

**LAKE COUNTY BOARD of ADJUSTMENT**  
**November 12, 2014**  
**Lake County Courthouse Commissioners Office (Rm 211)**  
**Meeting Minutes**

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

**STAFF PRESENT:** LaDana Hintz, Jacob Feistner, Lita Fonda

Paul Grinde called the meeting to order at 4:00 pm

Steve offered corrections. On the 2<sup>nd</sup> line of the 2<sup>nd</sup> paragraph of the 2<sup>nd</sup> page, ‘referred the’ was changed to ‘referred to the’. In the 1<sup>st</sup> paragraph of the 3<sup>rd</sup> page in the 4<sup>th</sup> line from the top, ‘with’ was removed from ‘wanted with’. In the same paragraph in the 4<sup>th</sup> line from the bottom, ‘repair as restoration’ changed to ‘repair and restoration’.

Frank offered corrections. On page 1 in the 4<sup>th</sup> paragraph at the first appearance of Johna, this was changed to read ‘Johna Morrison (of Carstens) to more appropriately identify her. As a general comment, Frank thought a lot of the comments should be in the present tense. Lita noted that typically she did the minutes in past tense to make it simple, so there would be a lot to change. Frank didn’t think it was a big deal. On pg. 2, in the public comment by Dean Morris in the 3<sup>rd</sup> line from the bottom, Frank thought this might be Frank Morris’ second home. LaDana thought this might be Val Holms’ second home. Lita mentioned when she was unsure of a reference, she might leave it vague or she might fill in her best guess within brackets. She asked what Frank would like for this case. He thought since this was identified as public comment of Dean Morris and things followed from Dean Morris, that probably answered his question and it could be left as it was. On pg. 3 in the 6<sup>th</sup> line of the 1st paragraph, ‘barn’ was changed to ‘shop’.

Paul suggested a change on pg. 3 in the 6<sup>th</sup> line of the second paragraph, from ‘Don asked’ to ‘Paul asked’. Don concurred. Lita double-checked that she should leave the verb tenses as they were. Frank thought it might be a possible vulnerability legally. He didn’t think it was a big deal.

**Motion made by Steve Rosso, and seconded by Don Patterson, to approve the Oct. 8, 2014 meeting minutes as amended. Motion carried, all in favor.**

**PLESHA CONDITIONAL USE—FINLEY POINT**

Jacob Feistner presented the staff report. (See attachments to minutes in the November 2014 meeting file for staff report.)

Frank wondered about the cost of the analysis. The only issue he was concerned with was sanitation. He thought this level of review was a waste of the Planners’ time with a no-impact issue. LaDana said Planning staff were seeing more of these; they were seeing things like RV connections on septic permits. For the zoning regulations, there were similar requirements in Swan Sites, Finley Point, Upper West Shore and East Shore.

People in those areas didn't want somebody to just put in RV's without an opportunity to comment. In this case, one neighbor responded as being for this proposal. At least this way it gave a chance to go through the public process and the neighbors could comment. LaDana found this one during the review of a septic permit. Planning often didn't know about RV's unless the neighbors called. It was a difficult thing to police. Frank said he could understand the other point of view.

Steve asked about the conditional uses for Finley Point. LaDana pointed to 3.D on pg. 3 of the staff report. Jacob referred also to an excerpt from V.E on pg. 5, which listed temporary dwellings and structures. More discussion occurred about the regulations and about impacts. LaDana said they had many regulations that needed updates. Others needed to get done before the round of updates with this and essentially four other districts could be done.

Don said if a person could have been using [the trailer], and [the Board] would have never known it. The neighbor didn't care. LaDana said the owner had been using it. They didn't want people to rent out spaces for people to park RV's. Then it became an RV park, which had subdivision requirements and those kinds of things. Steve said this did give an opportunity to review. Based on the definitions for temporary dwellings, it was possible that someone could take advantage of that if it were in permitted uses, and do something that the neighbors would have wanted to know about ahead of time. Frank said if it were in permitted uses, it was in the regulations and would be reviewed, especially when there was a sanitation issue.

