

**LAKE COUNTY PLANNING BOARD**  
**July 11, 2012**  
**Lake County Courthouse, Large Conference Room (Rm 317)**  
**Meeting Minutes**

**MEMBERS PRESENT:** Bob Kormann, Sigurd Jensen, Steve Rosso, John Fleming, Janet Camel, Brian Anderson (to (9:05), Jerry d'Aquin, Rick Cothorn

**STAFF PRESENT:** Joel Nelson, LaDana Hintz, Robert Costa, Karl Smithback, Lita Fonda

**OTHER:** Mike Wilson

Bob Kormann called the meeting to order at 7:02pm.

Steve offered some corrections to the minutes. On pg. 5, in the paragraph with Brad Cochran's comments, 'married to the Emil' should read 'married to Emil'. On pg. 6 in the middle of the last paragraph, 'a number of issues' rather than 'a number of issued'. In the 3<sup>rd</sup> paragraph of pg. 10, it should read 'this lot' rather than 'this dock' four lines from the bottom. Robert had additional corrections. On pg. 1 in the 2<sup>nd</sup> paragraph of the Wolf Point Way Subdivision section, the last word should be 'plat' rather than 'plan'. On pg. 2, in the 3<sup>rd</sup> line of the 2<sup>nd</sup> paragraph, the word should be 'slope' rather than 'slop', 'or greater' should follow 20% in the 4<sup>th</sup> line from the bottom and again in the 3<sup>rd</sup> line from the bottom. On pg. 3 in the 2<sup>nd</sup> line from the bottom of the 3<sup>rd</sup> paragraph, it should be 'Wolf Point Way' rather than 'Wolf Point Lane'. He suggested adding a comma after 'condition #13 in the 2<sup>nd</sup> paragraph from the bottom on pg. 3. On pg. 8, Robert asked if 'staff interpretation of the meeting' should read 'staff interpretation of the regulation'. Joel suggested striking 'of the meeting'. Robert noted that the 'it' in 'to have it another filed' should be struck. [Editors note: Thanks for the good catches! I appreciate the helping eyes.]

**Motion by Rick Cothorn, and seconded by John Fleming, to approve the June 13, 2012 meeting minutes. Motion carried, all in favor.** Rick noted a fine job was done with the minutes (even with the corrections tonight).

**LAKESHORE REGULATIONS UPDATE:**

Joel Nelson presented the information for the revised vegetation management section. (See attachments to minutes in the July 2012 meeting file for staff memo.) He pointed out the proposed new definitions and other applicable definitions that they had at the end to consider (pgs. 7 through 11 of the memo).

The group began to work through the information. Bob asked for a definition or example of the cultural component mentioned in A. Vegetation on pg. 1. Joel referred to comments relayed by Christi Buffington of the Flathead Lakers in a previous meeting. Someone suggested the addition of the cultural component to that sentence to Christi, as well as structural. He elaborated there were certain types of vegetation that might not be of biological or aesthetic, but of culture-based benefit. The Policy section aimed at explaining why we had the next set of regulations: why we're trying to address vegetation. These were the policies that set up the

regulations. Bob checked if camas or bitterroot or sweet grass were examples. Janet suggested wood rose also. She said it was pretty typical that riparian vegetation had a lot of culturally used, medicinal and food plants. Karl said traditionally the intrinsic value of a lakeshore [inaudible] culture.

Janet suggested changing 'filtering and stabilizing' to 'filter and stabilize' in the second sentence. Steve said that aquatic plants might actually attenuate or reduce wave energy, but it was more common for plants on the land to resist or absorb wave energy to help the shoreline. He suggested changing 'attenuate' to 'resist or absorb'.

The group moved into native vegetation. Steve thought there needed to be a definition of 'native' somewhere. His concern was that lists of native plants weren't detailed enough to explain the different location needs, such as south exposures, different soil type, slope, aspect, elevation, exposure and other such environmental conditions. John read the definition of native plant, and asked if this covered it. Steve thought that was getting at it. Did exposure and elevation need to be added, or were these all in climate. Soils and hydrology were in there. Joel said they were trying to recognize the differences, such as between East Shore, West Shore, north or south aspect and so forth. Karl mentioned that 'indigenous' was the nomenclature. Bob asked about 'aspect'. Joel thought they could add aspect to the description under the definition of native plants. Jerry said in terms of doing a vegetation management plan, you would have to use native vegetation that was suited for the particular conditions.

