

LAKE COUNTY BOARD of ADJUSTMENT
April 9, 2014
Lake County Courthouse Commissioners Office (Rm 211)
Meeting Minutes

MEMBERS PRESENT: Sue Laverty, Paul Grinde, Steve Rosso, Don Patterson, Frank Mutch

STAFF PRESENT: LaDana Hintz, Lita Fonda

Sue Laverty called the meeting to order at 4:00 pm

Corrections were offered to the minutes. On pg. 3 in the first sentence of the third paragraph, Steve corrected 'application' to 'applicant'. In the last sentence of the fourth paragraph, he corrected 'two site' to 'two sites'. On pg. 6 of the third paragraph of the Barber item, he corrected 'what number of slopes' to 'what slopes'. In the third paragraph of the conditional use item on pg. 2, in the fourth sentence from the end, Sue corrected 'estimated was' to 'estimated'. In the second paragraph from the bottom, she corrected 'There was' to 'Was there'. Lita relayed three corrections from Robert Costa. On pg. 3 in the third paragraph, 'he'd seen' was corrected to 'he hadn't seen'. The sentence beginning on the third line of the fourth paragraph was reworded to read 'LaDana said that Environmental Health recognized 2 RVs on the license.' On pg. 6 in the motion, 'Dan' was corrected to 'Don'. Frank corrected 'engineer' to 'engineering' in the first line of the second paragraph on pg. 7.

Motion made by Steve Rosso, and seconded by Don Patterson, to approve the March 12, 2014 meeting minutes as corrected. Motion carried, four in favor (Paul Grinde, Steve Rosso, Don Patterson, Frank Mutch) and one abstention (Sue Laverty).

LARABEE DENSITY VARIANCE (4:06 pm)

LaDana Hintz presented the staff report. She handed out a color copy of the portion of the density map in the vicinity, and oriented the Board to the area shown. (See attachments to minutes in the April 2014 meeting file for staff report and for handout.)

Steve asked if there would be a disclaimer on the plat regarding water rights issues, as with subdivision. LaDana explained this was not a subdivision nor was it required to follow subdivision requirements. A family transfer was among the exemptions to subdivision regulations that people were allowed to use. It was a much simpler review. State law didn't give the authority to require looking at things such as roads and emergency response.

Steve described the section about variances in the Density Regulations which talked about actions taken by a property owner that were contrary to the regulations; the consequences of those actions were not considered a hardship. He referred to pg. 5, Sec VII of the staff report. The hardship was partly the result of the owners' ignorance about

when to file and record their transfer. If they'd done that right away, it wouldn't be a problem. One of their own mistakes created the hardship. LaDana agreed. The Board did have a right to grant a variance based on certain things, and they fell under one of those things. Steve checked if she needed to consider whether this hardship was created by their own error. LaDana noted with family transfers, they wanted to make sure people weren't creating lots that didn't go through subdivision review. [The County] didn't want them creating a lot through family transfer and then selling it off, when the intent was to avoid subdivision review. She thought that was the reason for the 2-year conveyance limitation. The applicants got their approval in 2007 and now, 6 years later, are asking this to be lifted. If they'd done this before, they wouldn't be here talking about it. A question to consider was if it was really evasion, would they have waited so long to finally transfer it? She thought it was up to the Board to decide how they felt about it.

Frank asked about the document. LaDana described that sometimes this was a deed restrictions and sometimes the wording showed up on the face of the survey. The wording said that they couldn't transfer the property for two years. The wording couldn't go away because it's a document of record, so something else would have to be recorded that essentially did away with the previous wording about the 2-year conveyance. Don observed that in a sense, the applicants went beyond the 2 years.

Mike Franklin, the father of the applicant, spoke. He wished he had a checklist. He thought everything had been done. They did a mortgage on the 5-acre tract 4 or 5 years ago. Chris, their real estate agent, was very helpful once the mistake was found. They were trying to sell the parcel with the house. It was still shown as a house on a 10-acre parcel. He admitted that the buck stopped with him and he'd missed taking it to the final step. They moved into town due to health issues and the kids moved out of the area and he didn't see them moving back. He wasn't saying it wasn't his fault. He didn't know the process.

Christopher Chavasse with Signature Realty said it slipped through a lot of cracks. It was a little bit of human error. They caught it quite a few years late and straightened it out. Heidi was now living in Seattle. She was making about \$11,000 per year and there was a \$500 monthly payment on this place. She was still trying to pay off educational costs. It seemed like the right thing to do.

Frank asked if this clouded the title. Chris said it didn't. There was an offer for the property. If there was a variance granted, they would disclose it. If it wasn't granted, they could only sell with an option to purchase two years hence. They wouldn't like to have to do that. It was messy. The first logical approach was to try to secure a variance that would have taken place in 2010. LaDana thought it wouldn't work to record documents selling a property with a 2-year conveyance limit on it when there was a year or so left. She didn't know how the County could say they were ensuring the subdivision and platting act was not being evaded if documents were being submitted for recording. Chris said whatever contract came up, the prospective buyer would be under full disclosure. It would basically be a 2-year lease with the option to purchase at the end of

the two years. He didn't think that would be an impediment. LaDana said it wasn't necessarily the proper use of the family transfer exemption. Mike said if they weren't able to do this, he was confident they would lose the buyer. The buyer was anxious to get started this summer. He didn't see the lease-purchase being an option.

Steve checked that the piece of property Mike owned had a house on it and had a buyer, and there was a separate buyer for the 5-acres his daughter owned. Mike clarified that the house and five-acres were listed but they didn't have a definite buyer. The buyer was for the vacant lot. The house and 5-acres didn't have the 2-year problem. When the appraisal was done, it still showed the house at 10 acres. When they found that out, they got that corrected. Chris noted they had to go back to Jack Duffey and get the drawing fixed. They started to check everything in the process, and a lot name had been miswritten.

No one else was present for public comment.

Motion made by Sue Laverty, and seconded by Don Patterson, to approve the variance with findings of fact and a condition to record something that said the variance was approved with wording as worked out by the Planning staff. Motion carried, all in favor.

OTHER BUSINESS (4:31 pm)

Sue Laverty, chair, adjourned the meeting at 4:31 pm.