

Erica Warshawsky

From: "Paul Ostroot" <conservationstrip@gmail.com>
Date: Monday, June 27, 2016 3:26 PM
To: <ericaw@basslakewi.gov>
Subject: Erica - Letter to be read at July 11th, 2016, Meeting and Published in Town of Bass Lake Website

Hi Erica, Eddie Packee asked me to help get this letter on the BLT Website and have it read at the Supervisors meeting.

If there are any problems, please let me know.

Thanks!

I am unable to attend the meeting regarding the proposed ordinance but would like the following entered into the administrative record at the meeting on July 11th, 2016.

To Whom it May Concern:

The proposed ordinance appears to be using very serious issues like water quality and lake ecosystem health to push an agenda to return the lake shores to an idealized pre human state of nature that may or may not have ever existed. As a professional with a significant amount of experience with water quality issues it is very difficult to see how such a narrowly targeted ordinance can improve water quality or ecosystem health in any meaningful way. If an ordinance is needed to protect the water quality and ecosystem health of the lake system, the provisions of the ordinance including permitting should be applied to all landowners along the lake instead of just to town property which is a very small fraction of the lake shore and located outside of the areas of the lake system where water quality issues have been identified. If the Town is serious about water quality, ordinances should be directed at preserving/enhancing native vegetation along the lake shore and within the riparian areas, prohibiting the use of fertilizers/herbicides/fungicides around the lake on lawns or vegetation, and requiring the conversion of septic systems to septage holding tanks for the properties around the lake starting with those properties that lie within 10 feet of the water surface and the properties around Musky Bay and Barber Bay where poor circulation causes nutrient loading to occur. Immediate improvements in water quality would be realized if the Town would provide velocity dissipation devices on its culverts that outfall into the lakes and waters and provide effective sediment controls along roadways to prevent sediment laden storm water from reaching the lake system via the roadside ditches and culverts.

My concern as a member of family that has owned and still owns property along the town reserve strip almost since platting in the 1930's is that the Town is now going to require a permit for use of the lakeshore. A permit, which may or may not be issued, is subject to renewal, modification, and/or revocation, and one can only assume will require the completion of paperwork and fee payment, is vastly different and not remotely equitable to the customary and historical use that landowners have enjoyed unencumbered by the Town since the court case was settled. The Town elected to allow all existing uses unencumbered following the settlement of the case and therefore has in fact authorized all existing uses by not objecting to them or otherwise asserting

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their rights as owner. As such, the ordinance if passed will demonstrably devalue the properties adjoining the leave strip (unless the town is going to argue that their restrictions on stairways, lifts, number of docks, vegetation clearing, etc, all of which will require a permit of unknown duration and cost somehow increases the value of the properties. It should be noted that the Town reserve strip is such a valuable town asset that the Town has been content to not know exactly where it was located until it undertook a survey in 2015.

Since the Town is going to retroactively require the removal of improvements back to the date of subdivision platting (based on their stated understanding of the court case except for nine properties) the Town has by their own admission improperly assessed property value and improperly applied property tax rates for everyone except the nine along the leave strip. If all the properties including the nine were taxed at the same 'enhanced view' rate the Town has four options... (1) grandfather all existing exclusive uses and pass the ordinance for all lake properties including the town reserve strip, (2) pass the ordinance as is, which will bankrupt the Town because they will have to audit all the property tax records for the affected properties and provide revised assessments (as the inboard property owners by the Town's assertion (Letter from Mr. Nies dated 11-7-2015 pg. 4) have the same right to access the property as any member of the public so there is no apparent additional value added to the property by fronting the reserve strip), repay taxes plus penalties and interest to all property owners excluding the nine back to the date of subdivision platting for both improper valuation and improper rate application; (3) not pass the ordinance and let the issue die *(this has been what past Town boards have done), or (4) transfer the property to the inboard owners and assess everyone lake front taxes. Contrary to the assertions contained in Mr. Nies' letter dated 11-7-2015, as long as the town retains selected platted road easements, public access to the lake shores and riparian areas on the lake system is available. I say selected platted road easements because unless the Town is going to invest in stairs public access over the steeper slopes would destabilize sandy soils which are notoriously difficult to re-stabilize following disturbance and which if destabilized would cause water quality impacts.

In the age of declining revenues to state and local government the Town should really do a cost benefit analysis of each option before passing the ordinance and include the cost of potential litigation.

I would encourage to Town board to vote to reject the ordinance as drafted and consider option (1) or (4) as long-term solutions to this issues.

Edmond C. Packee, Jr., PhD

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