

Schroader, Kathy



From: Euler, Gordon
Sent: Thursday, May 26, 2016 2 13 PM
To: Lebowsky, Laurie
Cc: Schroader, Kathy, Orjiako, Oliver
Subject: FW: Question #4 from the PC
Attachments: 2016_5_25_Questions docx

Laurie

Good work! I'm forwarding this to Kathy for the index Thanks

Gordy

-----Original Message-----

From: Lebowsky, Laurie
Sent: Thursday, May 26, 2016 11 39 AM
To: Orjiako, Oliver, Euler, Gordon
Cc: Wiser, Sonja
Subject: Question #4 from the PC

Hi Gordy & Oliver,

Attached to this email please find my answer to the questions regarding temporary health hardships and guest houses

Laurie

Questions

1. Can the county exclusively expand the UGA without the authority of the city council?
2. Has the county complied with all of Judge Poyfair rulings? Put a legal case chronology together regarding Poyfair. Jose assemble documents including McDonald.
3. GMA requires the county to accommodate the foreseeable growth. What are the consequences if we fail to meet that? Can counties fully planning under GMA use non-OFM population numbers? Achen vs. Clark County Clark County tried to use METRO under _____. Provide backup information/court cases. Oliver
4. Can the county remove the second house under hardship? Can we remove the provision of a guest house not to have a kitchen? Provide Chapter 18 history. Laurie

(a)CCC Section 40.260.210 (Temporary Dwellings) outlines the requirements for an applicant to qualify for a temporary health hardship dwelling. The health hardship home is a temporary use that requires renewal every two years. To qualify for a temporary health hardship dwelling the applicant must first demonstrate a need for another person to live on the property whether it's due to advanced age or illness. Secondly, the temporary health hardship dwelling must be a temporary structure, usually a mobile home because they can be removed relatively easily. The code, however, does allow a permanent structure to be constructed per the following language from 40.260.010:

"...need not be a temporary structure if the declaration required by Section 40.260.210(C)(1)(e) includes a covenant obligating the purchaser or successors to remove the existing dwelling upon the death or permanent change in residency of the seller retaining a life estate."

Should the temporary health hardship go away, the temporary structure would have to be removed.

(b)The guest house under CCC Section 40.260.010 is a wholly separate issue from the temporary health hardship home. The precursor to Title 40 was Title 18. Per Title 18.104.345, a guest house was allowed as long as it had no kitchen facilities.

The county code in the 1970's allowed up to three residential dwellings on a single lot. This situation created problems for the county when property owners attempted to sell homes and therefore needed the lots subdivided.

When Title 18 was adopted, the county changed the code to allow only one single-family structure per lot. Per Title 18.411.010: only one single-family dwelling unit would be permitted per lot. A second residence was allowed only if it had been lawfully constructed before the adoption of Title 18, and it did allow lot segregation below the allowed lot size to permit the sale of the second house.

The guest house code section was created to give owners the flexibility to have a temporary dwelling for visitors, yet not create the problems with allowing multiple homes that occurred in the 1970's. Its intent was to allow the housing in only limited numbers.

The county could repeal the restriction on allowing kitchens in guest houses; however, it will create issues that occurred previously in the county in the 1970's. Allowing guest houses to have kitchens will make it difficult to distinguish the primary residence from the guest house. It will make it difficult to prohibit property owners from subdividing their property, should the

property owner wish to sell one or all of the houses. Allowing properties to subdivide in the rural area will violate rural density requirements and preserving rural character requirements of the GMA.

5. If we provide for ADU in the rural area and provide an opportunity to increase density, would this action require an additional environmental review?
6. Prepare to address water rights, instream flow – exempt apply if you have inflow issues - court case in 2015?

Gordy to listen to tape and adjust as needed.

Requests

1. Doug Quinn and CPU providing a concise summary? Dennis Dykes testimony and other related testimony regarding water. Gary
2. Contact the Assessor about the tax consequences/thresholds going from 20 acres to 10? In addition, what are the consequences for parcels in current use? Oliver/Jose
3. Susan Wilson, what grant \$ are in jeopardy when not in compliance with GMA? **Do we provide historical numbers?** In particular: PW Trust Fund, Centennial Clean Water Account and what happens under preference for grant/loans. Gary
4. Send Marnie Allen's SIF spreadsheet. Jose
5. Send the web link to Commerce on compliance status list. Jacqui
6. Clark County Association of Realtors provide a population number by 5pm Wed. Also include ARP and GHR. Colete
7. DEAB submittal to support infrastructure number in urban area. **Response letter** Kathy
8. **Provide September 11, 2015 staff memo to BOCC/PC and update exhibit A.** Kathy/Sharon