

Meeting with Community Development

March 13, 2019

2:03 p.m.

Present: Commissioner Jackson, Commissioner Stamper, Commissioner Fund, County Manager Erik Martin, Eric Eisenberg, Karen Witherspoon, Lee Napier

Guest: Dr. Lindsey Pollock

Recorder: Rieva Lester

Lee Napier explained the short plat process.

Lee said customers will sometimes come in to determine whether they have a legal lot. She said that often crops up when someone has two separate parcel numbers and carve out a parcel for mortgage payment purposes.

Lee said the legal lot criteria can be found in Lewis County Code 16.02.050.

Eric said a landowner can ask to have a property to divide a property into multiple parcels for tax purposes only. He said the Assessor's Office stopped processing those in 2008/2009.

Lee said Don Thayer believes he has two separate lots. She said Don believes he owns two lots and that he is an "innocent purchaser."

Lee said the paper trail does not support the contention that he has two lots.

Lee said county code would allow Mr. Thayer to build an accessory dwelling unit (ADU). Lee said the existing mobile home could be an ADU. She said he just could not sell off a lot because it's only one lot.

Eric said Mr. Thayer worked on improvements, such as a well,

Eric described the "innocent purchaser" test. He said the property has been purchased and sold several times. He said Mr. Thayer bought the property, sold it and bought it again.

Eric said Mr. Thayer's father did the tax segregation in the 1970s, then Mr. Thayer bought the land in the 1980s without the subdivision process.

Eric said title reports would have indicated that Mr. Thayer's property wasn't properly subdivided.

Commissioner Stamper said he feels Mr. Thayer should be viewed as an innocent purchaser.

Lee said the second mobile home could be deemed an ADU to allow Mr. Thayer to build on the remaining portion of the land.

Commissioner Stamper said Mr. Thayer wants to use the existing mobile home as collateral to build the second home.

Lee said it would be improper to treat Mr. Thayer in a manner that's not consistent with county code.

Lindsey Pollock left at 2:31 p.m.

Commissioner Jackson suggested a group meeting with Mr. Thayer, Eric Eisenberg and Lee Napier to discuss the circumstances.

Lee said Mr. Thayer has indicated he has the information that would prove he was an innocent purchaser but that he has not produced the information. Commissioner Jackson suggested Commissioner Stamper contact Mr. Thayer to request the information.

Commissioner Jackson left at 2:37 p.m.

Eric suggested Mr. Thayer run title reports on the parcels.

Lee said there are seven ways Mr. Thayer could prove that the property is a legal lot.

Karen Witherspoon discussed the process Community Development uses when someone asks whether a property is a legal lot of record.

Karen suggested having Mr. Thayer review his divorce decree. Eric said Lewis County records can be accessed from a kiosk in front of the County Clerk's Office.

Eric said we have a subdivision law because the state requires it. He said it would be illegal to go against that law. He said it would be arbitrary and capricious to not follow the written rules.

Commissioner Stamper said he would reach out to Mr. Thayer.

Eric said it's the individual's responsibility to take the necessary steps but that the county could create a position – a case manager of sorts – to shepherd individuals through the process.

Meeting ended at 3:02 p.m.