

**PLANNING COMMISSION MEETING**  
**Tuesday, January 4, 2005**

**MEMBERS PRESENT:** Bob Craggs, Buzz Dahlin, Sharon Lee, Chris White

**STAFF PRESENT:** Jim Gillis, Chris Wallberg

**OTHERS PRESENT:** Joan Berggren, Mark Hauri, Robert Livingston, Leonard Miller, Bob Rivas, Carol Rivas, Jeri Ryan, Kirsten Ross, Molly Shodeen, Brian Zeller

**PUBLIC HEARING ON AN APPLICATION BY ROBERT RIVAS  
FOR A VARIANCE TO IMPERVIOUS SURFACE REQUIREMENTS  
AT 835 QUENTIN AVENUE SOUTH**

1. **CALL TO ORDER** by Chair Dahlin at 7:02 p.m.

2. **INTRODUCTION OF APPLICATION** – Clerk introduced application for variance; walkway impervious surface removed; Rivas' and his construction company came up with alternative, Uni Eco-Stone, to be placed in walkway area; in process, discovered 23% impervious surface on property; recently had variance request denied to make changes to impervious surface (previous owner of property); in meantime, hot tub and play yard added - done prior to Rivas owning property; in order to leave surfaces, including hot tub, calculations show it at 23%; variance needed that is part of request; variety of opinions from DNR and City Engineer whether surface pervious/impervious; to be addressed is whether variance should be granted allowing existing 23% impervious surface (or surface removed), and if variance should be granted to include additional percentage for proposed surfacing. Robert Rivas stated he moved to 835 Quentin Avenue South on July 1, 2004 and house had gravel walkways; he fell mid-August and broke both wrists, is diabetic and has neuropathy; wanted sidewalk providing better stability for walking; during \$40,000 upgrade installing new trees, shrubs, and plantings, contacted City regarding installing pavers; was advised acceptable as long as not more than 20% impervious surface; in midst of project, having already removed key gravel, dug 1.5', and solid footing laid to pavers (class 5/gravel that can be compacted) he found made area impervious; City instructed he take out class 5, which he did; ¾" loose rock in area now; presently; attempted better way to remedy problem and meet impervious surface issue; thinks part of overage has to do with two buildings previously on property - both on stilts and pitch backwards with water on roof coming down and flowing to riprap which he didn't install. Clerk advised play area will be moved; hot tub not included in figures City had previously, but her understanding is Rivas planned to keep. Rivas dug trench around that and did same treatment with block to increase permeability off path; only things that can be removed are storage shed and cab by River; was suggested if he removed those, he might gain better consideration on house, but he really doesn't want to do that. Dahlin's observation there has been discussion about permeability of rocks (Uni Eco-Stone). Mark Hauri, Yardmaster head landscape designer, in field 16 years as labor foreman and landscape design for past 9 stated that below product, they will have 12" of ¾ rock that will allow water drainage; 1" of pea rock on top of rock will allow to level pavers; nothing camped or solid surface – every inch of sidewalk will allow water to go straight down, not diverting water; normally would put down class 5 in paver situation, 6-8" of class 5 tamped for solid surface, 1" of sand/pavers on top; alternative way is how they will be installing and recommended by manufacturer; 12" of ¾ clear more commercial driveway application than residential sidewalk; putting in extra to insure drainage; have not installed particular paver in any other settings, but ICPI certified (ongoing training) so familiar with material; provided information on different applications where paving stones used and studied. Answering White's question regarding fill-in for hole, Hauri indicated pea rock that will allow additional drainage.

3. **PUBLIC COMMENTS** –

Leonard F. Miller, 853 Quentin Avenue South. Immediate south neighbor since June 1968; questioned reason for impervious surface requirements and asked possibility of River water pollution from lawn chemicals; springs flow into River year-round; erosion – all neighbors except one/two have riprap installed along shore. Molly Shodeen, DNR, advised reason for impervious surface coverage standards – for aesthetic, but more often because of limited runoff going over bank; if sloping toward River, chemicals and soil particles going into River; mostly to limit erosion, chemicals, and provide infiltration rather than concentrating runoff; 20% lot impervious surface. Dahlin asked Shodeen if correct that primary consideration permeability of bluff top property; Shodeen answered correct. Craggs consulted Miller, since public hearing for proposed variance for neighbor's property, if he had opinion about what Rivas' proposing. Miller noted two previous neighbors - reason for questioning variance request since there was more before and no one objected.