For beneficial lakeshores in terms of vegetation, Steve brought up the comment submitted by Tiffany Lyden that they needed to be clear about who or what was benefiting here with the vegetation. Joel explained that instead of defining beneficial, he tried to roll it into the policy. Clarifying that beneficial was for the benefit of the lake and the lakeshore protection would be good.

At the end of the 4<sup>th</sup> paragraph on pg.1, Steve suggested adding 'and thinned' after 'pruned'. In the 5<sup>th</sup> paragraph, he suggested replacing the 2<sup>nd</sup> occurrence of 'vegetated' with 'undisturbed'. Joel replied even pruning and thinning might be considered a disturbance. This was supposed to say that if your lakeshore complied with this section, you could remove things without replacement. If you were bringing it out of conformance, you might need to replace vegetation. Janet suggested changing the first part of the sentence to "However, in order for the vegetated area of a lakeshore to remain...."

Jerry observed they used the word 'vegetation' a lot. In addition, they wanted a vital native environment of vegetation and wildlife. He suggested saying the vegetation of the lakeshore would remain a vibrant native environment, in compliance, etc, and vegetation that is removed must be replaced as part of the management plan. John asked if Jerry was concerned about having something to deal with wildlife in the vegetation management section.

The group worked through to section B. For B.1, Steve thought the mention of 20 feet in front of lakeshore was confusing. Since lakeshore had been defined, the 20 feet could be left off. Joel replied that it was too easily forgotten sometimes, so he left it in certain spots with the understanding that they might be able to get rid of it, if it's well understood by the time there's a

full set of regulations. Steve suggested replacing the first '20-feet' with 'lots' or 'properties' in B.1.a, and the second '20-foot Lakeshore' with 'shoreline', and using 'per linear front foot of shoreline' rather than 'per linear front foot of lakeshore', to get a difference between area and linear dimension. This was per piece of property, which could be clarified. Janet agreed the first mention in the 2<sup>nd</sup> sentence should be 'the 20' deep lakeshore', and noted an extra 'the' there to remove.

Steve commented that B.1.b left a lot of room for interpretation. Joel said they were trying to leave it open so they could consider the aspect and location. Steve suggested specifying 'adjacent properties' instead of the general vicinity. Joel said there would be some interpretations, and there would be a process for that, if someone disagreed with staff.

Rick looked at this as an outsider thinking of buying property. He suggested including something that clarified at what level one could have native grasses for those with no insight so they would understand if they had 100 feet of lakeshore, what level of grass they could have in conjunction with their native species. He read this as you could have very little lawn or native grasses whatsoever. Lawn was the wrong term. He was referring to someplace where you could walk to the lake without having to spread native vegetation. Steve referred to access and footpaths through the lakeshore protection area. For a house located 50 feet from the lake, the idea was that the 20 feet adjacent to the lake was for native vegetation, and if you wanted lawn, it could from 20 feet back to 50 feet back from the lake. Rick understood. His property came with evil lawn, which they did not fertilize, and he and his family liked it. He understood the 20 feet back. If he were to buy now and not be grandfathered, at what level would he be able to put in native grasses? Joel said they would look at the surrounding undisturbed areas. He gave some description. It might or might not comply. Rick liked seeing the lake and thought his lawn was doing better than the 2 acres of knapweed that his neighbor had. It was good to know the expectation clearly, since a lot of purchasers envisioned the traditional look.

Janet described this as an educational process. A lot of people didn't realize that a lawn was harmful to the lakeshore. The shore acted as a strip filter. The root systems of the taller grasses and brush helped to trap sediment before it got into the lake. You could envision vegetative clouds with footpaths and open areas between them. It wasn't a huge barrier between your lawn and the lake. You could have openings in the buffer. Rick understood the concept. What was expected with lawns wasn't clear to him. If you bought view property, you expected a view. If you bought lakeshore, you expected to be able to use the lake.

