

**Regular Meeting of the
LAKE COUNTY BOARD of ADJUSTMENT
February 8, 2006**

Meeting Minutes

MEMBERS PRESENT: Jack Meuli, James McKee, Jerry Winkley, Clarence Brazil, Lucille Buchmann

STAFF PRESENT: Sue Shannon, Joel Nelson, Alex Hogle, Pam Repnak

Jerry Winkley called the meeting to order at 4:00 p.m.

Jack Meuli moved to approve the January 2006 Meeting Minutes.

James McKay seconded.

Vote unanimous to approve minutes.

MARSENICH – MC MULLEN SPECIAL EXCEPTION

Jerry Winkley announced that this proposal will be reviewed as a variance per Sue Shannon as well as a public hearing. He explained the progression of discussion for the variance.

Sue Shannon presented the Staff Report to the Planning Board. She explained that this issue was originally submitted as a special use but should be treated as a variance according to the County Attorney. She summarized the public comments received in the Planning Office to date and read the conditions of approval, should the variance be granted. She handed out the variance criteria to the Board Members.

Jerry Winkley stated that a variance adds the hardship criteria back into the equation.

Sue Shannon read the hardship criteria from the Finley Point Zoning Regulations.

Jerry Winkley asked Sue Shannon to comment on her recommendations and then restated that he thought the recommendations were pretty clear. Jack Meuli agreed.

Jerry Winkley asked the applicant if they had a copy of Sue Shannon's recommendations. Doug Wold said they did.

Sue Shannon said that the recommendations were not her recommendations, but rather recommendations for the Board to consider if they choose to grant the variance. Jerry Winkley said he realized that.

Lucille Buchmann stated that she thought the people in attendance should hear the recommendations since not all those present had a copy of the recommendations.

Sue Shannon read the recommendations. She stated that short term, for the purpose of this approval, was defined as a period of less than 30 days, and long term was a period consisting of 31 days or more. She stated for the purposes of this approval they are defining immediate family as father, mother, son or daughter of the property owner.

Doug Wold, applicant's attorney, stated that he, the Planning Department and the Environmental Health Department met concerning this proposal a week ago. He reported that page #10 of the Staff Report begins a summary of the inch-and-a-half or two-inches worth of documentation his firm presented to Planning Staff for purposes of helping all the parties concerned to come to grips with the facts. He listed the critical fact in the progression of this proposal: The applicant sent a letter sent to Jerry Sorensen in 1991 to preserve their current use of the property. He argued that the applicants did everything they could to preserve their use, they did not attempt to fine tune the documentation of the use of it in the next decade or so because there was no call to do so. The matter never arose until the non-compliance was called to their attention. Wold met with the Departments of Environmental Health and Planning last week and the Department of Environmental Health stated they'd have no issue with the proposed use if the applicant obtained a variance. Wold, on behalf of the applicants, agreed to the terms of the Planning Department Staff and the Department of Environmental Health. He suggested that his clients were unwittingly involved in a long-term rental to Fire Chief Ricciardi who would speak later. Wold asked for an extension in the vacate edict from the Planning Board so that Chris Ricciardi could find other suitable accommodations. Wold also asked that occasional short-term business related rental be allowed to continue in the guesthouse in addition to allowing family & friends. Both Bob Marsenich and Karen McMullen have individual consulting businesses and they are asking to continue that use. Wold again asked that the Finley Point Fire Chief, Chris Ricciardi be allowed to remain in the guesthouse until he is able to acquire alternative lodging. He thanked the Planning and Environmental Health departments for drafting the conditions of approval. He offered to answer Board questions.

Jerry Winkley asked the Board if they had any questions. Doug Wold said Ms. McMullen is present at this meeting and can answer questions.

Clarence Brazil asked the maximum number of people that would be staying in the guesthouse at any one time. Doug Wold described the octagon building that has one bedroom and a bathroom.

Clarence Brazil suggested hide-a-bed couches could support more guests. He was concerned about how many people could stay in that building by sleeping on the floor and on the couch, etc. Sue Shannon asked if there were an office upstairs. Doug Wold said there is an office upstairs and agreed that sleeping bags could be put in anyone's garage.

Jerry Winkley said he thought Clarence Brazil's concern was the overnight guests. Clarence Brazil agreed.

Doug Wold explained that his clients counsel married couples. He thought one couple would be standard for an overnight stay, and sometimes three or four couples would attend daytime gatherings and possibly a couple of couples would stay over and use sleeping bags.

