

OCTOBER 19, 2022

Tobacco Flats North & South Subdivision  
Public Hearing  
11:00 AM

Present were Commissioner Teske, Commissioner Letcher, Commissioner Bennett, County Administrator Jim Hammons, and Deputy Clerk Corrina Brown.

**11:00 AM Tobacco Flats North & South Subdivision Public Hearing:** Present were William LaFontaine, Ryan Jones, Sherry Slaney, Tyler Hartz, Chrissy Suffin, Maggie Leyseves, Nathan Lucke, Lannie Fehlberg, Jack Miller, Willow Holm, Danny Ray Marsh, Sara Cote, Frank Hersh, Wendy Anderson, David Bowland, Madona Bowland, Samantha Galer, Joseph Bowland, Andrew Cote, Rebecca Nelson, Candace Johnson, Shirley Johnson, Michael Bikos and Kristin Smith.

*Kristin* presented the project description for both the Tobacco Flats North and South subdivisions. LC Planning Board recommended the LC Commissioners grant the variance request for the North subdivision regarding the standard number of turnouts for the length of driveway as well as grant preliminary approval to both Tobacco Flats North and South Subdivision subject to conditions and based on the findings in the staff reports. *Kristin* highlighted the conditions of approval to ensure public awareness. *Kristin* recommends additional condition of approval to Tobacco Flats South regarding an easement of water line on lot 15.

*Nathan* of 406 Engineering introduced himself and elaborated on the project due to the interest in attendance. *Nathan* informed the audience of the subdivision process, laws and regulations, the planning board's responsibility, both the DEQ and DNRC roles to include water testing and septic permitting requirements. *Nathan* advised this project has water rights which allows irrigation and wells in the area show sufficient water. *Nathan* stated traffic will be reviewed by the state and if a turn lane is required the developer will be responsible. *Nathan* added the LC Growth Policy and zoning allows for development such as this project.

*Lannie* has concerns with Tobacco Flats South. *Lannie* advised the fire road has a narrow space by the Animal Shelter. *Lannie* also is concerned with an increase of traffic coming through Independence Lane. *Nathan* responded Emergency Services will have a gated emergency access negating traffic.

*Dave* questioned the kind of housing planned. *Tyler Hartz* was introduced as the developer. *Tyler* elaborated that he will live in this development. He stated there will be a mix of prebuild housing and manufactured housing. *Tyler* said that housing approval is difficult without a permanent foundation. *Tyler* stated his business is a Clayton Homes Distributor, a prefabbed home on a foundation.

*Candice* advised she lives at Indian Springs Subdivision and was not aware as Commissioner Letcher stated that some of the homes are prefabbed on a permanent foundation. *Candice* is concerned that people moving in won't work and contribute to the welfare of the community. Commissioner Bennett advised Lincoln County has over 2 million acres of which 8% is private land and can be developed.

*Michael* introduced himself as a contractor who jumps through hoops with The Department of Health on larger parcels and wonders how these smaller parcels will be approved. Commissioner Letcher advised all of these are subject to DEQ review. *Nathan* advised this type of property is anticipated to be good for both ground and well water. *Nathan* advised there will be county septic permitting as well as state review.

*William* stated he is an adjacent landowner and therefore should have been informed of this subdivision. *William* has reviewed easement access with the northern border of his property. *William* does not plan on granting easement to this project.

*Michael* submitted to the commission wording he recommends future property owners be aware of his shooting range as well as MCA codes regarding it. Commissioner Bennett asked that *William* submit this wording in writing.

*Samantha* asked the commissioners how this will improve her water pressure and value added to the area that she uses. Commissioner Letcher advised the estimated traffic use is provided by the state and this is the main road to the subdivision and not the road by the shelter.

*Ryan* commended the environmental review. *Ryan* advised emergency transport time may not be acceptable with this influx of population. *Ryan* advised this type of growth will create a bottleneck for the community. *Ryan* suggested appropriate growth for the county allowing services to keep up.

*Joe* commented he does not want a mini city in his back yard.

*Dave* questioned Arena Lane being the primary entrance advising it is a private road which he maintains.

*Wendy* of the Animal Shelter has concerns of the noise and how their hounds will impact the future homeowners. *Tyler* advised the by/sell agreement has to disclose such issues.

*Jack* questions why a high-density development just six miles from town when Eureka is sought for its remoteness.

*Andrew* stated his objection is simply this area's draw will be eliminated by creating a project that turns this community into what a lot of folks have come to this area to get away from. *Andrew* has concerns of the loss of solitude to existing businesses in the area of development. *Andrew* asked why the FWP has not commented on this development as six months a year the winter habitat for the Big Horn Sheep and Elk prohibit locals from entry. Commissioner Letcher commented that a business model is not of concern to the commission.

*William* questioned notification to property owners of the proposed subdivision.

*Ryan* expressed concern that FWP provide an official statement.

*Sara* encouraged the Commission to view the site. Commissioner Bennett advised they will review the site.

*Andrew* questioned the 8% private ownership of land creates a need to be careful of how it's used. Commissioner Bennett commented that the freedom to own property comes with the right to use it within the regulations and laws in place.

*Kristin* reviewed the Tobacco Flats South conditions of approval.

*Kristin* advised the Road Maintenance Agreement could include Arena Lane, the Shooting Range as well as the Animal Shelter.

*Nathan* advised the South project would go first and emphasized the legal system is there for a reason.

*William* commented that Tobacco Flats South appears to show an easement to the north and no easement request will be granted. Commissioner Letcher advised he has information that will clear up this easement concern and later shared it with *William*.

*Lannie* asked what happens next. Commissioner Bennett advised this is preliminary and they must meet the conditions listed before final plat can be approved.

Commissioner Bennett requested an extension allowing for a site visit, time to seek input of FWP and to review public concerns. *Nathan* advised the developer has agreed to extend the decision until November 2<sup>nd</sup>.

12:30 PM **Adjourned**

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
Jerry Bennett, Chairman

**ATTEST:** \_\_\_\_\_  
Corrina Brown, Deputy Clerk of the Board