LaDana thought something to think about in the future would be an administrative conditional use where the staff could actually issue a conditional use. It would still get a conditional use review. Maybe the neighbors would be noticed but maybe it wouldn't go through the Board. Frank thanked [the group] for letting him air his concerns. LaDana thought they would see more of these.

Bruce Thurston was the applicant's septic contractor. He described some history of the property. The owner wanted to have a more permanent home instead of the travel trailer on this property when she retired. He put in the sewer and whatnot so she could bring in a double-wide, probably, and put it on the lot and connect it to the sewer. They wanted [the sewer] in first, before they brought in a house or built. She had a port-a-potty there so the sewage was taken care of. LaDana asked about a double-wide mobile home. Steve said that was for the permanent home. Bruce clarified this to be a manufactured home. LaDana checked that this would be the permanent home at some point. Steve said that would be in three to five years.

Steve said technically the travel trailer was to be taken off the property for 6 months every year in order to meet the definition of a temporary dwelling. Was the owner doing this now or would this be something new she would have to do during the winter months? Bruce said she left it there rather than pulling it back to Spokane. She might be able to disconnect it, park it somewhere on her land and cover it. Steve asked if that was a problem. He didn't see a problem although it didn't meet the definition of temporary

dwelling. He read the definition from pg. 8. He didn't want this to come back or for the owner to get into trouble with this. He wasn't sure whether they could make an exemption. It sounded like this wouldn't be easy for her to meet.

LaDana said they've dealt with this by putting this in the zoning conformance permit and if [the owner was] not hauling it off and the neighbors complained, the Planning staff would check on it. The reality was they didn't have the staff to keep track of when it was coming and going unless the neighbors said it was an issue. Steve said the owner should be aware that by leaving it there in the winter, she didn't meet the letter of the regulations, in which case, the best thing for her to do was to not wave a red flag about it to the neighbors. If things were quiet and she wasn't causing a problem for the neighbors, it would probably never come up. She should just be aware that if somebody did want to make a stink about it, they would make her move it for 6 months.

Bruce asked if she could unhook the trailer, pull it down, park it and cover it up like someone storing a trailer. LaDana said they knew that was happening. Steve said the important thing was that the owner was aware that she didn't exactly meet the regulations. Bruce said what she [should] really try to do was to get the manufactured home in there this spring, but 3 or 4 years would give her some room. You didn't want to say you'd have it there by May and then next fall they'd say you didn't meet the requirements of what you said you'd do. Steve said the only reason the staff would have to come after her would be if they got a complaint from a neighbor. Bruce didn't think they'd get a complaint. The neighbors there were related. Frank thought this was another regulation that needed to be looked at. He could see a general clause saying don't do anything that upset the neighbor. A person could unhook, drive around the point, bring it back and meet the letter of the law. Steve noted it had to be gone for 6 months. LaDana explained the intent was that someone wasn't living in an RV year-round.

Steve thought the other reality was if the owner were to finish a permanent dwelling there but still owned the travel trailer, she was allowed to park it there as long as no one was using it. The difference between the trailer being parked there while no one used it and the trailer being gone was silly, but he wanted to make sure the applicant was aware. Bruce said she would be aware of it. LaDana noted it would be written into the zoning conformance permit.

*Public comment: No one else present to comment.*

**Motion made by Frank Mutch, and seconded by Paul Grinde, to approve the conditional use with the staff findings of fact and recommendations. Motion carried, all in favor.**

**OTHER BUSINESS (4:33 pm)**

There would be items for next month.

Frank asked about changing regulations. LaDana explained it was a public process. Even for a simple amendment, it was about a 4-month process with legal notices, required meetings and other notices.

**Paul Grinde, acting chair, adjourned the meeting at 4:36 pm.**