenced the list of qualified fire management specialists and asked if the county is wed, via the settlement, that those would be the entities to give the okay on the plan.

Charles Lane, Deputy County Attorney, stated when the settlement agreement was composed between 2009 and 2011 he is not sure what was anticipated. Not sure about creation time of the list, or that qualified fire management specialist is an official title or certificate that is acquired, but it is the list of fire management specialists and he would advise that someone on that list be chosen.

Ms. Morgan explained the list was created ten to thirteen years ago and she does not remember the specifics of what was required at that time, but it was specifically created for vegetation management plans and what firms would be able to prepare such plans. It was prepared by someone in the planning department but no one knows by whom.

Commissioner Good Geise referenced the Northwest Management memorandum specifically the second paragraph where it states it is assumed buildings will be built with fire resistant or non-combustible materials, Class A and non-combustible roofs and fire resistant plants for landscaping. She understands that Lewis and Clark County does not have requirements about building materials. Mr. Lane confirmed the county cannot require specific building materials given the condition of approval.

Commissioner Good Geise commented that if the opinion and the plan are based on assumption that the structures will be built with fire resistant or non-combustible materials there is no way for the county to guarantee or require that where does that leave the commission with the plan. Mr. Lane agreed that is a concern. He recommends determining whether or not this is an appropriate fire evacuation plan for the area. It has been looked at by the fire chief and the board of trustees of the WCCFSA and they are approving the plan along with Mr. Colbert from the Sheriff's Department. Specific building materials cannot be required, that would be appropriately addressed through zoning.

Commissioner Good Geise stated the basis of the decision of the opinion of the evacuation plan is perhaps based on a false assumption. Mr. Lane confirmed the reading of that to be correct. Commissioner Hunthausen added that if the paragraph was left out the plan might not be any different. The county cannot control the building materials. The suggestion to shelter-in-place and other suggestions; not sure if that is in the commission scope of review.

Commissioner Good Geise referenced the shelter-in-place; go into a room with no windows recommendation by Northwest Management based on the assumption that the building is relatively fire resistant. We cannot rely on the assumption.

Commissioner Hunthausen referenced the proposed plan in how sheltering-in-place may be better than sending a lot of people into an emergency setting. After reading the fire chief's comments this makes more sense.

Peter Italiano, Director of Community Development and Planning, stated there is the option of the board to place the responsibility on the developer to bring a plan to the commission that satisfies the concerns.

Commissioner McCormick asked if by approving the plan and the five points along with the comments regarding building structures is this just additional information and the comments about building materials moot, because there is no zoning and building materials requirements; or if approved with the language could this bring potential liability issues to the county.

Mr. Lane responded the condition of approval that was believed to be approved in 2011 was in response to a granted variance for the subdivision allowing for a single route in and out of the

development. At one point it was determined wise to have a condition of approval that an evacuation plan be developed and approved by a fire management specialist and the Board of County Commissioners. This is the developer's attempt to satisfy the condition of approval. The section of the plan about the external surface building materials to resist fire cannot be enforced but the plan does hinge on the building being made out of these materials. His recommendation; is this the best evacuation plan for the subdivision that can be presented. The developer has worked with the fire chief and board of trustees of the WCCFSA as well as the Sheriff's office resulting in this plan.

Cherche Prezeau, 314 N Last Chance Gulch representing the developer, stated both Mr. Cancroft and Mr. Murphy are unable to make the meeting today. She spoke with Mr. Cancroft yesterday and believes the plan was drafted with the input of the Fire Chief Rocky Infanger. He was provided copies of the site plan, etc. She currently attempted to call Mr. Cancroft regarding the assumption. Based on her conversation yesterday she believes he would strike out the paragraph. She does not think the plan is based on the assumption. Yesterday Mr. Cancroft told her there is not a lot of fire danger in the area with few trees and little brush and there is a big fire break before the building. The recommendation is to stay in one place and sign up for the 911 calls. If evacuation is deemed necessary they can all be evacuated at the same time to the same location. She does not know about building materials.

The condition of approval required that a plan approved by a fire management specialist be submitted. The last time a condition was added that the specialist speaks with the fire chief and the sheriff; he did that and the plan reflects that. She would request the plan be approved with the contingency that Mr. Cancroft submits the plan without paragraph two. She thinks that would satisfy the concerns and she understands the reason for the concerns.

Mr. Lane stated after discussion it has been agreed that the second paragraph will be revised to state instead of it is assumed to it is recommended that building structures will be built. The third sentence will read the landscaping should instead of will. The third paragraph strike, if these conditions are met; the paragraph would then begin with the best plan of safety.

Ms. Prezeau stated she just spoke with Mr. Cancroft and he confirmed that this plan is not contingent upon any required building materials and that even if paragraph two would be fully removed this would still be the plan in place. If the language was changed as just suggested by Mr. Lane he would agree to resubmit the plan with the revised language.

#### PUBLIC COMMENT -

BJ Young, Board Chair of Wolf Creek Craig Fire Service Area, stated the approval of the plan was based on the assumption. They had no idea that the county cannot require building materials. With the recommended changes and if Mr. Cancroft is good with the changes they will approve the plan.

The county needs to work on the qualified fire management specialist problem. From what she has been told of the available list two of the three are not even available. The fire chief would like to know what a qualified fire management specialist is.

A motion was made by Commissioner McCormick to approve the proposed fire evacuation plan for Holter Lake Lodge Subdivision with the amendments to the evacuation plan as discussed. The motion was seconded by Commissioner Good Geise.

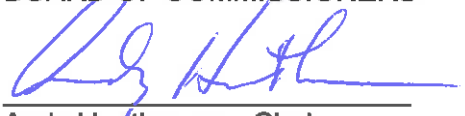
The motion on the table is to approve the proposed fire evacuation plan with amendments as discussed. The motion passed on 3-0 vote.

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

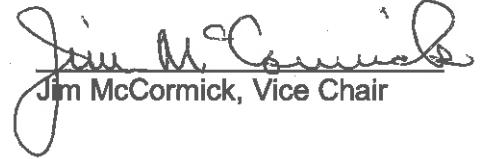
**Adjourn**

There being no further business, the meeting adjourned at 9:44 am.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS



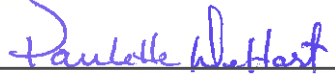
Andy Hunthausen, Chair



Jim McCormick, Vice Chair

Susan Good Geise, Member

ATTEST:



Paulette DeHart, Clerk of the Board