4. **WRITTEN COMMENTS** –

Molly Shodeen/DNR – 12/29/04 email addressed to City of Lakeland (on file at City Hall); Shodeen admitted she had problem getting past what Rygh (previous owner) did on property; property owners can easily exceed standard; first time this has really happened she aware of; not sure about gravel surfaces by garage; concerned if area pervious/impervious

too; usually any surface driven on becomes compacted no matter what made of; even if Rygh put in gravel sidewalks, he was exceeding impervious surface and should not have been done.

Dave Simons, City Engineer – memo dated 12/13/04 (on file at City Hall) regarding pervious paving surfaces.

5. **HEARING CLOSED** at 7:30 p.m.

### **REGULAR PLANNING COMMISSION MEETING**

1. **CALL TO ORDER** by Chair Dahlin at 7:30 p.m.

2. **PLEDGE OF ALLEGIANCE** was said.

3. **MEETING MINUTES – M/S/P (Craggs/Lee) to approve the minutes of the November 9, 2004 and December 7, 2004 regular PC meetings. Motion passed.**

#### **4. VARIANCE APPLICATION BY ROBERT RIVAS**

Craggs welcomed M/M Rivas to Lakeland; questioned proposed situation and appreciated information provided; not certain about sidewalks at 3' 6" wide and asked if same footprint or wider/narrower. Mark Hauri, Rivas' landscape designer, informed actually 4' wide walkway previously but, when installing any type of paver applications, whether ¾ clear or class 5, they always over base so are bracing each side they have solid material that goes into; previously ¾ rock/gravel; essentially replacing footprint width, but also going down 12" rather than 3". Rivas said going down foot around side yard, permeability increased and has done nothing to impede water draining below 12". Hauri said they are actually adding around hot tub, putting 18" of paving stone around outside. Craggs asked Rivas if he considered alternatives; understands need for more stability. Rivas said in actuality he thinks there is – sod and decreasing permeability by walking on grass and not having sidewalks, but would have less permeability than this would offer; looked for way to make this work that would appease both City and DNR, this best he can come up with; hasn't heard anything from anyone suggesting anything better. Craggs asked if Rivas comfortable with what Yardmasters proposing. Rivas believes so based it is sitting on 12" of rock, pea gravel that will go into hole will act as filter media, and as he paid well over \$2 million for house, he isn't going to have yard looking like junk by not taking care of sidewalks; can assure if allowed, he will keep it doing as it should. Craggs referred to letter from City Engineer regarding opinion, "These materials can be considered pervious if they are used in the right applications, installed correctly and maintained correctly. However, if any of these issues are overlooked, the materials will not function as designed, and the surface could effectively turn from pervious to impervious or nearly impervious"; thought interesting Simons discussed use in situation where you have vehicles driving over them, and it sounds for these to work effectively, you need to insure clear way for water to go through; his opinion it would more likely work in situation where used for sidewalk as opposed to commercial application. Craggs questioned Hauri if his calculations included what there before in terms of rock on sidewalk area to be replaced with paving stone, and it did not; pointed out what makes 20% impervious surface challenge for area homeowners is private road in front; in terms of 20%, that goes toward calculation; sounded interesting in terms of total square footage of impervious surface it is over 9,000' – road itself 1,274' per Hauri's calculations, so significant portion overall. Rivas said whole area in front of detached garage across street paved but ripped up, and there is pea gravel on ground; doesn't care if lawn or pea gravel, he stores equipment he really doesn't use everyday there. Craggs said other issue riprap and referred to letter regarding company who installed; Hauri commented on buildings and decking, angle of roof results in water going down to riprap. Rivas said both buildings on property on stilts and sit over riprap; drainage of larger building slants back so all water coming off roof going through riprap to River, as does little storage shed on other side. Hauri confirmed Rivas talking about sheds themselves; #3 (Hauri letter of 12/13/04) denotes water can actually drain underneath stilts. Craggs asked Shodeen if she considered riprap pervious surface. Shodeen said that she has not been asked that question before, but said given soils on Saint Croix, would be pervious. Clerk added that part of process with riprap is they do provide grading and filling permit not applied for or granted, so they don't know if appropriate methods used. Hauri confirmed that done prior to Rivas purchase of house and landscaper getting involved. Clerk understands, but in conjunction with what Shodeen said, properly installed and properly placed, DNR apparently feels that pervious surface; for record, not suggesting anything different from that/not calling work done into question or suggesting not done right; reason for mentioning riprap is that they have nothing on record it exists. Craggs wanted to insure Rivas understood City not suggesting his approach to managing his property same as previous owner; unfortunate he has come in front of body after discussions held with previous owner in several issues; for PC to grant variance is to determine hardship. Rivas said hardship health condition he had before he purchased home; whether health condition did or did not have anything to do with falling and breaking wrists, it was wake up call; told by doctors it will only get worse as he ages. Mrs. Rivas added he has numbness in feet. Craggs said in terms of 20% threshold and looking through calculations, one option would be to consider removing other impervious surface; asked if Rivas considered. Rivas took poll of neighbors and no one wants him to rip up road and put gravel in; was asked to look into knocking down buildings at bottom of hill - doesn't think he wants to do that; has heard nothing from City as to what would satisfy, nor from DNR; been in contact with both; sod not