Clarence Brazil said his family was in counseling and he could envision a mother and a father and twelve kids there overnight. Doug Wold said his clients appeared to be reasonable people to him.

James McKee asked Wold why he was not requesting a variance by arguing the physical limitation of the lot. Wold replied that it was a Department of Health limitation. Wold continued that the physical limitation of the property was its size, which did not allow expansion of the drainfield. Wold said that the Department of Health saw this as an acceptable sewage treatment system. McKee clarified that they were not requesting a variance related to the size of the lot. Wold said he submitted a letter that the Department of Health thought this was a hardship. This guesthouse was constructed prior to the implementation of the zoning regulations and he's gone through all the reasons...

James McKee said he understood and asked Doug Wold if his argument that no reasonable conforming use is possible without a variance. Wold replied that if the rental of a guesthouse is a non-conforming use the answer is yes. Wold restated that the guesthouse would not be a commercial rental. The applicant's clients can come for the day or they can stay over night and charge it to the business.

James McKee agreed that not granting a variance might prohibit that use, but if the Board were to deny the variance then no reasonable conforming use of the property would be possible. Wold replied that, as constructed, there would not be reasonable conforming use possible.

James McKee asked if Wold's approach was grandfathering. Wold said as to the therapy use and the personal use of the guesthouse – which he thought was allowed – yes. The guesthouse will no longer be rented commercially. Wold reported that his clients are requesting permission to do this project properly. Wold further suggested that if there were some way that zoning regulations could be taught in school, people might understand them better.

Jerry Winkley stated he was having a hard time with the hardship aspect. Doug Wold explained that the hardship comes from his client's wish to continue business use of the property even though they had to discontinue that use due to Karen McMullen's health. His clients lived on the premises in the octagon house full time for eighteen months while Karen McMullen recuperated. After she returned to health she reestablished her business. Grandfathering and the 18-month break in the use are the points in question, not self-proclaimed financial hardship. He offered the medical records if the Board required them.

Jerry Winkley asked the Board if they had any further questions concerning hardship. When nobody responded, Winkley stated that he was bothered by the fact that when the Marsenich-McMullens came before the Board for a guest house that they never anytime mentioned the grandfathering.

Doug Wold responded that this issue has arisen due to a lack of information. An agent made application for the building permit. His clients never saw the permit. The agent doesn't have any understanding that the octagonal house is being used as a guesthouse. He's just a contractor

who got the permit and nailed it on the tree and the conditions are on the backside of it. Wold is not trying to make excuses, but his clients are in the variance process because people don't always understand everything that they are supposed to be doing. Why didn't they ask for it – they didn't know. Would they have asked for it? Absolutely, it's an integral part of their business. They just didn't know.

Jerry Winkley asked if Mrs. McMullen had anything to say.

Karen McMullan said she and her husband thank all the people involved in this process. The process put her in a position of feeling as if she's a bad person and has committed some kind of crime. She wanted to be clear that she and her husband intended this use for their property since they acquired it. She hasn't gone behind anyone's back to hide anything. In 2000 they were living in Kalispell. They hired a builder who got the permit, and she and her husband didn't know about the restriction. Sue Shannon visited her property in 2000 and discussed the septic. Karen put in a pumping station at the suggestion of Terry [Murphy, Env. Health], she would like to be a good steward of the land and be good neighbors. She doesn't want a lot of people running around her property and adequately manages the people who come to her property. She and her husband are good citizens and she feels like this process hasn't allowed her to feel that way. It's a very abusive process in her mind and she wants to be clear that she and her husband are not bad people and they have not tried to do anything to harm their neighbors, their property, or anything. There is a misunderstanding. She and her husband have assumed that since 1991 they were grandfathered. They did what the County asked. They have operated within the grandfathering understanding. This is a very complicated situation. She had no idea all these hoops were necessary and she understands that ignorance is not an excuse. She understands more now than she did several months ago concerning the zoning and grandfathering. She related that after she got out of the hospital her architectural bids were 300% over their budget...

Jerry Winkley interrupted saying that he didn't think that had any bearing on the subject.

Karen McMullan said they didn't hide anything and they have been honest. She felt very abused and her house doesn't feel the same to her after this process. She has supportive neighbors. She thanked the Board for their consideration.

Jerry Winkley said they'd move on and asked Mr. Ricciardi to speak.

Chris Ricciardi said he plans on moving by the deadline but there aren't comparable dwellings available. He's not planning on moving into any trailers at Montana Pines, nor does he plan on waiting until the last minute to vacate the premises. He clarified that the two units that were indicated to him as available were trailers and that living in a trailer was not acceptable to him.

