

# LINCOLN COUNTY PLANNING BOARD

## Meeting Minutes

July 17, 2012

### 1. 5:35 – Meeting Called to Order by Board Chair, Paul Tisher

Present: *Bonny Peterson, Ted Clarke, John Damon, Mark Romey, Dave Johnson, Paul Tisher, Matt Bowser, John Rios*

Staff: *Kristin Smith*

Public Buck Schermerhorn, Joe Purdy, Steve Curtiss, and 2 others.

### 2. Approval of Minutes from June 19<sup>th</sup> – *Minutes were not yet prepared.*

### 3. Agenda

#### a. Lakeshore Construction Permits – Glen Lake

- i. **Mitzel** – Kristin introduced the project and some of the concerns with it. Specifically, that the proposal sought to add land area to the lake, which was contrary to permitted uses in the Lakeshore Regulations. Buck asked if the property owner doesn't own the land that is surveyed into the lake, who does? John D. stated that it is a "low water" states but the question is whether state or the irrigation district owns the bed.

Steve Curtiss stated that of all the surveys he has personally witnessed, they state that the irrigation district owns the land.

Joe Purdy said the overflow dictates the high mark. He advocated big rocks instead of grass and that people should be reclaiming their land.

Steve Curtiss said if one property adds and another doesn't it would create a staggering shoreline.

Mark and Paul stated that the Board was reviewing the permits under the regulations and making recommendations to the Commissioners.

Steve Curtiss said some places erode more than others and each property should be regarded differently.

Joe Purdy said the District encouraged stabilization of properties along the shore.

Bonny stated that she was reminded that erosion on the lake does not always come from boat waves, but from ice in the winter also.

Steve Curtiss said it was always the District's goal to lower the lake – there is no place to put the water other than in the outflow. So, there isn't an opportunity for the lake to be at the high water mark during the winter.

Mark made a motion to deny the application based on the County's standards.

*[Annex alarm was interfering with audio quality]*

Joe Purdy agrees with Mike Hensler to get shrubs and trees to stabilize shore.

Bonny seconded the motion.

John Rios wanted to clarify that the applicant was aware that the proposal did not conform with the regulations before it was presented to the Board.

Buck asked if the proposal is not allowed, could the applicant move the wall back to the OHWM. Could the Board consider amending the proposal?

Mark said that would make more sense and be consistent with the regulations. He asked Kristin if they could do that. Mark rescinded his motion.

Kristin stated that yes, they Board could modify the proposal to meet their requirements. She reiterated her concerns for the whole project, including length of proposed wall. She summarized the adjacent properties and their proposals on the agenda and how she recommended modifications to reduce the length of retaining walls since they are not permitted for aesthetic reasons.

Buck said there would be some difficulty planting vegetation because of the water level. He suggested an area for the wall between the tree and south border.

John Damon asked what was the most developable area of the property. Buck said the north part was more level along the shore. John said, "buyer beware" when someone buys a piece of property. The steepness of the property is a severe limiting factor.

Buck said it would be about 50-55 feet from the south property line to the tree where it was the most difficult to work and the wall would be placed.

Paul said the rock could be placed to look natural, instead of a vertical wall as Ted suggested. He then asked about vegetation.

Mark made a motion to recommend approval of the permit with conditions that no land be added to the property and that the rock wall only be installed along the southern 50 feet and include vegetation to the north of the tree.

John Damon asked Buck what he thought about laying the rocks back toward the slope rather than placing them vertical. Buck thought he could try to do that.

Kristin restated the motion.

Bonny seconded the motion. And then asked about the fire pit since it would be a permanent structure within the 20-foot setback. Buck described the style.

Steve said that everything the Board is doing could be null and void if the District decides to keep the lake low since they have all the authority on the lake. They decide where the high water mark is.

Dave Johnson asked if there would be vegetation between the rock wall and fire pit. Buck said yes. Paul asked if Mark wanted to include that in the motion. He said yes.

Paul asked Kristin to read the motion again.

*Approve Mitzel permit retaining wall shall not be used to add land to the property. The wall shall extend south from the leaning tree to the property line for approximately 50 feet. The rock wall shall be constructed with a staggered natural look to conform to grade of the property. Bank stabilization north of the leaning tree shall be vegetation. The flagstone fire pit is included in the permit with vegetation between wall and pit.*

Bonny seconded again. All in favor. Motion passed.