alternative as he does own lawn cutting and hard job to push mower through gravel. Mrs. Rivas asked what it would gain, per permeability, to take down a shed on stilts. Shodeen said standard in DNR regulations do not cover every instance encountered; local governments interpret their ordinances and, because impervious surface coverage isn't very well defined in ordinance, it is up to local unit of government to determine what considered pervious/impervious; many times community will ask what building inspector considers pervious/impervious; she considers deck impervious, even though water can get through slats; still source of concentrated water and runs off more easily. Dahlin asked if local government interpreted something on stilts not impervious would be allowed, would DNR second-guess local government. Shodeen said personal opinion is local government determination would stand because there is nothing in regulation to say this pervious, this not; local call to make best judgment. Craggs said based on Hauri calculations, 9,111 sq. ft. considered impervious, 23% of total lot; buildings, decking, and posts calculated to 1,012'; attempting where they need to be to meet 20% threshold; his calculation is 7,790 sq. ft., for reduction of 1,321 sq. ft.

White referred to Rivas' statement he would consider lawn; very familiar with his physical condition and believes he saying he will put in lawn if that is what he has to do but would feel more comfortable with something more stable. Rivas answered he would, but this only other alternative he thinks would appease. Hauri said when working with Rivas from beginning, lawn primary concern, so he broke down to paver; also another material, a grass paver 3" thick honeycomb material used for roadways, parking lots; can put sod in, pack down, cars can drive on top; doesn't compact soil, but would provide stability. Lee referred to Gilles; looking at  $\frac{3}{4}$  clear and pea rock, as he has constraints in grading under roads and working within City, asked if he saw as issue in regard to compacting over time. Gilles said as long as they don't have binder, they usually don't compact; nothing to hold together so will move around. Hauri explained no binding material in rock to fill up air spaces, so water flows through. Shodeen suggested not using lime rock because of breakdown when you drive over it and becomes impervious surface. Lee stated Rivas' driveway paved surface (cement) and asked if they thought of doing this on driveway. Rivas said it is nice concrete driveway leading up to house; hasn't given consideration; if recommended, would think about other options. Hauri said cost to pull out driveway, 1,763 sq. ft., and replace roughly \$38,000. Clerk stated this is the third review of impervious surface issues for this property in relatively short period of time, so knows they have concerns why structures may or may not be included as impervious; City's goal to be consistent, not only with their property, but across board. Gilles added last issue they had with impervious surface, decks and walkways included in impervious calculations.

In answer to Dahlin's question of events, Rivas started out landscaping, broke wrists before sidewalk work begun; called City Hall and was told as long as he didn't meet 20% impermeability, no problems; after he put class 5 down, City made work cease; doesn't know what precipitated request; did not file for variance or building permit because he didn't know he needed them. Dahlin asked if City had right to go onto private property and cause action if nothing else there. Clerk said concerned resident did call; lot of activity going on, and was asked to visit property and take a look; Gilles and she made appointment with Rivas to look at property overall. Rivas said not initial visit because he was in house and saw when they went to backyard and stopped Yardmaster's work crew. Dahlin wanted clarified because of concerns about anyone from City going unannounced, but if in response to complaint, believes they have right to at least see nature of problem. Rivas had no problem with that. Dahlin believes Rivas had hardship when he bought house; having impervious surface private road rolled into his impervious surface quotient; believes if person applies for variance, they are doing it because they have hardship, and part of hardship is what they want to do does not totally comply with City ordinance; mentioned Rivas' specific hardship diabetic condition, but going beyond that, Rivas has unique circumstance to his lot which constitutes hardship; even if he were healthy, he would still have hardship in his personal opinion. Dahlin has problem with buildings on stilts personally, but in City's bylaws and ordinances; City does not have way of doing perk test the way they do with septic tanks.

