

**LAKE COUNTY BOARD of ADJUSTMENT**  
**March 11, 2015**  
**Lake County Courthouse Commissioners Office (Rm 211)**  
**Meeting Minutes**

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

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

Paul Grinde called the meeting to order at 4:06 pm.

**Motion made by Steve Rosso, and seconded by Paul Grinde, to approve the Jan. 14, 2015 meeting minutes as written. Motion carried, all in favor.**

**GARWOOD CONDITIONAL USE—EAST SHORE (4:07 pm)**

Jacob Feistner introduced Richard and Allison Garwood and presented the staff report. (See attachments to minutes in the March 2015 meeting file for staff report.)

Steve turned to attachments 4 and 5 on which no scale was given. He asked about specific features on attachment 4. Jacob identified the straight line with an arrow pointing to it as the front of the property. The Garwoods identified the black squiggly lines as the major contour lines. Steve checked on some distances. Jacob replied it was about 50 feet from the gravel to the front of the house and about 110 feet from the high water mark. He further described the proposed house location using the lower picture in the staff report. Richard Garwood believed they could be closer to the water according to the zoning requirements. They just didn't feel that was appropriate and thought it would be better to have a little bit more of a buffer.

Steve asked how long the Garwoods had owned the property. Richard replied just under a year. Steve checked if last summer's storms from the west inundated the gravel area with waves. Richard estimated the gravel was maybe 4 feet above high water and 50 to 60 feet back. A major, major storm could get in there but they didn't see anything come up on the higher level last summer. Some of the neighbors to the south had that same gravel beach. It was pretty rare. Steve mentioned the smaller gravel beaches came and went. Richard agreed. They'd seen the beach change, just in the time they'd been there. They'd boated by the property for years. When they first walked the property last spring, they were amazed to see the gravel beach. The proposed house site would sit roughly another 8 feet above that as far as grade. Allison noted they'd seen some major storms from the west with waves of maybe 3 to 4 feet. Steve thought the gravel might come and go, and it was good to be back where there was soil and vegetation as an indication it had been there a while. The Garwoods observed there were trees in the gravel.

*Public comment opened: None offered. Public comment closed.*

**Motion made by Steve Rosso, and seconded by Frank Mutch, to approve the conditional use. Motion carried, all in favor.**

**MC RAE CONDITIONAL USE—FINLEY POINT (4:18 pm)**

Jacob Feistner introduced Rodney and Gwen McRae and presented the staff report. (See attachments to minutes in the March 2015 meeting file for staff report.)

Frank understood the McRaes wanted a decision to protect them. He thought this should be covered administratively. LaDana explained conditional use items often were things for the public to have more opportunity on which to comment. This was an industrial use. She mentioned an example of a previous proposal where there was a public outcry and ultimately the proposal was denied. The public did want to hear about these things. This did give the public that opportunity. They did write it in the regulations to take a little extra step and get a little more comment.

Steve asked about the requirement to show compliance with sanitation regulations. Jacob replied this project was coming together in phases. Environmental Health had reviewed a bathroom there. Further review would be involved. LaDana explained the zoning conformance permit would be contingent on them getting their licenses through the State to actually produce their product.

Rodney McRae complimented the staff. He appreciated the good help.

Steve had questions on the second condition, which he summarized as wholesaling the products only. Would they be able to sell retail through e-commerce or ship to end users? Rodney understood that they could ship to end users. This would allow for the light truck traffic, such as a UPS truck, to come and pick up. A storefront, where people could walk in and buy stuff, would not be there. Steve asked if the condition would allow this. Jacob replied the intent was to allow that but not a storefront. LaDana noted commercial uses weren't allowed in the Finley Point zoning regulations. The planners wanted to give enough room so the applicants could do what they needed to do but they couldn't have the storefront there. They could take the items off-site, which was their intent anyway. Rodney said their intent was to ship from there. Steve checked that they felt confident people wouldn't try to stop this by calling this a retail business.

Rodney said they were permitted to sell fresh cherries at their roadside stand. LaDana observed that UPS trucks went to everyone's house. Rodney said they wanted to be good neighbors. He was semi-concerned since Steve raised the point. Was it correct that no shipping or receiving allowed? Jacob said no, that was not correct. [The regulations] talked about distribution of goods to the public from the kitchen and storage building. He had tried to clarify that by putting 'storefront' [in the condition]. He offered to reword it. Steve said it was okay if Jacob thought it didn't need rewording. He just wanted to bring it up. LaDana was concerned about getting too much into the wording, where it might lock them into something commercial.

Frank said they could have a stand and sell orchard products, which would be manufactured with applicable sanitation restrictions. Why couldn't they sell their own jelly at their own stand? LaDana answered because it was processed. That got you into the licensing requirements through the state. Frank said they were already licensed,

inspected and approved to manufacture this product. Most stands sold products other than fresh produce. LaDana said that didn't mean they had the license to sell it. Frank didn't see why they couldn't sell their approved jellies and jams to the public. LaDana said they ran into the definition for commercial use. She read this from the regulations. They walked a fine line to keep it under agricultural use and keep it out of commercial. Frank said the preparation of produce for sale was a commercial operation. LaDana said that had been allowed under the zoning regulations. Frank said the next step was to can it. LaDana said this got into industrial use. Other than the produce stand, you got into commercial use also if you were selling. The planners didn't review a commercial use because this wasn't what [the applicants] intended. It sounded like they would sell at places like farmers' markets. Rodney said those didn't require a license. LaDana asked if it required a license to make it. Gwen replied they found out that it did not. Rodney continued that this was also changing next year. Even if it was sold commercially, [inaudible] 500,000 pounds, it wouldn't require a license either. For now, they wanted to make sure they were being good neighbors.

Steve thought the concern about the retail outlet was the associated traffic. Rodney responded to LaDana that they lived in town. Steve said what the neighbors would be concerned about was not having people drive up. That wasn't going to happen. Technically, he thought if you were shipping to end users, you were doing retail business. He wanted to make sure they weren't restricted from doing that. LaDana asked if they'd be shipping from the building or from where they lived. Rodney said they intended to ship from the building. LaDana said the department typically didn't get calls from the public if the UPS guy went to someone's house or shop unless UPS was there constantly. Steve thought maybe the discussion in the minutes was enough. If a neighbor objected down the road and wondered if the activities got approved, they could reference the minutes that the intent was to allow those kinds of sales. Gwen mentioned the property was on the way to the state park. It was busy on that road.

*Public comment opened:*

Allison Garwood: She thought it sounded reasonable.

Richard Garwood: If UPS was there 3 to 4 times a day, they'd be out of there in no time, anyway.

*Public comment closed.*

**Motion made by Frank Mutch, and seconded by Steve Rosso, to approve the conditional use with findings of fact, conditions and terms in the staff report. Motion carried, all in favor.**

#### **OTHER BUSINESS (4:40)**

LaDana mentioned there was something for next month. Steve asked about 'Other Business' discussion items. LaDana thought those would happen when the planners had more time to put something together.

**Paul Grinde, acting chair, adjourned the meeting at 4:41 pm.**