Joel agreed this was a tough part of what they were talking about. They had 3 lakes that were very different, with very different types of properties. Joel mentioned the vegetative management plan. Rick suggested having an addendum, with a list of plants. Joel said they wanted to be able to evaluate the surrounding area of a proposal. Rick said when the ice came off, it could throw a twist in the vegetation plan, depending on the year. It scraped the surface vegetation off. Karl said it helped not to have a lawn. Robert said when the regulations were in place, a person could approach the planners and ask these kinds of questions. The planners could help, especially if they'd seen the property. The property owner could even work in consultation with a landscape professional.

Joel continued through the regulation sections. Steve said natural aquatic vegetation could restrict access by boat. Should they have a 25%/75% rule for that too? His friends put down mats and so forth to try to control it. As written, Joel said the regulations prohibited what was not allowed, unless invasive species were involved. Steve thought they should think about management practices for aquatic plants as well as terrestrial.

Joel noted there was a question of jurisdiction. LaDana said it might not be clear at this point as to who had jurisdiction over what. She noted that Jerry had been involved in some of it. Joel said the County did have some jurisdiction through the lakeshore protection act. Rick asked about the top invasive aquatic species. The group listed some candidates. Steve asked about the Tribal position on the aquatic invasive species. His friend must be getting a permit to put mats down at his river property. Janet thought it would be a good question for Jim Westerman. Jerry didn't think you could prohibit usage along the waterside because of the vegetation. Steve thought if they had restrictions without allowances, people would surreptitiously do things. This group wanted to give them guidelines as to how to do a good job to both protect the environment and enjoy their property.

Rick commented that he'd seen 20-plus year old pictures of Lake Mary Ronan without bulrushes. Janet suggested that could be a successional issue. Karl thought these were a response to lakeshore development. He agreed that you should be able to clear and access the lake. Cattails were a response to eliminating buffers and allowing sedimentation. Joel suggested that the group keep in mind to look for what aquatic vegetation might be able to be removed as they moved forward to the allowance and removal section. Rick said specifics would help: none, or specifically bulrushes or other appropriate species, whatever that might be.

Bob referred to a time a few years ago, when ice threatened to take out their dock due to an ice storm, so they cut out the ice around the pilings and yanked it out. Was this a violation? Joel asked if they pulled out vegetation. Bob said it was still access in the 20-foot zone, and they would be getting into allowances. Were they just talking summer stuff? LaDana thought the vegetation would have died down by that point, so they wouldn't be ripping it out. Jerry asked if they were using heavy equipment. Bob said they took a 4-wheeler. Joel quipped this would be in the ice management section. LaDana noted that access of 4-wheelers or vehicles for ice fishing weren't regulated.

Steve pointed to a provision for emergency maintenance or work. It sounded like Bob's incident would fit there. In the old regulations, if you had an emergency to take care of in the lakeshore protection zone, you called Planning or the Commissioners and did the permit later. Had discussion of the new regulations reached that section yet? Joel did not recall discussing that yet. The administration section was left, which he thought was good. Bob agreed. His question on reading this over was that basically they were telling people that the 20-foot lakeshore buffer wasn't theirs. They paid the taxes, but the government controlled it. He understood it was for the health of the lake that they needed to do that, but he also didn't want to make people criminals. He'd heard from a number of builders that to get permits from the planning staff was tough. If there was a storm in Big Arm Bay on Thursday night, could those people call on Friday morning to fix their docks and cut their trees, or did the planners have to go out and inspect it and issue a permit? If a permit had to be issued, he didn't think the planners could

issue them quickly enough. Then did you make those people criminals, since they would do the repairs anyway? Joel explained the people needed to contact the County, then do the minimum necessary to fix the emergency and then get a permit. Bob checked that if there were trees blown over in their yard, they could take care of them on Friday, Saturday and Sunday. Joel said if it was an emergency, they could do this. Bob asked what constituted an emergency. Was there a definition? Janet asked if they wanted to put a tree falling under exempt activity in some way. Joel read what was currently in the regulations.