M/S/W (Dahlin/Craggs) to forward to City Council with recommendation for approval based on Rivas' good faith efforts, he is in fact reducing impervious surface by putting this in place of previous gravel, and taking into consideration disability he has. Craggs seconded for purposes of discussion; two issues to be addressed; presently above 20% threshold and he heard what Dahlin suggesting makes sense from perspective they assume impervious surface and there is evidence if installed and maintained. Dahlin interjected he believes Rivas' needs and hardship override variance. Craggs said there are two issues because there is variance requested from present impervious surface level, and there also needs to be variance concerning particular addition; this also what zoning administrator proposes be done; suggesting calculation provided doesn't include sidewalk and they are already at 23%, regardless whether installed before. Clerk agreed. Dahlin said Craggs stating the City does not believe it adds to impervious surface; action of applicant does not increase impervious surface by installing this product; understood he removed what someone considered impervious surface, but apparently that had not been calculated in. Clerk clarified that the City standard for impervious surface is 20% maximum; and that part of Dahlin's motion was that somehow percentage impervious reduced. Craggs inferred calculation accurate in terms where they are presently, at 23%, because they were calculating pea rock as impervious; by adding this, one would argue it promotes spirit of obtaining better runoff. Dahlin implied he is accomplishing solution to hardship without adding to impervious surface by using this material. Clerk said that the first question is variance to existing 23%, and whether that might be granted; beyond that, the resolution needs to address they consider this particular product pervious/impervious, depending on the recommendation; if pervious, resolution needs to state that so then it does not increase beyond 23%; other side of issue is if it is considered impervious, then increase would move beyond 23%.

**M/S/P (Dahlin/Craggs) to forward application for variance to the City Council with recommendation for approval based on fact the material being used for sidewalk, Uni Eco-Stone®, is a pervious surface based on proper application/installation/maintenance, and therefore will not add to the existing impervious surface; further acknowledgement there are hardships on part of applicant, due to health, which offset current coverage of impermeability.** White added what makes it impervious is proper application. Clerk stated motion did not address variance to 20% impervious maximum to allow for the existing at 23%. Dahlin stating it is PC opinion or consideration that Rivas' hardship overrides coverage. Clerk suggested Dahlin make statement coverage allowed in addition; with or without this, they are over allowed amount (first variance). Dahlin thought he acknowledged; acknowledges present property exists in over-impermeability condition; action applicant intends will not add to over-impermeability by properly installed Uni Eco-Stone®, therefore acknowledging hardships of applicant, PC recommends CC approve. White stated if they are considering impervious, fact he is over 23% has absolutely nothing to do with sidewalk. Clerk said because he is at 23%, it needs to be addressed; in this case, the state of the new product had to be addressed by City.

Brian Zeller, 16616 11<sup>th</sup> Street North. Suggested clarification before CC; if determination made they accept as pervious surface, doesn't seem they actually granting variance; may be non-conforming property, but if determining pervious, then doesn't believe they granting variance; thinks real issue is pervious or impervious and he is hearing PC's interpretation they are willing to look at being pervious; thinks variance issue goes away, even if non-conforming property.

Gilles said property in non-conformance at 23% and suppose to be 20%; 3% needs to be variance; then looking at this, there are two separate items. Zeller asked if they were looking at after the fact variance, and Gilles confirmed that is basically what happening. Dahlin asked if it their intention to inspect all other properties and make determination if they are within impervious quotient. Gilles replied they do not go out and look; this came up when property sold. Dahlin interjected this precipitated by action that Rivas subsequently applied for variance, paid good money for, and the City owes him discussion/decision as result so absolutely clear he's operating properly. Clerk confirmed that is purpose of process because City has option to limit to 20%; Rivas asking City address and be very specific they will or will not grant variance so he can be over, because nothing changes that; this separate issue, but can be addressed within one variance application. Dahlin's motion was implicitly because action of walk precipitated variance, need to make determination this is pervious surface and then determination hardship offset fact his present property exceeds 20%; interchanged, but not. Craggs thinks issue Zeller raises goes back to whether variance needed after fact, and it is zoning administrator's interpretation that Rivas does; that is what followed in past in terms of policy; certainly before CC meeting, City Attorney can be consulted; would suggest Dahlin's motion address both as discussed. White still had questions when reading Rivas' request; doesn't think need for variance if considering surface pervious. Clerk said it established he is over what allowed; Public Hearing worded so inclusive of all issues; insure inclusive to everything to do with impervious surface requirements; if not doing that, technically, they could be back next year addressing 23%, for example. White asked if approved and passed to CC, because it all-inclusive, can CC separate the two and disagree on one part but allow other. Craggs said CC could, but they can keep together if they prefer.

