

**BOARD OF SUPERVISORS MINUTES  
GILA COUNTY, ARIZONA**

Date: April 28, 2015

**MICHAEL A. PASTOR**  
Chairman

**MARIAN E. SHEPPARD**  
Clerk of the Board

**TOMMIE C. MARTIN**  
Vice-Chairman

By: Marian Sheppard  
Clerk of the Board

**JOHN D. MARCANTI**  
Member

Gila County Courthouse  
Globe, Arizona

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PRESENT: Michael A. Pastor, Chairman; Tommie C. Martin, Vice-Chairman (via ITV); John D. Marcanti, Member; Don E. McDaniel, Jr., County Manager; Marian E. Sheppard, Clerk of the Board; and Laurie J. Kline, Deputy Clerk.

A County attorney was not present at this meeting.

**Item 1 – CALL TO ORDER - PLEDGE OF ALLEGIANCE**

The Gila County Board of Supervisors met in a work session at 10:00 a.m. this date in the Board of Supervisors’ hearing room. Robert (Bob) Gould led the Pledge of Allegiance.

**Item 2 – REGULAR AGENDA ITEMS:**

**A. Information/Discussion regarding a proposed amendment to the Gila County Planning and Zoning Ordinance to address Accessory Dwelling Units (ADU) regulations.**

Robert (Bob) Gould, Community Development Division Director, reviewed the proposed language which addresses Accessory Dwelling Units (ADUs) that would be added to the Gila County Planning and Zoning Ordinance if approved in the future by the Board of Supervisors. The definition of an ADU in the proposed language is as follows: *“An ADU is a small self-contained dwelling, typically with its own entrance, cooking, and bathing facilities, that shares the site of a larger, single-unit dwelling. ADUs may be attached, as in the case of a basement apartment, or detached, as in the case of a backyard cottage. An ADU is not a separate property; it has the same owner as the primary dwelling.”* Mr. Gould stated that a different approach has been taken by County staff on this Ordinance revision because it would let a property owner “by right” be able to add an ADU without going through the County’s use permitting process, variance process, and conditional use permitting process. Mr. Gould advised

that the current Ordinance contains language which addresses guest houses and he explained the difference between a guest house and an ADU. An ADU allows a property owner to rent out an ADU whereas a property owner may not rent out a guest house. A component of the proposed revisions includes removing all references to guest houses in the Ordinance. He proceeded to review the objectives of the proposed ADU regulations which are to increase the number of rental units available in Gila County, expand housing choices, provide housing options for low to moderate income households, and encourage energy efficiency. No more than one ADU will be permitted on a single lot, and a lot must be at least 5,000 square feet in size in order to allow the addition of an ADU. Mr. Gould reviewed the guidelines for an ADU that is attached to the primary building, and an ADU that is not attached to the primary building. At the end of the presentation, Mr. Gould and Scott Buzan, Chief Building Official, answered some questions posed by Board members. On behalf of the Board, Chairman Pastor thanked Mr. Gould and Mr. Buzan for today's presentation.

**B. Information/Discussion to consider revising the Board of Supervisors' process for the sale of land held by the State under tax deed.**

Don McDaniel, County Manager, advised that changes in State law encouraged the Clerk of the Board to make proposed changes to a resolution that was adopted by the Board of Supervisors in 2003, which addresses the process for selling land held by the State under tax deed. He reviewed the statutory changes which eliminated the need to post the public notice and list of available properties for sale in two public places in each election precinct, and reduced the length of time required to publish the notice and list. He stated that language was also added to the statutes with regard to selling State-owned land to a county, city, town or special taxing district for a public purpose related to transportation and flood control; and selling State-owned land to the owner of contiguous real property. Mr. McDaniel advised that the revised resolution will be more general, so if there are future statutory changes, only the County's procedures for selling State-owned land will need to be changed. He stated that this resolution has accompanying formalized procedures for selling State-owned land that was not in place when the previous resolution was adopted. Mr. McDaniel mentioned that the Clerk recently researched other counties' processes for selling State-owned land and he noted that although the process varies from county to county, the Clerks of Cochise, Greenlee, Maricopa, Yuma and Navajo counties have authority to sell those State-owned properties that were not sold at the auction through an over-the-counter process. Mr. McDaniel advised that the final change in the proposed resolution authorizes the Clerk of the Board to sell State-owned land for the total lien amount through an over-the-counter process with the understanding that all such sales are deemed approved by the Board. He added that after the Clerk sells the property, a quit claim deed would be presented on a Board meeting agenda to obtain authorization for the Chairman to sign it. He

emphasized that the Clerk would only have authority to sell State-owned parcels which did not sell at previous Board of Supervisors' annual auctions and the sale must be for the lien amount owed on the property. Mr. McDaniel further advised that the Board's sealed bid process would remain in place, which allows an owner of property which adjoins a State-owned property to submit a sealed bid for the Board's consideration that is **less** than the lien amount providing that the property owner submits proof of adjoining ownership at the time the sealed bid is presented to the Clerk of the Board.

Vice-Chairman Martin complimented the Clerk's effort to bring forth these proposed changes of which she stated that "it's the right direction." She suggested having the Board review this resolution and other resolutions on a yearly basis to determine how well they are working. Supervisor Marcanti asked Marian Sheppard, Clerk of the Board, to clarify the times when a State-owned property was sold for the lien amount and times that it could be sold for less than the lien amount, which was done. Chairman Pastor referred to an earlier suggestion that was made by Mr. McDaniel to change all references to "guidelines" in the resolution and procedures, to "procedures," to which Ms. Sheppard agreed that would be done before the final resolution was presented to the Board for adoption. Jon Cornell of KQSS radio station suggested that the Board conduct the auction twice a year rather than annual. Ms. Sheppard explained that most of the properties that are sold at the Board's auction have very little value and most of them would only have value to an adjoining land owner. She did clarify that these properties will be available for purchase on a year-round basis after the auction has taken place.

**Item 3 – CALL TO THE PUBLIC: Call to the Public is held for public benefit to allow individuals to address the Board of Supervisors on any issue within the jurisdiction of the Board of Supervisors. Board members may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to Arizona Revised Statute §38-431.01(H), at the conclusion of an open call to the public, individual members of the Board of Supervisors may respond to criticism made by those who have addressed the Board, may ask staff to review a matter or may ask that a matter be put on a future agenda for further discussion and decision at a future date.**

There were no comments from the public.

**Item 4 – At any time during this meeting pursuant to A.R.S. §38-431.02(K), members of the Board of Supervisors and the County Manager may present a brief summary of current events. No action may be taken on issues presented.**

Each Board member presented information on current events. The County Manager did not offer any comments.

There being no further business to come before the Board of Supervisors,  
Chairman Pastor adjourned the meeting at 10:40 a.m.

APPROVED:

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Michael A. Pastor, Chairman

ATTEST:

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Marian Sheppard, Clerk of the Board