

7/29/97

I would like to personally thank all who participated in the recent hearings on the sale of 320 acres in the Butte area to Homestead Resort Properties. Because of the full agenda on July 15 I did not explain my position but I feel that those who took the trouble to testify deserve to know. If I were a typical politician I would have done what I see done around the Assembly table. I would have voted "no" pretty well knowing that the other members would have voted "yes". But I am not a typical politician and I will tell you why I thought it right to vote "yes" on the 15th and why I will be voting to override the mayor's veto on August 5th.

MY PLAYGROUND

The majority who communicated with me opposing the sale indicated that this was their favorite place to recreate. On closer questioning it became clear that most did not even know where the property was. Many were concerned about the scenery and peace being lost at Jim Lake. Many were concerned about McRoberts Creek which does not even run through the Borough parcel. Even more revealed that they enjoyed the trails and lake on the property already owned by Homestead Resort. (About 500 acres that has been privately owned for many years and to which the public has had access including Weiland's hay fields and Burkholder Lake.) I have traversed the 320 acre borough parcel in both winter and summer and noted that the vast majority of traffic on this parcel is limited to the Maud-Plumley trail. As recently as last Sunday Norma, Heather and I walked this trail and scrutinized the property once again. Apart from wood cutting which has denuded the parcel of most big trees and some hunting activities in August and Sept., there is very little evidence that this public recreation area is being used at all off the trail. For that reason I conditioned the sale of the property to the perpetual, free and unrestricted use of Maud-Plumley trail. In my judgment the primary current function of the 320 acres is as a corridor between Maud and Plumley roads to access Mud and Jim lakes. That use and function would be preserved.

LAST OF THE PUBLIC LANDS

I cannot accept that this 320 acres represents the crown jewel of the last of public lands in the Butte. There are literally thousands of acres of state and borough land in the Butte around Jim, Mud, and Swan Lakes and the rivers that demonstrate much heavier recreational use at present. I will be working with the community and the administration to insure that the management and use of those lands is preserved for that use. Coupled with the Maud-Plumley trail there would be virtually no functional change from the current use patterns of public land.

POLLUTION

Another concern that I took seriously was the contamination and depletion of ground water. Numerous sources testified to the wetlands on this parcel. There is indeed a significant amount of black spruce. In my opinion this is



because of deposits of peat that have insulated the ground keeping it cold and suitable habitat for black spruce. I know that when Weiland's cleared the large fields to the West of the 320 acres back in the 60's it was largely covered with black spruce. After clearing the black spruce and peat this ground actually proved to be almost too dry for good hay crops.

I have looked into the modern construction of golf courses and have concluded that if you wanted to you could build a golf course on a lake. The greens and fairways are irrigated with closed system water that recirculates and when proximate to shallow water tables are shielded with liners to keep the golf water isolated. Typically these irrigation systems are not drawn from deep water sources which would affect the general water table. In my judgment the 320 acres has very little wetland. The two wettest holes indicated by soil maps are both traversed by the Maud-Plumley trail and today you can't even find water in these meadows. The predominant grass is a brome, native mix which are not even wetland species. They are quickly crowding out the species that used to dominate. Curiously, the parent parcel immediately to the north of the 320 acres is very boggy and is probably what many people confuse with the Homestead application.

GOVERNMENT SUBSIDIES

Another criticism is that we are subsidizing the development by selling the land cheap. The fair market value will be established by an independent appraisal and while it may seem cheap on a per acre basis compared to one acre in a subdivision, the developer will be paying no less than any other purchaser of raw borough land. In fact the 13 conditions attached to this disposal are without precedence in this borough and will make the actual cost to the developer much higher.

Some suggested holding the land and selling it after the development. This may bring a higher value but in the meantime would bring nothing. A later development by another developer would force access through the bogs to the north and be much more intrusive to the community. The 320 acres is on a geographic bench and ecosystem that is most feasibly and naturally developed through the 500 acres already owned by Homestead Resort.

CLASS WARFARE

Several testimonies suggested the dislike for the higher income neighbors that would move into Homestead Resort Properties. Such testimony ignores the fact that you already have living in the Butte some of the best paid government workers and private contractors in the United States. When and if the state and federal governments begin to operate with balanced budgets we are going to be thankful for wealthy neighbors who can contribute to our roads and schools. The welfare class is not going to pay those bills. I had enough hayseed and carrot dirt under my fingernails on July 15 to easily identify with any red neck in the Butte. Over the years I have learned that as people the wealthy are no different than we are. Some are good and some are bad. I believe this development will attract more of the good ones with a lesser impact per family on the school district and a higher return to the Borough in property taxes. This adds up to a plus for the schools, the roads, and the fire service area.