Bob said the assumption was that the homeowner should be aware of this. What would happen if the homeowner called after hours on a Friday? Joel said if he left a message that he was going to take care of the tree that was dangling over his boathouse, they wouldn't be out there with a violation letter the next day. Bob said he couldn't cut up a tree that was in his yard that wasn't hurting anybody without being in violation. If a board flew off his dock and he put it back on Saturday or Sunday, he'd be in violation. Joel asked if he needed to use the dock on Saturday or Sunday. Brian said this exact situation just came up for a business that needed to stay open, with customers on the dock. He had insurance liability situation right now, but he couldn't afford to go through the permitting process. They were taking a gamble with it. Before, it happened maybe once every 4 years. He'd use a shovel and a bucket to remove the gravel from where it washed up higher up to back to where it was, but he couldn't do that now.

Karl asked Brian what his experience was with the Planning Dept. Brian replied that he was glad the department didn't make him get a permit to replace 7 boards. He found it interesting that this was right at the limit. He definitely would have been frustrated to pay for a permit to replace 7 boards that blew off. Both he and his neighbors were curious what would happen when you had a big storm event and you ended up with 6 feet of wood piled up on everything, and how you were supposed to dispose of it. He kicked the big stuff back in the lake. It wasn't what he wanted to do. It wasn't good for boaters or the public. He thought if he hauled it out and started to cut it up and haul it away that someone would have a fit. What do you do when you have a 40-foot tree end up on your dock and your deck? In the current regulations it wasn't clear to him whether or not you needed to get a permit.

Joel said there was staff turnover, and things changed. They'd like to be able to make it so you could do certain things without getting a permit. They didn't have a definition of how many boards could be replaced. What was the threshold? They could try to say you could limb trees if you had a plan and maintained a compliant vegetative area, so you could work without a permit. They were trying to get there so it wasn't so hard to get a permit. Bob said it felt like they were going to make people criminals, or turn neighbor against neighbor. Joel said if they went beyond the work, or if no emergency existed, he didn't know how else to say it other than it was a violation if they didn't follow the emergency provision. It was frustrating to the planners to hear that a contractor called griping to the Commissioners that it took 3 months to get a permit when it turned out that same person got the permit in a week.

Rick said you rarely hear when it's fast. He thought his permits had been timely and appropriately scrutinized. It was well handled and well done. Joel mentioned that, years ago, getting a permit was kind of like calling in for a pizza. Rick said that coming from the Seattle area, it was completely ridiculous there and no one wanted to see it come to that level here. He

described his treatment here as professional, appropriate and timely, and he appreciated it. As a citizen, he was more than pleased. He heard contractors say [inaudible] about the number of permits issued this year, or in 2011 or 2010, versus when things were going more with the same level of staff and how things were going then. That was just a math equation and took a little emotion out of it. From his private citizen view, he thought there was a good staff.

Lita mentioned she'd done some calculations recently when the Commissioners received complaints on the speed of permits. The data she had didn't support what the contractors were saying. She couldn't remember the specifics, as it had been a few months, but lakeshore turnover time did well there. [Editor's note: This data was for April, which is typically a busy month.]

John asked Mike Wilson how Lake County and Flathead County compared. Mike thought they were comparable. He said that Janet hit on it earlier: it's the beginning of a big learning process for the public and the contractor. It was a mindset change. He mentioned some of the other places with lakes that were doing this. The contractor and the landowner needed to know how to do the right thing and want to do the right thing, not because they had to get a permit, but because if the lake water quality went down the toilet so does their real estate value and a whole lot of other things. This was a process and this was an awesome start. The Planning Dept helped to educate contractors. People like Christi Buffington helped to educate property owners and helped people want to do that and spread the word, and to do it because it was the right thing to do, not because the regulations said they had to, although the regulations were there to support.

When all was said and done, Bob hoped they had something in place that would take care of how they managed a catastrophic storm or event. Knowing people that live on the lake in nice places, when there was damage done to the property, they wanted to get it cleaned up and fixed up pronto. They didn't want to wait a week to have the planners come out to give them a permit. Jerry asked if family members were there on weekends to do the work, why make them wait. Joel said if they had their vegetation management plan in place, the point was that they could go ahead and do it as long as they maintained compliance. If 7 trees blew down, they might have to replace them.

