

To: Commissioner Rod Twete
Commissioner Monty Montgomery
Commissioner Steve Adams
Director Eric Shanley

August 9, 2023

Cape Horn Road was built and dedicated to the public for use as a public road in 1970. The dedication document was signed by numerous authorities, including the county surveyor, treasurer, and commissioners. It was not signed by the Belmont Highway District, and we fully understand that its successor, the Lakes Highway District, has never accepted the easternmost portion of the road because it was not built to their standards. Cape Horn Road is a public road, all the way from where it begins at Perimeter Road to the Bonner County line. It has been designated as a minor collector by the District and the state of Idaho. Per Idaho law, the Lakes Highway District Commissioners have full discretion over it, to include full power to construct, maintain, repair, acquire, purchase and improve it.

The portion of road we are talking about is the easternmost part of Cape Horn Road. It is approximately 0.3 miles long, extending from Horseshoe Lane to the county line, entirely contained in Kootenai County. This portion of the road is the sole access for more than 50 properties holding 41 homes in Kootenai County and 105 properties holding 48 homes in Bonner County, as Cape Horn Estates. (Of note, 16 of those Bonner County/Cape Horn Estates property owners also own property in Kootenai County.) We refer to this portion of the road as the “S-curve.” To date, all improvements, maintenance, and repairs on this 0.3 mile stretch of road have been done by residents living along the road and in Cape Horn Estates. Despite the considerable time and expense that all the property owners, from Bonner County as well as Kootenai County, have dedicated to keeping this section of road passable, the need exceeds our capabilities, and we are requesting help from the Lakes Highway District.

The S-curve poses significant safety issues for all the residents who depend on it as the only road in or out of our communities. Two recent events illustrate why we are concerned:

1. On December 1, 2022, the Timberlake Fire Department attempted to respond to a carbon monoxide or fire alarm sounding in a house in Cape Horn Estates. The emergency vehicle made three failed attempts to drive up the “S-curve” before they gave up and returned to station. They were unable to reach the site of the alarm.
2. On December 16, 2021, three passenger vehicles slid off the road at the bottom of the S-curve, coming to rest just above the house of a resident of East Lower Cape Horn Road. Pictures of the vehicles are attached to this letter. It is not only passenger vehicles that are unable to make it up or down the S-curve in the winter. A picture of a propane fuel truck that slid off the road at the same place several years earlier is also attached.

The District has commented on numerous occasions that the property owners each bought their property knowing that the road is dangerous and not maintained by the District. Every property owner buys a property with the roads in some state and condition. Every property owner

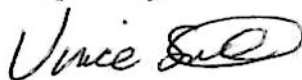
also pays property taxes with the expectation that their elected representatives will use the money allocated to improve and maintain the roads in their district in a transparent and deliberate manner. We expect that the elected Commissioners place a high priority on public safety, and use public monies for the public good. We are grateful for the efforts that the District has put into improving the safety of other parts of Cape Horn Road, like the project to widen the road in the area of the landslide. We expected to wait our turn among other safety issues, but it is time this compelling need is addressed.

We are requesting that the District take the following actions to improve the safety of the last 0.3 miles of the road. (Note that our request does not include any project work or maintenance inside Bonner County or Cape Horn Estates.)

1. Construct a safety barrier on the downhill side of the "S-Curve" of Cape Horn Road to prevent vehicles from sliding off the roadway and threatening residents below. (Attachment 2)
2. Immediately, add the remainder of Cape Horn Road, up to the Bonner County line, to the Lakes Highway District snow plowing contract.
3. Establish a project to perform items 1-7 listed on page 2 of the November 6, 2014 letter to a resident (Attachment 3), and
 - a. Dedicate seed funding of at least \$200,000 for the project from Lakes Highway District funds; and
 - b. Request grant funding to cover the remaining project costs from all responsive sources.
4. On completion of the project described in item 3 above, add the remainder of Cape Horn Road, up to the Bonner County line, to all maintenance contracts, planning, and schedules.

We want to work constructively with the District on this matter. When the District sets seed money aside for the project to fix Cape Horn Road from Horseshoe Lane to the county line, the Bonner County property owners in Cape Horn Estates will petition our county Commissioners to contribute funds to that project as well. We can provide information to support grant applications based on Americans with Disabilities Act compliance, car accidents, and the health and safety of the communities served by the road. Residents on both sides of the county line are standing by to assist the District in getting this project done.