DEVIOUS DEVELOPER

Other testimony indicated distrust for the developer. The Borough Code does not have a trust factor when it comes to disposing of Borough land. Without entering into either defense or slander of Mr. Trygstad I will just say that I have looked into his law history and his development history and have found nothing to cause alarm. Many of constituent concerns about secrecy demonstrate a complete naivety to the business complexity of putting together a development this size. When he was negotiating for several parcels simultaneously during the early stage of his application for the Borough parcel he understandably could not divulge all of his holdings and negotiations. I have followed very closely the application process and public hearings. (The only one I missed was the last Planning Commission meeting.) I even conducted a special review of the process with Mr. Trygstad and the planning department. The only instance of withholding information that I am aware of is when he missed a deadline for providing a site plan. It turns out he was very ill at that time. (Incidentally the site plan requirement for purchase of borough land was not practiced prior to this application and was only activated midway into the process.) To construe this as a "pattern of continued failure to respond to requests for critical information" is an overstatement in my opinion.

NON FEASIBILITY

I have no way to predict if he will be able to attract the investments that will make this project fly. I am not a golfer and know nothing about the feasibility of another golf course. I believe that as with many other businesses there is always room at the top for something well done. I think his alliances with Jack Nicklaus and Audubon indicate his desire to do things first class and merits our giving a fair chance. If we pursue the development of this valley without regard to the open spaces and jobs that the golf course and equestrian center will represent, we will be a community of bedrooms in high density subdivisions that has the potential for spawning violent, unemployed kids. I'm sure thankful that the government didn't run a feasibility study on my dad's farm when he homesteaded back in the 50's. There was no road, no electricity and only a homemade bridge across Wolverine Creek. This Valley was developed by people with vision and I think this Borough is still big enough for visionaries.

INTIMIDATED NEIGHBORS

Finally, you should know that the public hearings did not reflect the phone calls I have gotten in the past 9 months on this project. Initial calls were almost entirely negative. More recently I have gotten calls from many who were initially negative who consider the development to be the best thing for the 320 acres. They thought the combination of preserving the Maud-Plumley trail and privately managed and developed new trails and development was superior to the trash and gunshots they now hear on the property. Many of these people said they were intimidated by the public hearings and those opposing the sale. Some even attended but didn't speak. Some were put off by the door-to-door campaign to organize opposition. Given this community-wide effort it is significant that there wasn't more opposition. The conditional use permit for the race track in the



core area attracted nearly twice the testimony at the same scheduled meeting.

YOU DID MAKE A DIFFERENCE

Lest you think your testimony was a waste of time I would like to assure you that it was because of your testimony that I supported the lease rather than an outright sale. The 13 conditions attached to that lease are onerous and I hope does not push the project into malfeasance. I personally think it is entirely inappropriate for government to be baby-sitting a private development but acquiesced because of testimony.

THE "PRIVILEGED FEW"

The mayor's veto of ordinance 97-039 on the basis of "setting aside a huge amount of prime public land for exclusive use by a privileged few" demonstrates to me an ignorance of current uses of the property, allowable uses after disposal, and the Homestead Resort plan.

The current use of the 320 acres is 99% confined to the use of Maud-Plumley trail. That would not go away when the "privileged few" take over. The "privileged few" would include not only the 50% of the homeowners who can buy into the golf club membership but the other 50% of the homeowners who just want to live in a safe, controlled environment, and the community members who want to use the equestrian arena and/or trails. I would suggest that this "privileged few" which includes the public at large far exceeds the number of people who are using this property presently. By the mayor's logic we should not sell any Borough land because most of the public lands we sell are for the use of one property owner!

BACK ROOM DEALS

Having been accused of "being on the take" and in a process that involves back room deals I can give you my word that I have been party to neither. I can tell you that being responsible for balancing the borough's budget causes me to look at some of these issues from a very different perspective than I probably would if I were living next to and fighting to keep a vacant piece of borough land from changing. Many of your positions were predictable and understandable given your geographics. I respect that and I hope you can respect my logic if not my vote.

Sincerely, Larry DeVilbiss