Robert Livingston, CC. Withdrew intended comment because Clerk addressed; issue needs to be covered now. Clerk stated staff's goal always to be inclusive when coming to formal public meetings, so Rivas doesn't have to come back and address another issue. Craggs stated need to make clear to CC point Clerk made in terms of proper application, because technical experts have suggested proper application critical in terms of being pervious. Clerk said City Engineer suggested materials can be considered pervious if used in right application, installed and maintained correctly – what she understood White to want this to say. Dahlin called question. **Motion passed.** Dahlin asked where runoff from Rivas' roof goes and when they purchased house, were they advised house and property exceeded impervious surface. Rivas said runoff probably around where sidewalk located and he never heard anything about impervious surface until he began landscaping project, nor did he ask. Dahlin asked if a realtor were to ask questions of the City regarding a given piece of property such information would become apparent. Clerk said that not necessarily what realtors think important. Hauri indicated when process stopped, he asked twice what on file with City; spent basically 12 hours figuring out percentages for calculations, since nothing on record. Craggs reminded M/M Rivas their presence requested at CC.

##### **5. CONDITIONAL USE PERMIT STATUS – Beanie's Resort @ Maui's Landing**

Dahlin provided five-part presentation (on file at City Hall). Craggs said Dahlin mentioned prior to meeting forum to move forward with analysis/areas. Dahlin hoping to assign through PC members a section, example *Regulations* might be perfect for Joe Paiement, *Communications* he would like to handle because it was his business, *Enforcement* would be himself and new liaison (White), *Citizens* would be member who lives closest - Lee, and *Administration* would be City. Craggs said in discussion with CUP holder, there were three issues; wanted clarification how it fits in Dahlin's Draft; (1) designated 'rigging lane', (2) sandwich board sign placed adjacent to 'rigging' area, and (3) Staff recommendation CUP be amended to include map with designated rigging area and remove reference 'use or non-use is not compliance or non-compliance issue of existing CUP.' Dahlin would see rebuilding with owner's agreement; get out of rigging aspect and micro management into very plain statement of conditions under which owner held responsible for enforcing on site rigging; if CUP holder can work out way to enforce on site rigging, should be allowed. Craggs asked incentive/disincentive in what Dahlin proposing to promote compliance, because simply stated, hasn't happened; why would CUP holder be willing to rebuild CUP. Dahlin said quick pro-quo is they hopefully reduce anecdotal aspect; CUP holder sees incentive for rebuilding CUP clarification and peace in Valley; if there is evidence of on street rigging as result

