

LINCOLN COUNTY PLANNING BOARD

Meeting Minutes

November 15, 2011

1. **5:35 – Meeting Called To Order By Board Chair**

Present: *Mark Romey, Ted Clarke, Joe Kelly, Matt Bowser, Bonny Peterson, Paul Tisher, Frank Dierman*

Staff: *Kristin Smith*

Not Present: *Dave Johnson*

2. **Approval Of Minutes** – *(SEPTEMBER 20TH & OCTOBER 18TH) Bonny moved, Frank seconded with corrections about who was present/absent. Joe Kelly wanted correction to characterization of his comments.*

3. **Public Comment on Non-Agenda Planning Board Items**

4. **Agenda**

a. **Lakeshore Permit – Purdy revised (Glen Lake)**

Kristin presented the revised application (the first had been presented a month ago) and noted that again, the work had been done in advance of securing the permit. The dock had been modified to comply with the regulations following the County's denial of Mr. Purdy's first permit. There was some discussion about the efficacy of following up with violations for work done without a permit versus wanting people to seek permits, i.e., "after-the-fact" permits.

Joe asked if there were barrels supporting the dock in the water. Kristin said it appeared to be.

Mark asked if a letter could be sent to the applicant about his failure to obtain a permit prior to conducting work. Joe asked if Mr. Purdy was at the meeting where it was denied the first time. Kristin recommended approval with some conditions, particularly to secure the dock to the shore.

She noted that if an owner makes alterations to the shoreline without a permit then they could be made to restore the lakeshore. She noted that docks are generally the most benign lakeshore activities. Frank wanted to know if someone moved a dock that meets the regulation what do we do? Kristin said there are no specifications on how a dock should look – only its dimensions. In other words, if an old dock still meets the current regulations, just because it is ugly doesn't mean the County can necessarily deny it. That would be something to consider as a future amendment to the regulations.

The questions is do we want people to get permits? Or penalize those that don't get one and make them get a permit anyway? So far, we haven't been faced with a situation where actual modification of the lakeshore occurred and needed to be repaired.

Paul asked how do get people to apply. Matt suggested what Mark said previously that a letter be sent from the Commissioners about the process. Kristin said she was planning on sending a letter to lakeshore property owners of the process. .

Kristin stated there were no grounds to deny the permit because it meets the standards. The process was simply not followed. Should Kristin spend her time processing similar projects as violations and refer them to the County Attorney's office which would result in the applicant getting a permit anyway? Or process it as a permit and when warranted require restoration. Kristin noted there was a degree of judgment that she had to make as to the egregiousness of the non-permitted activity and whether a person makes an effort to bring the activity into compliance.

Ted asked if Mr. Purdy wanted to put condos on his property what would prevent him from doing so. Kristin stated that unless the property had previously been contemplated for condos, state law is very clear that such a proposal would require subdivision review and this permit could not place restrictions on any future use.

Paul moved to approve the permit with the conditions. Matt made a friendly amendment to request the commissioners include a letter acknowledging the owner's failure to follow procedure and obtain a permit prior to work being completed and that in the future a violation notice will be issued. Ted Clarke seconded the motion. Motion passed

b. Review proposed language change to Lakeshore Regulations re: easement holders.

Kristin presented the most recent revisions based on the previous discussion (see memo dated 11/3/11). The language was simplified. Joe questioned the need for 40'. There was some discussion about other provisions such as limiting number of docks per property. Frank asked if someone has an easement that grants permission to have a dock but there's already a dock on the property, how would that work with the regulations. Kristin reiterated the analogy of road easements. Just because someone granted you something, if it doesn't meet the regulations to do what you want to do, then you can't do it.

There was a great deal of discussion about a minimum width for easements to have one dock and limiting the number of docks per property, and whether someone could request a variance.

Frank moved to accept the Planning recommendations as written adding the limitation of one dock per property as another provision. Ted seconded the motion. More discussion on required easement width. Paul offered a friendly amendment to require the easement to be a minimum 20' rather than 40'. Frank accepted the friendly amendment. **Motion carried.**

c. Prepare Comments for Stimson Conservation Easement (preliminary)

Kristin rolled out some maps of the conservation easement that showed different areas with different features. There was some discussion about the roads, which ones were closed and which ones were open; Stimson's concern about liability and maintenance, etc. Kristin reminded the Board of the process and the funds involved with the purchase and that since the state was involved in the transaction the liability issue is less of a concern. Ted noted that Stimson and TPL didn't have to listen to them, but he hoped they did. Kristin commented that since Fish, Wildlife and Parks was a partner in the deal, there will be public access, and it just might not be how

people would like it. Kristin stated that since the Board didn't really get a chance to discuss it after the last visit from Stimson at the previous meeting she thought they might want to formulate a letter of support.

Ted talked about how people with disabilities are able to hunt in areas on public lands where others might not be able to and wanted to see that opportunity on Stimson lands. Matt noted that if groups wanted to see certain activities in the easement they need to get in touch with Stimson. He wasn't sure it was the Planning Board's role to advocate one use over the other, noting that TPL & Stimson have had several public meetings and that it is a *conservation* easement that was on the table. Ted and Paul agreed and stated that Stimson should be encouraged to contact various groups.

Kristin reminded the Board that once the easement is recorded it is set in stone, there's no modifications, noting that the public meetings started a year ago and if the snowmobile clubs and atv clubs haven't been actively making their voices heard, there's only so much "encouragement" that the Board can do.

Kristin reiterated what she heard the Board say they wanted included in the letter – that the Board supports the easement and encourages Stimson/TPL to contact user groups to make sure to listen to their interests.

Kristin reminded what FWP said that they will ensure that there are not special groups with special access since the state is involved in the transaction – public access for all, but certain areas might have special provisions (i.e., motorized, non-motorized, etc.).

5. Planning Department Report

Kristin updated the Board on the Commissioners' decisions on the Lakeshore Permits the Board previously reviewed. Nothing was slated for the December meeting.

Ted asked about the status of the lawsuit on Glen Lake. Kristin stated that the County had not been served yet.

Ted asked if there were any subdivisions coming up. Kristin stated that there was a couple in the pipeline.

6. Planning Board Comments and Questions

Paul talked about Panoramic View from his position on the Fire Board. He wanted to know how they could develop it and have houses there if the driveways couldn't be accessed. Kristin noted that the Fire Board had already signed off on the final plat and the developer agreed to post a bond for the water improvements. She said the District did not want the property in the District because of the distance and the potential to affect the District's ISO rating. She said driveways are the responsibility of the property owners. She said she'd be happy to talk to the Fire Board about that project and the process that took place.

Ted stated that he would not be at Jan-Mar meetings.

7. Next Meeting: TBD

8. 8:00 Meeting Adjourned