Bob checked that if the Skidoo Bay/Finley Point landowners who had lawns down to the lake should have a vegetative plan in place. Joel said they could. Bob said that was where the education part came in. They had to get the realtors [inaudible] plugged in to make sure it happened. It was like the weed situation. One neighbor didn't spray his weeds. The other neighbor had a ranch with hay and sprayed constantly. The first neighbor's weed seeds blew over, and eventually the rancher neighbor turned the other neighbor into the County, and the neighbors began not to think much of one another. Bob didn't want the same things to with the lakeshore regulations.

More discussion occurred on downed trees. Karl said in his 1½ years with planning, he hadn't seen an application where a tree had fallen in the wind. If they caught something like that, chances were they would have an amiable solution; they wouldn't start issuing fines. You had to look at the practicality and what was actually happening.

Bob described a big storm happening when the new regulations were in place. The planners would be inundated with phone calls. What would they do? Joel said that should happen now, under the current regulations. Brian said that happened with him, and it worked great. Bob said that was hopeful. Brian said he called on the phone and was told to do what he had to, and then to come in right away to start the permit process.

Jerry asked what happened when a property with a grandfathered lawn was sold. Joel asked if he meant to ask if the management plan transferred with ownership. Jerry clarified his question as to what would happen if no vegetative management plan existed for a grandfathered lawn. Joel explained that it would still be a grandfathered nonconforming lawn. It could be managed according to these regulations. Jerry asked about a grandfathered dock that was falling apart and needed replacement. Joel responded that currently the regulations said you might not be able to replace it. He didn't recall that happening. He recalled very confining properties got variances instead of rebuilding docks. Janet mentioned repair work, and Joel agreed.

Janet suggested adding Tribal standards to D.3 on pg. 4, since the Tribes did a lot of the wildland fire control here.

Steve thought D.6 might be one to think about regarding how that pertained to aquatic vegetation. Joel thought similar language could be used.

For D.9, Rick asked if there would be benefit in naming the primary offending species, since the list was small enough. Joel thought this might be put in a Tip box. It might be a concern that weeds fell on and off the noxious weeds list. Steve suggested referring to a state list. Robert said they could also recommend consulting with a specialist in the field. Steve thought that talking to a specialist inferred costs and gave the wrong impression. They should be careful of that. Joel mentioned they had a pretty good resource base for people in the public sector that would help people with questions.

For section E.2, Joel described how the use of the lawn was considered as a constructed feature. He wasn't sure if they'd want to go there. Steve noted that in the other sections with constructed features, they could make a comment to consider reinforced turf mats as an alternative to concrete. This might be connected to those sections. Joel asked the group if this seemed reasonable if you were trying to prohibit lawns. Steve thought the word 'groundcover' or 'grass' might be used instead of 'lawn'. Rick noted that grass was a better filter than gravel, depending on the grade of the boat ramp. Joel suggested native grass, possibly one that could be mowed repeatedly. Mike explained that turf grass at the water edge was shallow rooted and didn't hold the shoreline in place. Concrete in that place might prevent erosion. Joel said that with a grass versus concrete boat ramp, you used up your developed area doing that. He envisioned grass footpaths being allowed, but if you did that, then maybe you ought to extend it to the other permitted features like boat ramps and roads.

Steve revisited boat ramp conventions. Joel reminded the regulations did not eliminate the possibility of boat ramp, but discouraged every property from having a boat ramp. Steve said a boat ramp might get into a conditional use, and applicants could be encouraged to use vegetation and a minimum width with the boat ramp, and the same for a road. Were there

roads in the 20-foot buffer? Joel said a road could just meander into the lakeshore. Someone checked that if you could drive a golf cart to haul stuff from the house, you'd have to stop at the 20-foot line. Could you have a road within the 20 feet? Janet mentioned some platted road easements in the villa sites, right next to the lake. Karl said they generally didn't permit roads in the lakeshore. Someone asked if roads needed to be mentioned in E.2 then. Joel said if you had a boat ramp, a permitted feature, you had to be able to get to it. Where did the road end and the boat ramp start? Bob said you'd have to apply for both a road and a boat ramp. Joel asked for feedback on whether it was reasonable to allow for grassy permitted use. Steve thought it was reasonable. He would make a connection to those other things and wouldn't encourage new construction features like roads. They weren't discussed elsewhere. Roads could be crossed off on E.2

Bob asked Mike for his input on what the result on the grass would be for a grass ramp with a 10% slope shortly after a rainfall. Mike said it might be slick. It would compact over time and would wash almost like an impervious surface. Bob referred to a previous discussion about boat ramps where there were concrete slabs every so often. Would that be with grass in between? Was that a better idea, with better traction?