of failure to enforce on site rigging, CUP holder accountable. Craggs thinks Dahlin's comprehensive approach great but wanted to get sense in terms of moving forward motion for extending. Zeller asked clarification of on street parking; seemed when on Beanie's Task Force that part of resolutions would be space for rigging; wondering if possible solution to take street area and allow for rigging. Dahlin said issue came up, but reason rejected is it removes act of rigging from premise of CUP holder and makes more difficult to enforce. Zeller former neighbor of Beanie's and involved in challenges many years; real-logistic cluster down there. Dahlin said key to enforcement lies on site. Craggs said some would argue that part of chaos volume as related to marina size. Clerk referred to term used she thinks helpful to define 'anecdotal evidence' and asked what Dahlin meant; her interpretation from when he spoke of it was what offered by neighbors. Dahlin said 'anecdotal evidence,' and he will say it to Mau's face if present, is Stanton saying he heard Dottie Mau tell someone to rig by ballpark. Clerk asked why that any more or less anecdotal than her telling him, sending letter to City, relating to number of people, that she saw a man urinating in her yard; concern he is calling that anecdotal; did she take a photo of it, no; is it any less valid concern to community; need to get really clear; this summer, there were number of formal complaints, anonymous letters, and people more than happy to put on public record; yet when review time, Dahlin suggested that anecdotal; as resident and CUP Coordinator, objects; not anecdotal but statement of days, times, and behaviors they are asking City to address; when called anecdotal, it dismisses all that. Dahlin said personally, until he sees it on a sheet of paper – Clerk said she provided it on paper. Dahlin asked Clerk to provide something to get his arms around. Clerk, as nearest and most affected neighbor, asked if that is how she is to spend her weekends by providing documentation, and she had better be there every Saturday or she can't provide conclusive evidence. Dahlin said if she is not there, it isn't nuisance to her. Craggs suggestion from process prospective is they determine where to go, or he afraid they will get back into discussions held over last several meetings; knows sensitive issue and word anecdotal means different things to different people; Clerk's point is she has received documented complaints; thinks issue they have documented and anecdotal complaints. Dahlin said another example of failure to document was in August; at CC, someone asked if anyone arrested and Deputy Sheriff indicated a few; end of discussion – never brought to anyone's attention what arrests for. Craggs said actually Stanton did get information and it documented. Clerk asked how much information to provide and Dahlin responded that before he was with City, discussions regarding red zone and supposedly quick pro-quo where additional parking accommodated, didn't read minutes; wants to discuss situation that exists and what's going to happen in May when they reopen. Clerk said one thing she saw on his draft that brought concern is that somehow it is resident's job to document. Dahlin said they acknowledge something needs to be done; if they set up procedure, in order to have anything of value, they need to measure whether working. Craggs asked Dahlin if his intent to see group formed to address issues; what Clerk suggesting is whoever part of that, how much information should be provided. Dahlin doesn't want to set up neighborhood Gestapo, but wants to say if there is complaint, can you tell us when and nature. Craggs asked Dahlin where they go based on his strategies; need to review current regulations, address communications around issue, talk about enforcement holding CUP holder accountable and recording infractions which would require CC put forth some resources to do more actively; thinks Draft holistic approach; procedurally, what would Dahlin like PC to do. Dahlin would like to discuss at workshop scheduled Tuesday, January 11, assigning sections to PC and allow them to do basic things between workshop and next PC, reporting back; would like to keep within PC and move forward, asking CC for 30 day extensions. Lee suggested they are back to task force. Dahlin said they are sub committee. Lee said they putting different name on it but basically everything they are looking at in his Draft are issues addressed over and over. Clerk said what Zeller alluding to is they all understood intent CUP would indicate a rigging area kept clear and used; that got convoluted in a way is simply solved; CUP needs to say not only this designated rigging area but it must be kept clear and used; CUP, in and of itself, does not reflect what intent was. Zeller thinks recommendation Dahlin came forward with last month sounded as if CUP holder willing to establish rigging area, and in terms of enforcement, they can deal with that as a City and make sure enforcement off property taken care of. Dahlin said speaking from CUP holder's perspective, he has a rigging area, he gets mob of people leak through, is that putting CUP in jeopardy. Clerk said CUP only says there is recommended area, doesn't state it has to be used; in fact, CUP holder has put qualification that use of a rigging area does not constitute compliance or non compliance with CUP; that not intent and there is record to show it not intent; very simple to include language because it will address huge part of situation. Craggs would propose compromise; Dahlin thinks CUP holder willing to accept inclusion in CUP designation of rigging area, a sandwich board, and deletion of caveat he put in; CUP needs to be addressed as prerequisite and City needs to have discussion how to enforce; Dahlin has encapsulated overall issue, but City needs to have discussion about enforcement and what they are going to do; if Mau willing to clarify CUP, they should recommend to CC changes included. Dahlin's concern is he can put in a rigging area and it may not solve problem. Zeller agreed with Craggs, if Mau's agreeable to changing language in CUP, they could go ahead and renew CUP, and in a similar but separate issue, address regulations and enforcement efforts. Dahlin believes Mau will accept changes, but questions if he will accept liability for enforcement. Craggs reminded they are just talking about CUP language. In discussing Mau's correspondence (letter on file at City Hall) to City, Dahlin recalls discussion was, did they need something stronger than 'every good faith effort,' and they also wanted to totally ignore bottom paragraph. White mentioned Dottie Mau had called her after last PC; she asked her about putting some of these things in CUP and last sentence, and she indicated absolutely in no way would she accept CUP with that statement. Regarding amendment of CUP, Clerk advised they have not had experience in past; in order for CC to amend CUP, CC has to call for separate Public Hearing provided it cannot be negotiated between CUP holder and City.