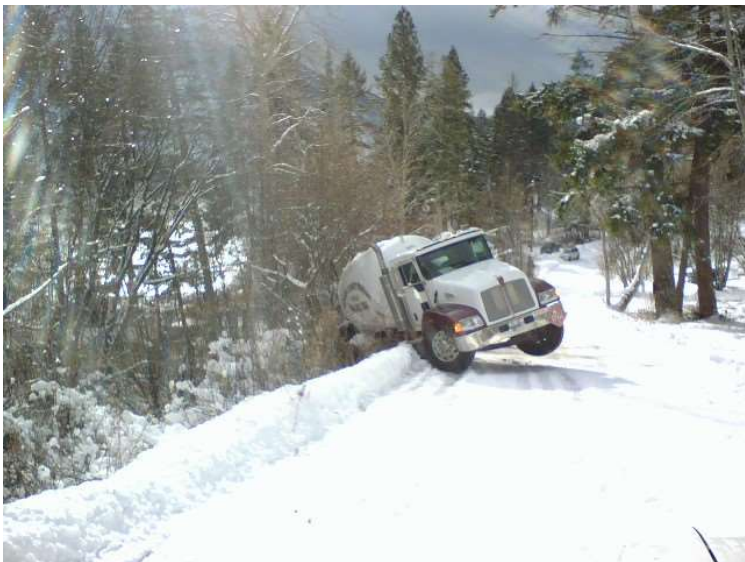
Respectfully,



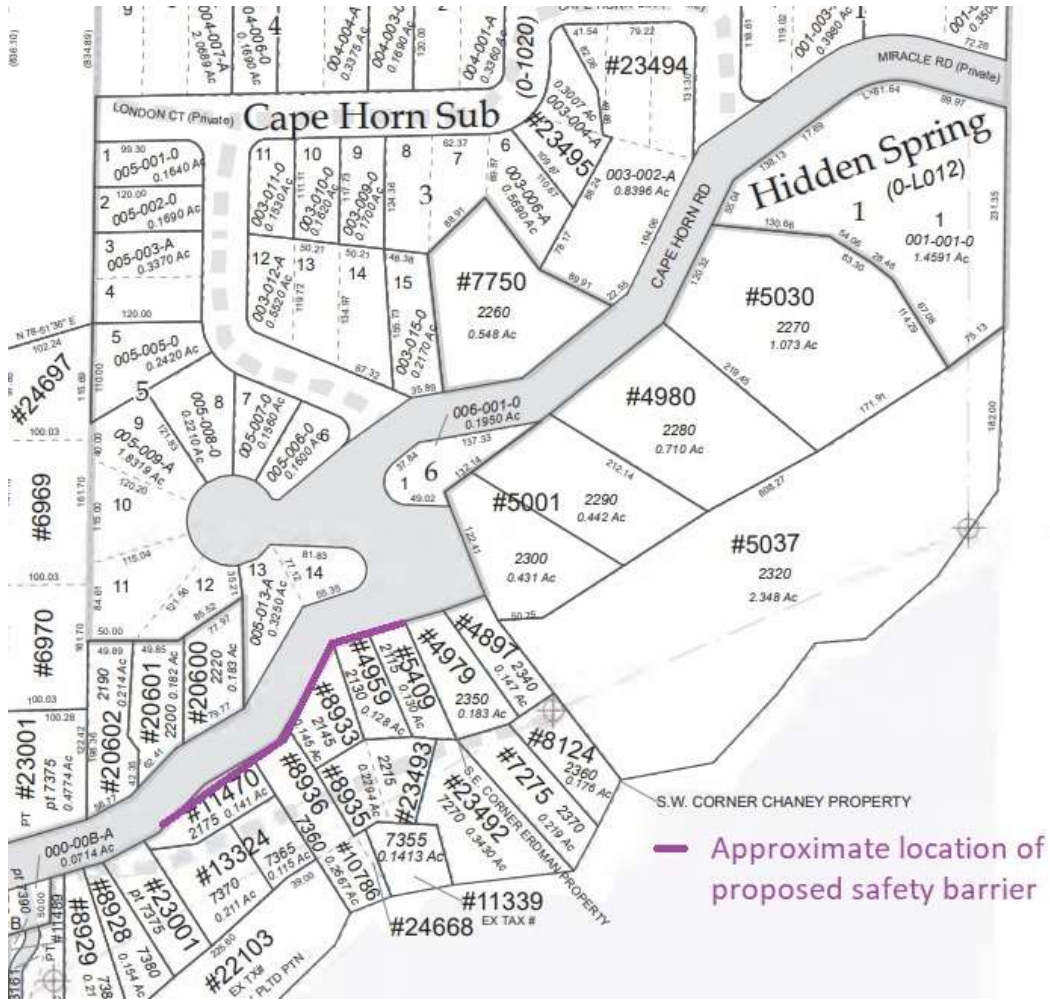
Vince Smith

Attachment 1: Vehicle Accidents





Attachment 2: Approximate Location of Proposed Safety Barrier





11341 N. Ramsey Road, Hayden, ID 83835
Phone (208)772-7527 Fax (208)772-7411

[Redacted]

