

LINCOLN COUNTY PLANNING BOARD

Meeting Minutes

February 18, 2014

1. 5:35MEETING CALLED TO ORDER BY JOHN DAMON

Present: *Jody Peterson, John Damon, Mark Romey, Paul Tisher, Kirsten Holland, Josh Letcher, Matt Bowser*

Absent: *Bonny Peterson*

Staff: *Kristin Smith*

Public: *Shantala Ramiah, Joel Arbic, Steve Curtiss, Buck Schermerhorn, Tiffin Hall*

2. APPROVAL OF MINUTES FROM NOVEMBER 19TH

John moved to approve; Mark seconded. Minutes approved

3. PUBLIC COMMENT ON NON-AGENDA PLANNING BOARD ITEMS - NONE

4. AGENDA

a. Lakeshore Construction Permit – Deluca (Glen Lake)

Kristin introduced the project on Glen Lake that requested to build a large rock wall in an area for aesthetic purposes rather than to control erosion. She noted that both FWP and DEQ identified several concerns about the proposal in relation to the riparian/wetland vegetation and low areas that would be behind the wall. She recommended denial of the project.

Steve Curtiss concurred with Kristin, stating that he was not fond of the rock wall. He thought it was a tough spot for owners to be close to the lake outlet, but he was not in favor of the rock wall and was opposed to it. He said it would need to have significant changes for GLID could consider it.

[Josh asked Kristin to bring up the satellite imagery of the lake from 2012 to contrast with the imagery that she showed in her presentation]

Mr. Arbic pointed out that the GLID was conducting dam repair that year and so the aerial depicts an abnormal year. Steve agreed it was not typical.

Buck read from a letter in 1992 that stated the property was “not in the floodplain and no wetland boundary was identified”. He stated there was not a lot of issues with erosion because it was so shallow.

Mark confirmed this statement with a question. He suggested there was no need for it based on active erosion.

Paul said it was just muddy.

Buck suggested defining elevation range for establishing ordinary high water mark. He said he advises his clients of the county process even though many other properties have performed lakeshore construction activity without a permit.

Mark said the whole purpose of the regulations is to protect the lakes and this project does not meet the need for a retaining wall.

Matt agreed and **moved to recommend denial of the permit. Jody seconded. Motion passed 5 ayes; 1 nay.**

b. Lakeshore Construction Permit – Carter/1706 Easement Holders (Glen Lake)

Kristin introduced the project and history with previous applications. She noted that the proposal had some options for placement of the ladder that the Board would need to decide upon. She summarized her report but did not offer a recommendation based on the highly litigious nature of the proposal.

Shantala Ramiah and Joel Arbic were representing the Plat 1706 Easement Holders applying for the permit. Shantala introduced herself stating that she felt they had been misrepresented all along and wanted to represent themselves now. She talked about some of the other easement holders and when they purchased their properties. She said she had not expected this battle with Mr. Steed and wanted to talk about how they first met.

Kirsten stated that the people involved did not matter to the Board. They could not base their discussion or decisions on relationships – it was not germane to the specifics of the application they had before them.

Shantala said they had won repeated court cases and was not sure what the county was looking for.

Kirsten asked why it was so important for them to develop this easement with a dock and steps if they have an entire property just down the lake?

Mark noted that the application stated that the easement holders did not intend to use the easement very much.

Shantala explained the ownership structure of the property down the lake.

Joel spoke about the 5-year fight.

Paul said the easement exists so the Board has to recognize that and review a proposal based on how it fits with the regulations.

Kirsten said the only thing that seemed important was having a 6' dock on a 6' easement.

Mark expressed concern about Mr. Steed's liability.

Joel said they would indemnify both the county and Mr. Steed.

Josh wanted to know what kind of liability the county had if it restricted the easement.

Paul said the county does not restrict the easement. The issue is how and whether placing the dock meets the intent of the regulations.

Kirsten pointed out the opinions on page 6 of Larsen Engineering report.

There was some discussion on the purpose and intent of the easement

Kirsten how it even works and what happens if someone injures themselves?

Joel said injures could happen anywhere on the lakeshore, not just the easement. If people think they have a claim they'll sue whomever they think they can.

John asked when they bought the property if they knew about the easement?

Shantala explained it was only for access and responded to Kirsten that they had presented a plan for cooperation with each other.

Buck said his lot is a few lots away and he has a railing down to the lake. All the properties are steep in that location.

Matt asked Kristin about the new regulations and how this fit.

Kristin said the regulations were scheduled for adoption for tomorrow and given the timing of the applicants review, the pending application would not be subject to the new regulations.

There was some discussion on the number of easement holders and how the number has changed over time.

Kirsten said it was not the Planning Board's role to think about who the players are. They have to think about the public health and safety.

Paul said they have to decide on whether the dock on the easement works within the regulatory framework.

Steve asked Tiffin Hall who has jurisdiction over the lake if GLID lowers the water? Can they order him to fill it?

Joel said they used to be able to access it, but now the boulders placed prevent them from safely accessing the water.

Kirsten said the safety of a ladder was a big concern.

Josh said approval of the ladder is no more a liability than the rocks that the county approved.

Jody asked about year-round use and safety and how it affects other easements and is it a precedent?

Paul said if a 6' easement comes before the Board in a subdivision it won't get approved.

Kirsten moved to recommend denial of the application based on public health and safety; impacts to adjoining docks; the steepness of the slope; artificial means to access; and too many docks in too small of an area.

John said the absence of sanitation facilities for users was a concern.

Joel said anyone is out on the lake and has to go they get out and use a house or public launch or pee in the water. He said they were not going to be sitting on the shore in lawn chairs.

Jody asked about spacing between docks. Shantala said there was about 40' of clearance so maybe 60' between docks.

Mark seconded the motion. 3 ayes; 3 nays; Paul broke the tie in favor of the motion.

Paul said this is not about the past. Glen Lake is part of the area they review to protect. Protecting lakeshore is important and this proposal would be too busy for 6 feet. He also said there would be increased erosion from the pedestrian traffic going up and down the steep slope.

5. PLANNING DEPARTMENT REPORT
Kristin talked about the lakeshore regulation changes and summarized those for the board.
6. PLANNING BOARD COMMENTS AND QUESTIONS
There was some more discussion about the Carter/1706 application/vote.
7. NEXT MEETING: *TBD based on applications*
8. **7:30 – Meeting Adjourned**