Jerry Winkley asked if anyone else in the audience would like to speak as a proponent.

Celeste River lives in Missoula, Montana. She came to support Karen & Bob. She has known them for 27 years and thinks they are good people and that their business helps many people. When Karen was ill, Celeste visited her in the hospital - Karen could have died. Celeste is aware that they had to live in their Finley Point home for a while. Celeste is the sister of

Marsenich & McMullen's next-door neighbors. Her brother bought the property after visiting Marsenich & McMullen. Celeste River said that Marsenich & McMullen had always intended the back house for workshops and counseling.

Jerry Winkley asked Celeste River to begin summing up her statement.

Celeste River finished by saying that she believed that Marsenich & McMullen did not have an inkling that they were doing anything wrong. Neither were they trying to operate under the table. She has dealt with Missoula zoning and found that there was so much for a citizen to know. If the Staff isn't forthcoming with the information that the citizen needs to know, the citizen doesn't know it. There are no courses on how to deal with zoning and doing the right thing. All a citizen can hope for is to be given enough information to know what to do.

Jerry Winkley thanked Celeste River and asked if there were any other proponents.

Jolene Barce spoke as a proponent. She was familiar with the applicant's business and understood that the Board was supposed to be working with adjustments and variances. She requested the Board Members to consider the intention of the applicants. She believed that it would be detrimental to the applicant's clients to discontinue staying at the property. She asked the Board to consider the applicants' integrity also.

Jerry Winkley asked for any other proponents. He asked for opponents and stated that Mr. McCurdy would be the first one.

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Keith McCurdy attended this meeting as representative of Bob & Bonnewie in lots 4 & 5 who live in Arizona in the wintertime and have filed their thoughts on this matter, and Bob & Jim Hardy who live on lots 6 & 7. McCurdy reported that he read Doug Wold's inch-and-a-half of materials which had been submitted to the Planning Department concerning this request and he had come to one inescapable thought: The integrity of the Finley Point Zoning Ordinance is under attack. He thought that people should either following the zoning or amend it, but taking it apart a piece at a time was not acceptable.

McCurdy stated that applicant's argument that this is a grandfathered use simply defies logic since the applicants lived there for five years making it a residence and not a guesthouse. That five-year period occurred sometime after the 1991 zoning regulations were adopted that the applicants were relying upon claiming a grandfathering exemption.

The applicants were permitted for one residence by complying with sanitation laws and environmental regulations. Their subjective intent does not allow them to avoid the laws..

McCurdy understood that the one residence has grown from one bedroom to five bedrooms according to the Revenue Department and suggested the applicants ought to get that changed if it is wrong. There are only three bedrooms permitted for sanitation, not five. The applicants proposed the second building through their agent but the principal is responsible for the acts of their agent. That the principals picked a bad agent is their fault, not this Board's and not the fault of the Finley Point Zoning Ordinance.

McCurdy continued that paragraph 8 of the zoning permit says when the new house is built you can't rent the old one. McCurdy asked how much clearer that could be. The fact that it was nailed up on a tree is not relevant to the Board's consideration.

The uses other than a rental are obviously permitted under the zoning ordinance for their family and for their guests, but renting is prohibited. Paragraph Q of the zoning ordinance defines prohibited use as a use that is not permitted. Therefore rental is a prohibited use. The zoning ordinance also states that an individual cannot be granted a variance for a prohibited use. He concluded that the applicants are seeking a variance for something that the zoning ordinances prohibit.

Jerry Winkley asked for any other opponents to speak.

Gehrand Bouchard, resident of Finley Point, stated that Finley Point is a sensitive area. He expounded that this is a nation of laws and regulations and it's the Board's responsibility to stay within the confines of those laws. The applicants have retained the law offices of Wold & Wold...

Jerry Winkley asked Mr. Bouchard to move along.

Gehrand Bouchard stated that he would like some time as the other speakers have gotten.

Jerry Winkley asked that Bouchard get to the point.