November 6, 2014

[Redacted]

Bayview, Idaho 83803

RE: MAINTENANCE ASSISTANCE

Dear [Redacted]

We are writing in reference to discussions last week regarding maintenance assistance on the Cape Horn Road east of Horseshoe Lane. As we understand inquiries for assistance are based on how the roadway drainage functions near your home at [Redacted] E. Lower Cape Horn Road. We also understand that the roadway drainage is causing damage at your home. In this letter, we would like to provide you with recommendations to help improve functionality of the drainage system, but we first want you to understand that we are unable to perform any of the improvements needed to address your concern as this work is outside our maintenance jurisdiction.

As you may be aware, the Highway District's maintenance jurisdiction ends at Horseshoe Lane, just to the west of your property. The reason our jurisdiction ends at this location is that the Cape Horn Road east of Horseshoe Lane was a platted road in June of 1970 and although the road was dedicated to the public, the District did not sign off on the plat acknowledging the dedication to the public nor did the District have an opportunity to address inadequacies of the roadway construction and its drainage. These factors ultimately impact the future cost of maintenance liability and reason the District does not maintain this portion of the road.

Bob, unfortunately, past developments (specifically very old developments) were reluctant to properly construct roads serving their subdivisions. This has in turn forced many property owners that maintain access to their homes from these non-maintained public roads to incur undue financial burden associated with improperly constructed or maintained roads as compared to if the road had been properly constructed and maintained. This is ultimately reason why our standards were developed so that the overall tax base didn't have to address these types of delayed development expense that should've ultimately been born by development.

With the above stated and given consideration to the fact that those living in those subdivisions within our District are also constituents of the District and pay to use the public maintained roads in our District (including rural and city roads), our policy has always been to help property owners address their concerns. As such, the District is a supporter of homeowner funded projects to address repairs of private roadway inadequacies and future public road maintenance. The following recommendations would be necessary improvements to complete prior to the District considering allocating any forces towards work on this road, but they can also be used as guidance to assist with private funded repairs on the road. Furthermore, we would be happy to work with your engineer to achieve an approved set of construction drawings and once the design is accepted by our Board, the Board would consider taking over maintenance of that portion of road upon completion of the privately funded work. In order for you to help scope the necessary work that would need to be done to improve the drainage and roadway

INT 502 [Redacted]

prior to the District performing any future work on this road, we would offer you the following additional information.

1. The existing road would need to be ditched and culverts placed to accommodate drainage from the area of influence. An appropriate outlet location from the drainage area low point should be installed.
2. The catch basin located across from your home will need to be properly adjusted (lowered) and connected to an appropriated downstream discharge point so that's its overflow avoids flooding your driveway.
3. Excavated ditches will need to be stabilized to minimize future erosion. Attached we've included information on how this work should be completed.
4. Rock check dams should be installed to slow the ditch water drainage. Attached we've included information on how this work should be completed.
5. Structure of the road will need to be reconstructed meeting minimum Highway District Standards.
6. Adequate right-of-way and easements from each of the adjoining property owners throughout the road improvement project will need to be provided in accordance with Section 303 of the Associated Highway District Standards (60-ft of right-of-way and 10-ft roadway drainage and utility easements, plus slope easements).
7. Given substantial excavation will be required along a portion of the roads west side, there will also need to be slope easements necessary to accommodate the embankment cuts.

Again, although limited in the scope of what support that we can provide until such road is built to District Standards, other options would be for those served off this road to pursue private road improvements without Highway District acceptance for future road maintenance. I would suggest contacting Kootenai County prior to any work you have performed to address possible site disturbance permits that may be required.

Bob, if you'd like to discuss this matter further with our Board, please let me know and we'd be happy to schedule this item for discussion at a future board meeting. Otherwise, we hope that the information provided herein is helpful. If you have any questions or need additional information, please let me know.

Sincerely,



Eric W. Shanley, P.E.
Director, Lakes Highway District

EWS/bf

attachments