Steve commented that when you were passing by in a boat, he'd rather see grasses than concrete. Bob noted his friends had a graveled ramp and kids and jet skies and so forth. The ramp got a lot of use. If it were grass, it would end up with lots of ruts. He was looking for a better solution or a definition. John suggested this might allow someone to get a boat ramp where otherwise they might not have gotten it. Bob was concerned about saying it had to be grass. Joel clarified it didn't have to be grass, but that might be an allowed use of grass. You could do your permitted constructed features. It would most likely count against your lot coverage. You could have a grass lawn boat ramp instead of a concrete boat ramp. Karl added you could just use the public boat ramp.

LaDana observed that a problem with a grass boat ramp might be that they might want to water and mow the grass, which wasn't wanted. How could you have a grass boat ramp and not maintain it? Joel said they did allow for irrigation. Bob reminded that this wasn't permanent.

Joel moved on to E.3. Steve pointed out that people would want to have flowerbed or tomatoes. Could they reference the vegetative management plan? If a plan was approved, it could include some non-native vegetation. Could someone have a flowerbed under the definition of the vegetative management plan? Joel said they couldn't have one with non-native vegetation. They weren't trying to allow for a little bit of non-native vegetation. Jerry brought up the artificial landscaped area. Joel said they might want to be clear on what was meant by artificial. Steve thought if the artificial landscaped area was described in an approved vegetative management plan, [inaudible].

Joel explained that E.4 was based on an experience that Tiffany had, where people wanted to top a series of trees. He wanted to avoid people saying, "We left all the trees; we just took the tops off."

On F.2, Steve asked if they could check with a specialist about the best two times to mow the native grasses. He suggested there should be a section like this, outlining exempt activities, in the other sections. Joel said they might be able to try.

Steve checked that if you cut up a big piece of driftwood small enough and carried it to your truck outside the lakeshore protection area, you wouldn't need a permit pertaining to G.1.f. Joel suggested some alternative wording: Debris removal requiring motorized or heavy equipment in the lakeshore protection zone shall.... John asked if the equipment had to be in the zone or just the debris. Brian agreed that this was a question. Bob asked why it was required to do it by hand. Brian responded this was to keep people from driving excavators down there. Steve gave the example of a large log washing up on the beach and tying a rope to it to haul it out to the state park beach with a motorboat, off the reservation. Would you need a permit? Joel said you would. The equipment was in the lakeshore zone. The motorboat was in the lake, which was in the lakeshore protection zone. Karl detailed this was why the 20 feet was specified earlier. Joel said DNRC had jurisdiction below the low water mark, if they hadn't handed it over to the County. Licensing from the state is required for buoys, for instance, below low water. Permits would be required from both entities. It was a good question. If an excavator came 22 feet from the lake and was going to chain up a bunch of stumps to drag out, he thought G.1.f would pick it up. It would deal with the transition. It would pick up activities technically out of the zone that involved activities in the zone too.

Steve described how he and his neighbors probably hauled away 10 or 15 large logs every spring. They couldn't get a permit unless they filed a vegetation management plan that allowed them to haul away washed-up logs every spring. He checked that then they wouldn't need to get a permit for every log. Joel affirmed, if this was part of the vegetative management plan. Bob asked about someone who used a crane outside the 20-foot zone to lift logs out of the lakeshore buffer into a truck. Would that be good to go? Joel said it would need a permit as written, unless it was done in accordance with a vegetation management plan. Steve checked whether 'by hand' included the use of a chainsaw. Joel didn't think it did. Mike observed that the workload to get permits for all that was a lot of permits. If you had to cut a few trees currently in the lakeshore protection zone, Karl explained that this had to do with the disturbance of the cross-sectional area. It had very little to do with what disturbance you were creating. Joel said they were now trying to be clearer.