**ii. Marshman**

Kristin presented a summary of the proposal to remove the concrete boat ramp, replace it with a dock and deck; and install a rock wall. She stated that her recommendations were the same as from a couple months ago, that the wall be reduced in length.

Paul asked what the reasoning was for the recommendations. Kristin referred to the policy considerations in the Lakeshore Regulations.

Buck described the property and intentions [mostly inaudible]

Kristin stated that because portions of the property are so level, it is not clear that the rock wall is being proposed for anything other than aesthetics, which is why she recommended shortening it to just around the dock area.

Bonny stated she thought the deck was unnecessary and that 24' was too short. She recommended 50' total with the dock in the center.

Buck asked why she did not support the dock and Bonny stated because it was in the 20' protection zone. Buck stated that it would not be permanent though.

Paul asked if there were any other thoughts.

Ted moved to recommend approval of the permit as presented in the staff report but commented on the condition that limited the dock's width and length, but the application shows it differently.

Kristin stated that the restriction was based on the regulations, which described the width and length at this time. She refreshed the Board that it was something that they had discussed in the past – making the dock requirements based on square footage rather than specific length/width.

There was some discussion about the length of the wall. Ted modified his motion to amend condition #3 to be 50' instead of 24'.

Dave noted that the dock would be wider than 10' based on the drawing. Kristin stated that currently there are no provisions addressing slips so that was an area for further discussion.

Joe Purdy said that the District could go and ask every property owner to remove any improvements they have on the lake. They are fielding lots of calls about the water level. The Planning Board should add something to their regulations about that.

John Rios suggested the County and Irrigation District enter into an agreement for how the lake should be managed.

Steve Curtiss said every survey on the lake showed Glen Lake Irrigation District as being the owner of the property beyond the shoreline.

There was some more discussion about the differences between the County and the District's responsibilities.

Dave seconded the motion.

Paul asked if there was any other discussion on the motion. All in favor – motion passed.

### iii. Gray

Kristin presented the project as a straightforward dock request. That it met all the requirements.

Steve Curtiss said he had not seen this proposal. Kristin apologized for the oversight.

Bonny asked about the small second dock that was existing on the property and whether it should be removed. Kristin said that wasn't in her recommendations because it was so small and far enough away from the proposed one.

Paul asked if there was a motion.

Joe Purdy said GLID should go out and look at this before it's approved.

Mark moved to recommend approval with the Planning Department conditions.

Ted seconded. He asked about the second dock. Kristin said she had not seen it, but that there was nothing associated with permitting the new dock that relates to the old dock. Ted asked whether it should be allowed – two docks.

Kristin said it could be part of the Board's recommendations if they thought it was appropriate.

Ted asked what impact it might have on the neighbor. Dave suggested there was no authority to require them to remove the little dock at this point. Paul thought they were probably going to remove it anyway since they are getting a new dock.

Dave would make a motion to recommend a condition to encourage removal of the old dock. John Rios would support that. Motion passed

## 4. PLANNING DEPARTMENT REPORT

Kristin updated the board on the commissioner's decision on awesome pine subdivision from the previous month. She also identified a couple of other projects coming forward in the next couple months.

## 5. PLANNING BOARD COMMENTS AND QUESTIONS

Mark asked if Kristin could look into the dock dimensions soon. Kristin said she would look into how that could be addressed if not a change to the regulations.

Ted asked Steve Curtiss if GLID and the County could come to a Memorandum of Understanding regarding the ordinary high water mark of Glen Lake. That way if people constructed in that area they do so at their own risk of having it torn out by GLID. A benchmark would help everyone.

Steve said no, there's no way identify that because of the dam. He said he would sell his ranch if he ever thought he'd have to resort to a fear factor for people to comply.

John Rios said such an agreement could also prevent any lawsuits.

There was more discussion on the Lake, FWP, fishing, highwater marks, state law.

## 6. **Next Meeting:** *August 21<sup>st</sup>*

## 7. **7:30 Meeting Adjourned**