

*PETITION TO BLAINE COUNTY PLANNING AND ZONING COMMISSION, FOR CONSIDERATION REGARDING
LATERAL 75 RANCH SUBDIVISION APPLICATION*

We, the residents of the surrounding properties and undersigned, to the LATERAL 75 RANCH SUBDIVISION APPLICATION, demand the BLAINE COUNTY PLANNING AND ZONING COMMISSION consider the DETRIMENTAL IMPACT TO THE SURROUNDING PROPERTIES, regarding this development moving forward as proposed. We demand that these concerns are considered and addressed, by providing data and or solutions before any approvals are issued. We agree that the following items should be considered and addressed, by this commission.

TRAFFIC SAFETY (at Glendale & Hwy 75)

- There is insufficient access to this development from 75, for the amount of traffic that will result from this development, as well as future growth in Blaine County. This costs both residents and emergency response a great deal of time and money, in addition to the risk to the residents and drivers at this intersection.

**Please see Mike Willard's statement of concerns in this area # 6 (attached).*

LOT DENSITY

- LATERAL 75 RANCH SUBDIVISION should be compatible with the surrounding developed properties and should not create stress on the surrounding properties.

**Please see Mike Willard's statement of concerns in this area #1, 2, 3, 4 & 7 (attached).*

THE AQUIFER, EXISTING WATER RIGHT USERS

- The impact of increased density to the aquifer and existing water rights. Ground water rights are already being curtailed, due to continued drought conditions.

**Please see Mike Willard's statement of concerns in this area #5 & 7 (attached).*

THE PRECEDENT THE PROJECT SETS FOR FUTURE PROJECTS

- The impact of allowing the transfer of 18 TDRs into an A20 zoned receiving area to increase density (Lot count).

**Please see Mike Willard's statement of concerns in this area #8 & 9 (attached).*

***BLAINE COUNTY PLANNING AND ZONING COMMISSION**

COMMENTS TO LATERAL 75 RANCH SUBDIVISION APPLICATION

JUNE 4, 2021

My name is Mike Willard. I am a resident of Bellevue Farms. What follows are my comments regarding the proposed Lateral 75 Subdivision.

Gregory Ranch owners have a right to develop their property. *It should be done compatibly with the surrounding community. It should not create stress on the surrounding community.*

The most concerning issue with the project is its density, its impact on surrounding property owners, the aquifer, and existing water right users, as well as Traffic Safety at Glendale & Hwy 75...and the precedent the project may set for future development in the immediate area with the use of TDR's.

1. **The Use of TDRs:** *The developer is "requesting" to be allowed the transfer of 18 TDRs into an A20 zoned receiving area to increase density (Lot count). Apparently, they currently have only 13 TDRs which only accommodate 19 lots. They need to acquire 5 more to allow for 24 lots with their calculation. Do they have those available or are they currently in negotiations for the remaining 5 TDRs needed for second phase Lots 5 acres? Should the density move forward without the TRDs in hand?*
2. **Conditions for TDR use:** *One project threshold is to provide 50% Open Space; another is to have an average minimum lot size of 2.5 acres....and another is its compatibility with the immediate surrounding area. The County Definition of Open Space - Private is A land or water area devoid of buildings, streets, parking or other physical structures, except fences and irrigation structures.*
3. **Questionable Open space calculation:** *The open space calculation with its partial Lot inclusion appears to be questionable. The subject property is 76.51 acres. The required 50% open space is 38.25 acres. The developer is accomplishing this by creating (6) dedicated open space R parcels and (4) dedicated septic D parcels (accommodate the septic needs for undersized Lots 1, 2, 3, and 6) and taking non-delineated portions of the remaining 19 Lots [a .5 acre from the (13) 1 acre lots and 1 acre from the (6) larger lots].*

Of the 38.25 acres needed to meet the open space requirement, the Lot taking represents 12.5 acres and the inclusion of the (4) septic parcels (D1-4 that benefit Lots 1,2,3,6 septic needs) represents .72 acres. These combined contribute 13.12 acres or 34.6% of the open space requirement. This appears to be double counting. They are grossing up the lot size to accomplish the minimum size of 2.5 and then taking from that to accommodate the open space calculations.

When questioned, staff indicated that this technique of Lot parsing has a precedent in two previous TDR developments. Was this previously done to kick start a struggling TDR program? Is this specifically allowed in the TRD rules? This appears to stretch the intent and application of a requirement for use of TDRs. If this was done in the past, is it right now?

If this situation were to prevail, building lot envelopes should be established and define as to not infringe upon open space. Adjusting the open space calculation by 13.12 less acres would reduce the number of lots and increase their size....resulting in a more sensible density.