Steve suggested that the planners consider having a fill-in-the-blank vegetative management plan, in order to cover some basic activities. When someone bought a lakefront property, their realtor could recommend they come to Lake County and fill this out. It would allow them to do some basic things. The County would have it on file with their location and that kind of stuff. It would take some of the nightmare out of dealing with a log that washed up and banged against the dock. John suggested they could have 12 things with checkboxes. Mike said that might be an opportunity to supply a little education. For example, you could cut up a log into pieces and pack it up the hill by hand, but you ~~couldn't~~ latch onto it with your pickup and drag it up the hill and rip out the vegetation.

The group moved on to G.1.g. Joel gave the example of an excavator which destroyed a grass lawn. It would be time to put some native vegetation there. Bob asked if it had to destroy the

whole lawn or just the area. Joel read it as just the area. Responding to a question, Joel said if you could do work without destroying, removing or altering the lawn, you could keep it. You wouldn't be able to go out and flop sod down in major ruts. Bob asked if you put in a grass boat ramp and trashed it going in and out, you could still replant it. Joel identified that as a permitted feature, so you would be able to replace that. You would need a permit if you didn't have a vegetative management plan.

John asked if someone were building a walkway or steps to the lakeshore, were G.1.h and G.1.i saying to try to avoid doing it in that zone? Joel replied these sections said these zones were sensitive areas that would receive more scrutiny. Steve said it was better to leave the existing vegetation there than to damage it and have it try to recover. Joel said the attempt was to give some teeth, but they weren't trying to say you couldn't touch those zones. The last section said that.

Robert described two products to treat stumps sold at Home Depot. One was a poison to increase the wood breakdown, and another was a live bacteria. The group might want to consider addressing these products in this section. Rick agreed that these didn't sound like things you'd want in the lake. Bob referred to discussion to leave stumps in. Robert said the stump would be left and the product was inserted into the stump. Joel thought this would fall under herbicide, and Janet added it might fall under chemical. Steve expressed this would be good to look into. Joel directed Robert to do so.

Bob thought the purpose of the protection zone was to leave it as natural as possible. He compared G.1.i with D.1. He got the impression this was saying to leave things as they were, but take out the dead trees. Ultimately, though, it would be good for the riparian area in the long range to leave the dead tree there. He referred again to the Vegetation Removal section D on pg. 3. Karl thought it was a balance. More people liked live trees than dead trees. He thought Steve would agree with them that they couldn't tell everyone to keep the dead trees on their property. He didn't think they were encouraging dead tree removal. The talk turned to dead shrubs. A murmur of discussion ensued. Steve viewed these sections as guidance for an application for a permit or for obtaining a vegetation management plan. In the plan you would discuss when to take out live or dead vegetation, and the staff and Commissioners would decide whether or not that [inaudible] with them.

Joel continued with G.2. Mike checked that there was actually someone who certified topsoil as weed seed free. He hadn't heard of that before. Joel wasn't sure. He thought Christi Buffington previously suggested more use of certified weed free in certain spots. Robert said you could get weed free topsoil. Whether there was a certification process was an interesting question. John noted it said 'such as' and 'you may'. If you couldn't find weed free mulch, you didn't have to. The same was true of weed free topsoil.

The group broached Section H Vegetation Management Plans. Robert saw a format change needed, where H.3.a was not followed by H.3.b. Joel said that this would be reformatted. He didn't envision these plans being recorded, so they wouldn't be in the official land record. It would be like kind of like a zoning conformance permit, where the people were bound to the zoning and the permit that's issued. There was some concern that a plan wouldn't show up on a

title search or on closing documents. Bob asked if this plan would be something like the weed control plan for subdivisions. Joel said it would be similar. Bob checked that someone would have that in place before they brought it to the Board. Joel checked the circumstances that Bob had in mind. Bob pictured someone who wanted to subdivide lakeshore property. Joel said this wasn't intended for subdivision stuff. If someone did have a vegetation management plan and wanted to present that as part of their application, they could. It might be some sort of mitigation or demonstration of compliance with the lakeshore regulations. Robert reminded that subdivisions along the lake had to have a buffer management plan as part of the proposal. Joel said they would probably be complementary. Janet asked where the plans would be filed. Joel said they would be at the Planning Dept. If someone was looking at a property and wanted to know if there was a vegetation management plan, they could get in within minutes at the Planning Dept.