Gehrand Bouchard said he would. He stated that blame also sits with the Board. He suggested that since there were so many attorneys involved with this case that there must be something wrong. The Board has made this a simple process. There is a law and time frames for the applicant to get their first house built and their second house built prior to this Finley Point Zoning Regulation went into effect. He understands there was illness and other factors limiting their ability to do that, but restated that there were time frames within which to work. The Finley Point Regulations were in the newspaper. Not reading the section 8 on the back of the permit was no one's fault but the applicant's own. Bouchard believed there are five bedrooms at that residence and that those offices will be used as bedrooms at some point. He did not believe this is a hardship, but rather a commercial rental. He disbelieved that it's everybody's fault. There are things that fell through the cracks and that he thought that was unfortunate. He did not believe the applicants deserve a variance and asked the Board to deny the variance request based upon the chronological order that Doug Wold himself listed. Bouchard stated that the applicants missed the time line and again asked the Board to review the time line and deny the variance based upon that. He thanked the Board.

Jerry Winkley asked if there were anyone else who wished to comment. He offered a brief period for rebuttal.

Doug Wold thanked the Board and promised to be brief. He said that the argument he heard is that the Finley Point Zoning Regulations are under attack and that the law is the law and the law needs to be followed. He assured the Board that there is nothing further from the truth. The zoning regulations are the law. The opponents are correct that the document says what it says.

The zoning regulations state that it is a prohibited use to rent a guesthouse. He suggested that, as in Paul Harvey's commentary, "the rest of the story" is that the law also has a variance procedure, one of the primary reasons for the existence of this Board, so the Board can inject some equity and decide whether people's property rights can be balanced with their neighbor's needs while maintaining the order required in the zoning regulations.

Wold's reasons that the applicants qualify for the variance by hardship have been explained. The applicants came to the Board with all the facts that there are. Nothing was hidden. They are only asking to utilize that portion of the law which allows them to seek a variance and not be railroaded and tossed over the balcony because the neighbors are unhappy with Karen or Bob or the way they run their business.

He stated that the law is the law, but it is the entire law that we need to look at. He asked the Board to take that into consideration because they have granted many variances. He asked the Board to grant a variance in this case and thanked the Board.

Keith McCurdy, after being asked, declined to speak again.

Jerry Winkley offered more time for public comment. When no one responded he closed the meeting to public comment and suggested the Board commence discussion.

Clarence Brazil stated that both he and Lucille Buchmann live on Finley Point and pointed out that he was the president of the property owner's association for a long time. Brazil had been involved in every zoning review, some meetings of which were held at his house or the fire department hall, almost since inception. The Board Members of the Finley Point Property Owner's Association were there, and all of the officers, and many general public participants. There have been many discrepancies – one on his property had to be considered before the Board of Adjustments because even the Planners weren't sure what was going on.

Jerry Winkley asked Clarence Brazil to speak to the Board and not the audience. Clarence Brazil said he was speaking to the Board. Jerry Winkley said he was looking at the audience. Clarence Brazil said he was looking everywhere and offered to look directly at Jerry. Brazil continued that many items that come before the Board are uncertain and he believes the applicants felt they accomplished what they set out to do when they wrote that letter to Jerry Sorenson. Evidently Jerry Sorenson gave the applicants some kind of assurances that they'd be grandfathered if they did this. Brazil said there are many reasons to deny this request, but the applicants thought they were doing the right thing and maybe they were.

Lucille Buchmann stated that the Board has considered grandfathered items in the past. She agreed that if this use is grandfathered, it should be allowed, but she argued that what was grandfathered in was a short-term rental, not a year around rental. The rental could be for overnight, or maybe a weekend, or even a week, but no longer than a week or two. She thought it was grandfathered in and the Board has allowed others to continue their grandfathering activities and she suggested that the Board grant the variance but only for that grandfathered in short-term rentals in connection with their business. Lucille further stated that two-week rentals were okay with her. They also asked for up to two weeks and for families and the Board has granted that. However, when the parent dies or leaves, then that grandfathering – including the rentals - stops. She suggested that when the place is sold, all of this will be sunsetted and there

will be no more grandfathering. Then it would be strictly a guesthouse with no more rentals. She asked if the Board agreed.

Jack Meuli said not particularly. Meuli stated he has been on the Board long enough to hear that Finley Point does not want rentals. Period. Lucille Buchmann agreed.

Jack Meuli said Finley Point residents cannot rent a guesthouse. He asked who would police short-term rental. The applicant had short-term rentals but now there is a long-term rental as occupant. Jack Meuli cannot approve the rental of a guesthouse. As far as the mother and ... Lucille Buchmann said she would go along with it as long as it's grandfathered in.

Jack Meuli asked how the Board would know if it's grandfathered in. Sue Shannon said it had been grandfathered. Jack Meuli said there is no record saying that it was grandfathered in. Sue Shannon stated that it lost its grandfathering due to the continued non-use of the property [short-term rentals] because the property owners lived there. Lucille Buchmann agreed.

