

## Lincoln County Commissioners Meeting

### North Shore Landing Public Hearing

#### Minutes June 28, 2017 – Lincoln County High School, Eureka

**6:00pm**

Chairman Cole welcomed the audience and announced the agenda. He introduced the panel on stage including Jake Mertes from Environmental Health; Kristin Smith of KMR Consulting, interim planner; and the three commissioners. He opened the hearing with a request to, Kristin to deliver the subdivision report and recommendations.

Kristin presented a summary of the application, issues (steep slopes, fire risk, design not in conformance with regulations; and density) and key recommendations to improve the project both from the planning board and staff.

**Larry Stewart**, the developer, was given an opportunity to discuss the subdivision. He rebutted some of the statements Ms. Smith made regarding lot design (admitting he wanted to reduce the amount of roadway); and stated that he designed the roads in the draws so that the lots were less visible from the roads. He also noted the issues with water rights in the Town of Eureka.

**Andy Beslki**, surveyor for Mr. Stewart, spoke about the subdivision report with specific concerns regarding the conditions related to dust abatement, pedestrian pathways, steep slopes and parkland dedication.

Commissioner Cole called for proponents of the proposal to speak. Four (4) individuals who worked for or are related to developers identified the following with respect to the project:

- Subdivisions create jobs
- Services grow with a community and do not always occur at the time of development
- Douglas Hill Road old highway, built to “state standard”
- Limitations on development (with area ranch lands, forest lands, etc.)

**Greg Hanson**, property Manager of Mariner’s Haven (also a project of the North Star Landing developers) read into the record 2 letters from other members of the public in support of the project: Gary Mason (also a Planning Board member); and a woman who works in the banking industry (see copies with file). He then went on to note that many subdivisions in the area are not built out to their capacity and named several. He stated that 60% of the lots in Mariner’s Haven have homes on them, and that the homeowners invested \$4 million of their own money for necessary upgrades. They contributed \$175,000 in property taxes last year; and that 15% of their HOA budget goes towards dust control. He commented that North Star Landing allows for RVs for 1-3 years for folks to build but that it is not an RV Park.

**Joe Purdy**, one of the current owners of the property being subdivided and a developer of other properties, stated that other developments have been approved with storm drainage and wastewater areas used as common areas. He wants to see good criteria.

**Cindy Letcher** stated that change was inevitable and without it, we are stagnant. People need to make a living.

Commissioner Cole then asked for opponents of the proposal to provide comments:

**Gary DeLorenzo** lives across the road. He noted that there were problems getting the public notices published. He was present in 1994 for the fire in the area and has concerns about the risks and evacuation routes – one way in and out. He stated that there have been no repairs to Douglas Hill Road as it stopped being a highway in the 1940s. He stated that the electricity rates that area residents were paying were subsidizing the seasonal residents.

**Paul Tribbel** introduced Frank Muth, an engineer, whom he had hired to represent himself and other area residents concerned about the project.

**Frank Muth** spoke primarily to the density as it relates to the Growth Policy and referenced a court case out of Missoula County, Sonata Park.

**Mikel \_\_\_\_\_** with Core Water Consulting, also hired by the opponents to evaluate the proposal from a technical perspective, identified several areas of concern:

- The design does not take into consideration the natural drainage ways by using culverts; rather the design utilizes mass grading and placement of roads at the bottom of drainages
- Flouride contamination was identified in test wells and the proposed treatment will utilize more water than actually producing
- The preliminary plat has not shown an easement for the Rexford water line which would appear to encroach on several lots.
- Although the DEQ agreed the aquifer into which the applicants were drilling for wells are confined, adjacent well logs do not indicate such.
- She evaluated the slope detail since the developer utilized Lidar flight contours which are very detailed. Based on the drainages, slopes greater than 30% and driveway approaches, she determined only 74 of the proposed lots to be developable.
- She evaluated the storm infiltration basins along the roads and noted the toes of the slopes are encroaching into the lots.

**Debbie Tribbel** identified several concerns regarding process and noted that she wanted a hydrologist to analyze the proposal.

**Randy Wilson** says that his property, specifically his well is closed to one of the community drainfields. He said the project doesn't fit within the area. It is a dead-end road. He noted that the Town of Rexford has only 67 lots, but there is a flashing light at the intersection with Highway 37 and a turn land. No

such improvements are proposed for the Douglas Hill intersection. He also wanted to know who would be policing the RVs on the lots.

**Bob Schneider** expressed concern about the covenants and who/how they're controlled

**Cindy Ruth** stated she and the neighbors had a right to quiet enjoyment of their property. Douglas Hill cannot handle the additional 1,100 trips per day and that a secondary access to the south will not be granted by the adjacent property owners. There are blind corners to and from the campgrounds and in other areas. She stated that the slope regulation was pretty clear and did not understand how that could be interpreted differently. The impacts to law enforcement, specifically the sheriff's office with the proximity to the campground. She read excerpts from some commissioner minutes that referenced cuts to the sheriff's budget. She suggested the county explore impact fees for services like other jurisdictions do. She noted the incorrect legal description that the applicant's provided and that was perpetuated on the public notices was a gross error. Lastly, she submitted binders for the commissioners with information corroborating her comments.

**Cindy Shane** says she understands the concern about jobs. She moved to the area from Idaho where she was on the Planning Board of Latah County. She has reviewed the Lincoln County Growth Policy and cited several sections of recommendations to maintain the rural character and maintain low density in areas outside the city centers. She said there is little tax base while people use their RVs to build, but there is an increase in demand for services. Covenants cannot be used as a regulatory tool. It pushes the expense of litigation on to other landowners if someone violates them.

**Robin Little** has lived off Douglas Hill for over 20 years in the Kooconusa Estates neighborhood. She is greatly concerned about the traffic/dust and quality of life.

**Duana (sp?) Nelson** is concerned with access to the Lake Kooconusa dock which is already used to its maximum.

**Dick Burman** has been a resident since 1992 and noted that there are many unbuilt lots already existing in the area. He is concerned about recreational use.

**Phil Shane** has concerns about density. He stated that the demand is for RVs not residential lots. He is also concerned about public safety as it relates to fire risk, noting that there is no fuels management on the adjacent Forest Service property between campground (high risk) and this development.

**Linda Lodefinkemeyer (sp?)** is concerned about water impacts to the Town of Rexford. She stated that the town has spent a lot of money trying to get the developer to comply with existing requirements.

**Barbara Morgan** expressed concern and impacts on Emergency Services for such a dense development

**John Ruth** has concerns about the density in relation to the topography, fire risk and groundwater, noting the fluoride identified in the test wells suggesting poor water quality.

**Ron Gardner** suggested the development should be a smaller scale and that the commissioners should be concerned about the tax base, but that this was not a good development.

**Gary Delorenzo** has lived here for 35 years and stated that subdivisions do not fill the hole of jobs. Subdivisions have continued, but the jobs continue to go away.

**Dayton Nelson** stated that it was a complicated project.

One other member of the public whose name was not heard commented on his perception of deterioration in services since he moved to the area 15 years ago.

Commissioner Cole offered Mr. Stewart the chance to rebut the statements. Mr. Stewart stated the potential for increase in tax base was exponential. He attacked Core Water Consulting; and stated that it was not a perfect development for the neighbors or the county.

Commissioner Cole closed the meeting and announced that the commissioners would be making a decision in the coming weeks.

**Meeting adjourned 9:10.**