

MINUTES OF THE REGULAR MEETING OF THE THATCHER PLANNING & ZONING COMMISSION

Monday, June 13th, 2022 – 6:00 pm

MEMBERS PRESENT: Chair Ray Tuttle, Vice-Chair Wayne Layton, David Griffin,
Billy Orr, Machael Layton, Brandon Homer

MEMBERS ABSENT: Jerry Hoopes

STAFF PRESENT: Tom Palmer, Alan Bryce

VISITORS: Seth Carlson, Emily Curtis

1. Welcome and Roll Call

Chair Tuttle called the meeting to order and established that a quorum was present. At the time of roll-call, Mr. Griffin was not present.

2. Approval of Minutes

The Commission unanimously approved the minutes from the March 2022 meeting.

3. Public Hearing - Final Plat – Desert View Estates

Mr. Tuttle asked Mr. Palmer to explain this item.

Mr. Palmer explained that this is the subdivision by Seth Carlsen, off of Sandy Creek, west of Reay Lane. The preliminary Plat was approved in November, 2021 and this is the Final Plat. The Town has reviewed water, sewer, paving, grading, etc. and staff recommends approval.

Mr. Orr pointed out that the north arrow on the plat is pointing the wrong direction.

Mr. Homer asked about building setbacks, which are shown on the plat.

Mr. Griffin arrived and asked if the plat meets all Town ordinances, including streetlights. Mr. Palmer said that it does.

Mr. Orr made a motion “to recommend approval of the Final Plat for Desert View Estates”

Mr. Griffin Seconded the motion

Vote: Unanimous in favor of the motion

4. Public Hearing – Temporary Use Permit

To consider the matter of a temporary use permit to allow a temporary dwelling for an aging parent. The address is 3361 W. 2nd Street in Thatcher. Applicants are Sam & Emily Curtis.

Mr. Tuttle opened the hearing and read an e-mail that had been sent to Mr. Palmer:

Good morning

I am unable to attend the Planning and Zoning meeting scheduled for Monday, Jun. 13th @6:00PM. I would like to express my strong opposition to a temporary use permit at 3361 W. 2nd Street in Thatcher. I am opposed to trailers being allowed within the city limits as it detracts from the beauty of the city and drives down the property values of existing property owners.

I regularly receive letters from the Town of Thatcher requiring me to remove weeds or trash from my property or to trim hedges along the street. I gladly comply with this requirement in order to keep my property at 3389 W. Second street looking nice and in good repair. I understand the rules and do not request that they be changed for my benefit.

Please put me down as a "NO".

Kirk Bryce
928-853-2119

Mr. Tuttle said that he wished he had photos of the interior. He asked Mr. Palmer if this type of building would be allowed as an accessory structure if it were used as a shed. Mr. Palmer said that it would. Mr. Tuttle said that he did not see a foundation under the building.

Emily Curtis (applicant) said that the structure sits on a pad of compacted AB. She explained that it's a small dwelling that is built with a single bedroom, kitchen & bathroom to be used for a temporary dwelling. All utilities (water, sewer, electric) are ready to be hooked up if the temporary permit is granted.

Mr. Homer asked who lives in the main house. Ms. Curtis said that Joanna Curtis lives in the main house & that Joanna's mother would live in the temporary dwelling.

Mr. Layton said that he feels that the use (temporary for an aging parent) fits very well with the intent of the ordinance.

Mr. Tuttle said that the structure itself is allowed in the code & just the use (residential occupancy) is what would need a use permit.

Mr. Tuttle and Mr. Griffin asked if a temporary use permit (TUP) comes with conditions for termination of the use. Mr. Palmer read portions of the code and explained that this specific use permit would terminate upon the death (or relocation) of the resident. Furthermore, the code says that a TUP expires within 6 months if the applicant doesn't demonstrate an on-going use in conformance with the TUP. Mr. Palmer said that staff would need to do check-ins every 6 months or so and ensure that the use is still as permitted and once it's not, then the TUP would expire.

Ms. Layton said that the code allows for a manufactured home or mobile home or guesthouse, but expressed concern that this structure does not meet any of those definitions.

Mr. Layton said he feels the code was written with the information available at the time and that he feels this structure meets the intent of the ordinance.

Ms. Curtis said that their intent is to remove the structure from the property once the TUP expires. They have other uses planned for that structure on another property out of town in the future.

Mr. Tuttle said that he's concerned with setting a precedence and that we need to do all we can to make sure that we're not allowing a use that will end up being a permanent dwelling after the TUP expires.

Ms. Layton read the definition of "guesthouse" in the ordinance and pointed out that it refers to a permanent structure. She said that the structure proposed does not meet HUD standards as a mobile home and is not permanent and therefore should not be allowed. The structures that are acceptable in the ordinance (mobile, manufactured, permanent) would all have to meet specific requirements and this type of house does not.

There was some discussion of whether it should be anchored to a permanent foundation and what that foundation might look like. Some thought that if it were anchored, it would become 'permanent' and meet the definition of a guesthouse. Others expressed that this is, by its very nature, a "temporary" use permit and there's nothing wrong with having a temporary structure.

Mr. Palmer said that Alan Bryce has been in the structure and inspected it & it would meet our codes for plumbing, electrical, etc.

Mr. Orr said that he agrees we need to be careful on what we allow, but that he feels this type of dwelling would meet the intent of the ordinance, even though not specifically allowed. Mr. Palmer stated that the concept of a "tiny home", which this structure could be classified as, is a relatively new concept nationally, but that they are very common and that we could certainly look at adding that as an accepted use in the future for a TUP if the commission wanted.

**Mr. Griffin made a motion to “recommend approval of the Temporary Use Permit”
Mr. Layton Seconded the motion**

**Vote: 4 in favor (W. Layton, D. Griffin, B. Homer, B. Orr)
2 opposed (M. Layton, R. Tuttle)**

Mr. Homer said that he’s in favor of granting the use permit and he feels it meets the intent of the ordinance, but that “it may not hurt to have the Town attorney weigh in”.

Mr. Palmer asked the commission for feedback as to whether they would like him to research tiny homes as an option for a temporary dwelling & bring some language for them to review. There was no consensus, but he said he’d bring something for them to look at.

Mr. Tuttle and Ms. Layton expressed that if we’re going to allow it, it should be permanent and attached to the ground.

6. Staff Report

Mr. Palmer introduced Alan Bryce, our new Building Official. He said that Mr. Bryce will be transitioning into a role as Zoning Administrator also.

Mr. Palmer gave a report on the on-going projects in town.

7. Adjournment

The meeting was adjourned.