**M/S/P (Craggs/Dahlin) to make recommendation to the CC to extend the CUP for Beanie's Resort @ Maui's Landing for 30 days with understanding that the PC liaison will discuss with CUP holder specific language associated with letter dated November 24, 2004 submitted to the City, (1) designated rigging lane and to be used, (2) notification board/sign, and (3) removal of reference stating that 'use or non-use is not a compliance or non-compliance issue of existing CUP'.** White asked in addition they also discuss with Mau they will be dropping the paragraph he wrote and thinks it important 'shall enforce on site rigging' stated. Clerk suggested it say 'it has to be kept open and used' as reasonable suggestion of language; regarding red zone not clear referred by Dahlin, resolutions very clear what red zones are, and she will provide copy. Craggs suggested advising CUP holder there will be a Beanie's Resort @ Maui's Landing agenda item within next 60-90 days where enforcement discussed; called question. **Motion passed.** Craggs added to be clear, it not Dahlin's job to insure agreement; if he comes back and there is unwillingness, it is PC's responsibility to go forward.

6. **PLANNING COMMISSION WORKSHOP** – Tuesday, January 11, 2005, at 7:00 p.m.

#### 7. **MEMBER REPORTS**

Lee – no report.

White –looking forward to workshop meeting next Tuesday.

Craggs – CC passed Resolution relative to potential placement of stop light at CSAH 18 and 8<sup>th</sup> Street; Resolution forwarded to County Department of Transportation who was ultimately going to use in discussions with State relative to cost sharing approach; received call from Wayne Sandberg yesterday requesting withdrawal of Resolution until next year, primarily because they have to make decision by February 1 which ones they fund, and was Sandberg's professional opinion that various State sub departments of Department of Transportation not on same page, i.e. hadn't all come to consensus stop light should go there; at CC meeting, there was concern raised by at least one member whether it appropriate for City to be supporting stop light at that location as opposed to others, and it was clarified rationale was to insure City had option to go forward with cautionary approach if State would fund; bottom line is County will ask for another Resolution at end of next year to be considered in 2006; Morris, CC, suggested planning session concerning City of Lakeland's Emergency Response Planning in concert with Washington County; wanted to check with Clerk if additional information received other than draft letter from Morris suggesting this formally scheduled for Thursday, January 20, 2005 at 3:30 p.m. Clerk has couple questions about letter and will be sending notice out promptly. Craggs advised Gilles determined staff person cannot represent City on WMO, but it doesn't suggest person needs to be elected; (1) looking for someone to replace Gilles, and (2) informed Public Hearing on the Water Management Organization Second Generation Plan on January 13, 2005, 7 pm, at Baytown City Hall; suggested Gilles provide Executive Summary of WMO to PC; WMO in past year has become more important than ever historically; people should get aware, stay aware and on top of information.

Dahlin – will work with Clerk on workshop agenda; would like time limit. Craggs suggested 7 to 9 p.m. – 2 hours. Dahlin said this primarily for PC, but CC members may audit; primary objective roles and responsibilities; issue came out of CC meeting where they spoke on possibility of doing video taping or broadcasting of meetings; his question to City Attorney was would this also apply to PC meetings and he said it would; thinks it behooves them to indicate to CC their feelings. Lee opposed because it takes all her effort to just sit facing crowd, and if she knew it was going out to even more, she would probably become paralyzed. White doesn't mind tape recording – would prefer not video because if she wanted to be on video she would have become a movie star; she didn't because she doesn't want to be on video. Craggs supports videotaping as long as done in professional manner and secondly, there is majority support. Dahlin's personal feeling is he is not in favor, partially for personal discomfort but also people at Public Hearings who might address the group would not be as forthcoming in an open situation if they knew camera present; also doesn't know practical advantages it would provide.

Clerk wanted to remind if they weren't going to be present at meeting they let her know; Paiement called Dahlin, but they could very easily have been without quorum and there is no point in PC meeting if they can't make recommendations. Dahlin suggested making quorum item on workshop.

8. **ADJOURN - M/S/P (Craggs/Lee) to adjourn meeting at 9:33 p.m. Motion passed.**

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Buzz Dahlin, Chair

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Kate Piscitello, Recording Secretary