The Board reflected on new definitions to consider. John asked if a plant growing in a creek was non-aquatic. Someone suggested changing this to a plant that grew in water. Joel mentioned they had addressed streamside management zones. Steve said this was lakeshore protection regulations rather than stream. Joel said it could be aquatic if it was in a stream, and they could think about the streamside management zones that were previously discussed. Jerry said the last 20 feet of the stream was in the lakeshore. Joel said whether there was a benefit of using 'lake', or 'lake or water' was something to look at.

On rain gardens, Jerry asked if you'd want to have one in the lakeshore protection area. Joel didn't think they were addressed. Group members recalled not wanting them in the lakeshore. Janet suggested they could be part of the 25% if someone really wanted one. Joel asked if the group wanted to add prohibitions. LaDana thought this had been done. Joel agreed; he was concerned it had dropped out as he'd written this. Janet asked if it might be wanted for variance purposes. Joel said if they added it as a prohibited use, then people could pursue a variance.

Steve asked if a calculation should be in the definitions, when the vegetated area of the lakeshore definition was touched upon, and suggested replacing 'calculation' with 'included' in that definition. Joel thought they were fairly synonymous.

Referring to Tiffany Lyden's comments, Steve asked where 'view shed' was used. Joel thought a definition was in the subdivision regulations and the Upper West Shore zoning, which might be usable.

Joel pointed out additional definitions that were there for reference.

Steve returned to the grass boat ramp. He read the last sentence of 'constructed area' definition on pgs. 8 and 9. He asked how those worked together. Joel replied that he envisioned changing that.

Steve turned to pg. 10, and the terms 'reconstruction' and 'remodel'. The definition of reconstruction included size while the definition of remodel did not. Joel agreed that they should try to make these consistent. Jerry thought it made sense. When you were reconstructing you had a footprint to follow. When you remodeled, you could end up with the cost of the remodel

being close to half of the value of the older structure. He gave an example comparing a reconstruction to a remodel. Joel said you'd want the thresholds to complement one another. Steve said you didn't want someone to remodel instead of reconstruct in order to get around a size exemption.

Jerry asked about the exclusion of roof systems in the 'repair' definition. Joel said this was so they couldn't replace the entire roof system as a repair. Steve said this would depend on the definition of roof system. A roof system would be more than just redoing the shingles. Joel agreed. It would be trusses and so forth. Steve said replacing a roof included more than a repair. Joel said this was good to consider for further change.

Joel spoke of the tiered permit system mentioned in his memo. The current tiered system was based on project price. With the new regulations, you would have your vegetative management plans and potentially exemptions and so forth, so he talked about doing a tiered permit system. He asked if the Board would be interested in discussing this.

For the entire lakeshore regulation set, Joel mentioned he would like to give the Board more than the usual time to look over the materials. Steve said he would be interested in a tiered permitting system. Joel thought the administrative section still needed discussion.

Bob mentioned John's idea on a vegetative management form model for simple projects. Joel thought it would be more than a model form; it would be a checklist. Steve suggested finding out what people apply for during a year, and what the most common permits and problems would be, and then develop a checklist to meet as many of the common permits as possible. Joel gave debris removal and gravel as examples where there could be a model form. Jerry suggested including some photos. Janet asked if there were completed vegetative management plans. Joel responded that there might be properties with mitigation or restoration plans, but not like these plans. Janet suggested that perhaps Christi could develop an example plan. Steve observed the new regulations were longer than the 32-page current ones. Roughly what was the ballpark length of the new regulations? Karl thought it ran about 80 pages. An index was also suggested.

### **OTHER BUSINESS**

Joel noted there were conflicts with the August 8<sup>th</sup> meeting date. He checked for conflicts or objections with moving the meeting to August 15. Steve had a little conflict but thought he could be here. John had a conflict. Rick was uncertain. Steve said he preferred the 15<sup>th</sup> to not having a meeting. Joel said they would plan on the 15<sup>th</sup> for now.

**Motion made by Janet Camel, and seconded by Sigurd Jensen, to adjourn. Motion carried, all in favor.** Meeting adjourned at 9:31 pm.