Clarence Brazil said that not only did it lose its grandfathering, but it lost its business as a home occupation. The home occupation standard says that it has to be in your home or in an auxiliary building not to exceed 1200 square feet and the guesthouse exceeds that. Sue Shannon hasn't received any documentation concerning ongoing use to grandfather.

Lucille Buchmann asked if the State has any parameters concerning grandfathering. Sue Shannon said it's in the Finley Point Zoning Regulations. Lucille Buchmann asked what it said.

Sue Shannon said that on page 3, the specific use of a building structure or premise that's ongoing at the time of the adoption of the regulations when such use is permitted, however the degree of non-conformity shall not be expanded. The right to such use shall terminate upon cessation of that use voluntary or otherwise for a period of eighteen months or at the time that the structure is destroyed. Lucille Buchmann said that that would terminate the grandfathering.

James McKee clarified that that building's use as a short term rental is terminated, that the grandfather...

Clarence Brazil asked if the grandfathering verbiage under home occupations in the zoning regulations. James McKee said if you want to consider that the short-term rental was grandfathered, then it should cease to be grandfathered because the applicants ceased to use it such for a period of eighteen months. Sue Shannon stated that there is no documentation establishing a grandfathered use.

Lucille Buchmann said you usually consider the use that was used up to the time of zoning. So, actually, this would be terminated because they hadn't used it for eighteen months in-between.

Jack Meuli agreed the whole use has changed. At the time zoning was established there was only one building on the property, now there are two and the applicants want to rent one.

Lucille Buchmann supported the rental restrictions in the zoning regulations because renting would double the density. Clarence Brazil said he has two rentals but feels that the applicants appraised everybody of their intentions with the letter to Jerry Sorensen. If Sorensen told them that this would do it, then... He recalled several zoning discrepancies, which have been corrected.

James McKee stated that the interesting question is whether you can grandfather intentions. The applicants changed the existing use. This might have been the intention when they bought the property, but can you grandfather what you intend to do with your property through a zoning process?

Clarence Brazil thought that the Planning Director told the applicants that they were grandfathered at that time and further felt that it would be unfair to take that away from them at this time.

James McKee stated that fairness is not the issue. He doesn't want to cast dispersions nor imply that they are bad people or that they have done anything wrong. He viewed the application as painting the Board into a corner. He expressed that the applicants did not qualify for a variance on several levels: 1) There are no physical limitations to the lot; 2) Reasonable conforming use is possible without a variance. He repeated that the applicants do not qualify for a variance under the strict guidelines of what this Board is required to base a decision upon.

Clarence Brazil stated that one of the criteria for granting a variance is hardship that is not of the applicant's making. If the applicants were told they could do this then it's a hardship not of their making because they aren't the ones who did it if they were told they could do it.

Jerry Winkley said he doesn't have a serious problem with the lapse in use, but rather that they returned to the Board at least twice and never asked to be able to continue renting it when they knew the status was being changed to a guest house.

Jack Meuli asked if Jerry Winkley was ready for a motion.

Jerry Winkley additionally stated that the family member staying in the guesthouse long term that the Board had reviewed a similar circumstance and allowed it with certain restrictions. He stated that the zoning doesn't specifically allow long-term guests, either. It is an exception to a guesthouse.

Jack Meuli expressed his thought that family was allowed to live in a guesthouse.

Jerry Winkley thought the regulations weren't clear but he didn't have any problem with a family member living there, but if a family member's stay is long term that the zoning is unclear and the Board might wish to acknowledge that long term family members are permitted.

Lucille Buchmann said they've allowed it in other instances. Jerry Winkley thought they allowed it through Board action. Sue Shannon didn't feel it would be inappropriate.

Jerry Winkley said he didn't have a problem with approving long term family member occupancy. The building's use as a guesthouse use for family is a given.

Susan Shannon reported that Environmental Health Staff indicated that single-family residential use approval for that would probably allow a family member to live in the guesthouse under the sanitation rules.

Clarence Brazil asked Sue Shannon what would happen if the applicant came in today and asked to use this property as a home occupation. Sue Shannon said she would look at that specific issue, and consider the criteria for home occupations. She wasn't sure what that criteria would be without looking at the zoning regulations.

Clarence Brazil said it would be a building not exceeding 1200 square feet, which this guesthouse wouldn't allow, but they might get a variance for that.