I assume if they don't get the needed TDRs, the remaining Lots will be open space. How specifically will that be managed?

- 4. **Project lacks compatibility with surrounding area:** This project is too dense for the area. Nowhere in this area are there one acre lots. Any new development in the area has the same consistency and conformity to the current neighborhood. Is the project's lack of substantive open space, consistent Lot size, and similar appearance with the surrounding properties, not representative of the neighborhood? What is the cumulative impact of future TDR development and the density it brings on the character of this area? Do the surrounding property owners have a reasonable expectation of the area's development to remain A20 with its current density...or something close to it?*
- 5. **Negative impact on senior water right users and the Aquifer:** This project will create twenty-four (24) new ad hoc water rights that will be created with the domestic wells...24 new 1/2 acre irrigation rights...12 acres of new water rights senior to those of the farmers and other water right holders. In addition, it appears, based on a consultant's report, that the property has questionable water rights....and the owner is trying to acquire additional rights that are also questionable. Will the property have adequate water to properly irrigate the lots and open space? 1884 water is junior to most of the farmers and many other crop irrigators in the triangle. This situation and their water rights should be adjudicated prior to approval.*

The situation created through the use of TDRs will lead to other similar developments, creating more ad hoc water rights, putting even more stress and pressure on an already struggling aquifer and senior irrigation users.

The valley has been facing drought conditions for years. Currently, there are hearings addressing water curtailment in this area of the triangle. When the TDR program was initiated, were studies done to understand its impact on the aquifer? Should it be considered now? Should there be a limit on the use of TDR for development of stressed areas?

- 6. **Traffic safety issue:** The Glendale Road and Hwy 75 situation cannot be brushed aside. This could easily contribute to fatal accidents if not properly addressed. There is a difficult transition in and out from westbound Glendale to Hwy 75 and from Hwy 75 eastbound onto Glendale Dr. This will become a major safety issue if not properly addressed.*

There should be a deceleration lane for northbound traffic entering right onto Glendale Rd. This could reduce both Lot 5 and Parcel S2. In addition, there should be an acceleration lane out to the north for westbound traffic exiting onto Hwy 75. This may require an easement or taking from the adjacent properties, but it appears the ITD has a ROW to accomplish this. See exhibit.

The eastern entrance onto Glendale Rd from Hwy 75 should be widened, as it is currently only 20' wide, as it traverses the canal bridge. This approach does not meet ITD standards.

There was a traffic study done in the mists of the pandemic. It should be redone analyzing current conditions.

Given the increased traffic from both business and residential from Glendale Rd, both east and the west, onto Hwy 75, as well as the increase in drive time service and construction traffic north south, this situation must be addressed, proactively or it will result in some very unpleasant consequences.

7. **Environmental impact:** *What will the impact of increased use of the lake have on its water quality, the upkeep and maintenance, or lack of? Will it have adequate water flow in and out? How will it impact downstream water users and water quality and the aquifer in general? What is the potential watercraft nuisance noise? There will definitely be more watercraft use as the project builds out.*
8. **Past Planning Decisions:** *The Gregory Ranch property was entitled in the past as a water ski park and subdivided into 3 lots. It would be important to review the Plat notes and the P&Z comments and final conditions to know what assurances were given at that time by both the developer and the county for no future subdivision of the property.*
9. **Past precedent is not law:** *A precedent is at best something that may have occurred in the past based the current circumstances at the time. Subsequent considerations should be made based on current conditions and circumstances. This project will influence future development situations in the area. What will be the cumulative impact be in the future when other landowners in the area take advantage of increased density with the TDR program?*

There is precedent in the county for actions to be made that are contrary to current law, based on what some consider a higher good. I hope any decisions made with respect to this application will be scrutinized with the interests of all parties and their concerns considered equally, considering current circumstances, and a clear understanding of the future impacts of the area with their decisions.

Respectfully submitted,

Mike Willard, 205 Equus Dr. Bellevue Farms

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THIS IS OUR NEIGHBORHOOD -
 MR. WILLARDS LETTER to COMMISSIONERS Needs to be ANSWERED!
 WE ARE ABOUT PROPERTY & OR DENIES ON 5 ACRE - 10 ACRE -
 20 ACRE LOTS.
 WE BELIEVE LAND & OWNERS SHOULD BE ABLE TO DO WHAT
 THEY WANT WITH THOSE PROPERTIES, BUT COMPLY WITH ALL
 STATE & LOCAL LAWS AS ESTABLISHED WHEN PURCHASING.
 WOULD NOT PROTECT OUR NEIGHBORHOOD WAS DENIED?

75 E
Stenoble



District Canal

MERG LANE



Timmerman Light @ 20