Jerry Winkley said that someone wants to make a motion.

Lucille Buchmann agreed day use for clients was okay as long as they don't rent to their clients. The applicants cannot rent the guesthouse, but can charge their customers for their consulting business. There are many other home occupations on Finley Point.

Clarence Brazil said Finley Point has Bed & Breakfasts who have multiple people. Sue Shannon said that was a conditional use and suggested documentation regarding that wouldn't hurt for long term monitoring.

Clarence Brazil said they should turn in a report about who was there and for how long. Lucille Buchmann agreed that the applicants can continue their consulting business, but cannot rent. James McKee stated that was a permitted use.

Jack Meuli moved that the variance be denied.

James McKee seconded.

Jerry Winkley asked if there were any further discussion.

James McKee asked Sue Shannon if the Board could grant variances for prohibited uses. Sue Shannon replied not under the definition of prohibited uses.

Jerry Winkley stated there had been some exceptions to that and knows the Board granted variances for prohibited use, but the Staff at that time told us it was okay. Sue Shannon said that the Swan Sites Zoning Regulations might be different from these.

Jerry Winkley thought that was stretching.

James McKee thought granting a variance for a prohibited use would be a legal question. Jerry Winkley said it was a grey area.

Lucille Buchmann asked that if the Board votes on the motion, the applicants are not stopped from continuing their business. James McKee stated that home occupations are a permitted use. Sue Shannon said commercial use is not permitted; home occupations are conditional.

Jack Meuli asked if the applicants had ever applied for a conditional use for their home occupation or whether that was grandfathered in. Lucille Buchmann groaned that the Board was now back to grandfathering.

Jack Meuli said that the issue the Board is to consider is the rental of the guesthouse. What they did or did not do concerning their home occupation would be another issue.

Lucille Buchmann said Barbara Leonard on Finley Point had an acupuncture business. The Board only saw her because her sign was too big and too glaring. Her business was...

Jerry Winkley reminded the Board Members that there was a motion on the table to deny the variance.

Vote in favor: James McKee, Lucille Buchmann, Jerry Winkley, Jack Meuli.

Vote against: Clarence Brazil

Jerry Winkley said the request is denied.

Sue Shannon asked if she was to assume that the requirements of the 2005 appeal needed to be upheld in terms of vacating the long-term rental. Lucille Buchmann said she thought so. Board discussion determined that a motion would change those requirements. Jerry Winkley voiced that he thought the requirements should stand. April 12th is the vacate date.

Lucille Buchmann recalled that Chris Ricciardi stated that he was going to be out by that time.

Jerry Winkley said that still stands.

OTHER BUSINESS

Nicholson Amendment

Sue Shannon said there were two items she had for other business. First, Rob Nicholson requested to amend his previous approval by changing the boundary lines. She handed out sketches to the Board Members showing the approved plan and the revision. Joel Nelson explained the previous approval and the amendment proposal. The Board asked for clarification of the changes and Joel Nelson provided it. James McKee was concerned about approving the changes without the proper public notice and the Staff and Board decided that additional public notice would be unnecessary. The Board Members and Staff discussed density, the additional house that has Board approval, no further subdivision, and the reasoning for requesting an amendment. Joel Nelson had proposed a deed restriction for the new house by restricting new buildings on the interior lot. *James McKee moved to approve the boundary line adjustment amendment with the conditions and restrictions recommended by Staff. Lucille Buchmann seconded. Vote unanimous.*

Guest House Rental Language

Sue Shannon put some new guesthouse rental language together for future zoning updates and she presented a copy to the Board Members. Guesthouses will be a permitted use.

Environmental Health is requiring short-term vacation rentals of 30-days or less to have a State License. Prohibited uses will be rentals unless the landowner goes through subdivision for rent or lease. Jack Meuli asked if these proposals would be for all the zoned districts and Sue Shannon said yes. Sue Shannon also said guesthouses should be limited to one per property or be required to meet other criteria.

Clarence Brazil asked how the Board determines which is the primary residence and what criteria should be used to make that determination. Sue Shannon suggested adding language.

Sue Shannon asked that Board Members review the proposed language and submit feedback to her.

Clarence Brazil asked if that would apply to Finley Point and Sue Shannon replied yes.

Clarence Brazil asked what subdivision for rent or lease entails. Sue Shannon replied that the Board would review access, sewage disposal, and impacts and would only review the creation of new rentals.

James McKee moved to adjourn, Jack Meuli seconded, vote unanimous.

Meeting ended at 5:40 p.m.