

OFFICE OF BOARD OF SUPERVISORS  
YAVAPAI COUNTY, ARIZONA

Prescott, Arizona  
May 24, 2000

The Board of Supervisors met in special session on May 24, 2000.

Present: Chip Davis, Chairman; Gheral Brownlow, Vice Chairman; John Olsen, Member; Bev Staddon, Clerk.

Also present: Randy Schurr, Deputy County Attorney.

Also present: Planning & Building Director Mike Rozycki; Assistant Planning & Building Director Enalo Lockard; Senior Planner Elise Link; Andy Jochums, Planner; Chris Bridges, Planner; Planning & Zoning Commission members Jim Buchanan, Richard Collison, Jacquie Weedon, Tom Thurman, Al Wood, Helmut Woellmer, Diane Lovett, and Linda Bitner.

ITEM NO. 1. Resolve into Board of Directors of Prescott East Sanitary District. Reference: Special district minutes.

1. Approve minutes of meeting of May 1, 2000.
2. Receive final engineering plans, specifications and cost estimate for the Prescott East Sewer By-Pass Project.
3. Approve Resolution of Intention to order improvements and set hearing for protests for June 28, 2000.

ITEM NO. 2. Resolve into Board of Supervisors. Presentation by Michael Taylor, Phoenix Field Office Manager for the U. S. Bureau of Land Management, and Kathy Pedrick, BLM Resource Advisor, regarding the Agua Fria National Monument. Mr. Taylor provided the Board and Commission with background information regarding the monument, saying that current uses such as grazing, hunting, hiking and camping within the area would not change because it had been declared a national monument, but that it could no longer be used for mining. He said that the BLM would have to prepare a management plan for the area to show how, specifically, it will be managed. Mr. Taylor told the Board that he would very much appreciate the Board's involvement in that process. He said that the national monument represented a great deal of potential for Yavapai County in terms of economics, but that it needs to happen in the right way. He told the Board that the Arizona Department of Transportation was interested in building a new rest area on the east side of I-17 and that there was interest for a partnering effort with ADOT to include with the new rest area an interpretive center for the monument. He said the BLM was also receiving assistance in planning from the Arizona State Parks Department, ADOT and other organizations. Ms. Pedrick gave the Board and Commission a brief overview of cultural resources in the area, saying that there are significant cultural sites within the monument, and that the landscape within the monument is pretty much the same as it was in 1200 A.D. She said that many of the sites appear to be defensive in nature, and that there are also some very remarkable rock art sites within the monument. Ms. Pedrick said the Agua Fria River was also an important resource and that it was eligible for designation as a wild river. Mr. Buchanan asked about the financial impact to the County, focusing particularly on law enforcement and roads in the area of the monument, saying that increased tourism to the monument would also likely result in increased usage of lands to the west that are not part of the monument. Mr. Taylor said those were issues that needed to be discussed. He said his office had advised Washington, D.C., that additional money would be needed for law enforcement within the monument and that he had just hired some people for that purpose. He said it was important for the BLM and the County to work together on these types of issues. Chairman Davis said he believed the issues needed to be identified and then it would be possible to figure out how to deal with them. There was brief discussion regarding funding for the monument, during which Mr. Taylor said the management plan would help to determine what level of improvements might occur at the monument and what the cost would be. He said he wanted to be able to work with the Board regarding the impact that the monument will have on Yavapai County, and that the monument needs to be something that will benefit the County. He said he would like to be able to sit down with some people from the County and discuss the

issues related to the monument. Mr. Rozycki said that with regard to the private holdings within the monument, the County was likely to see pressure for development. He asked Mr. Taylor about the status of the BLM lands to the west of I-17, which were not included in the monument. Mr. Taylor responded that the BLM already has a management plan in place for the lands west of I-17, and that the plan did not provide for those lands to be exchanged. He added that general policy for the BLM calls for most BLM lands to be retained. Mr. Taylor said that he was not present on this day to ask the County for money for the monument. Chairman Davis said the Board did not know whether it would participate in any possible funding for improvements. He said the state could be involved, mostly with regard to funding for the new rest area, but that if a decision was made to move the interpretive center away from I-17 to an area that would overlook some of the monument's resources, it was likely that funding from ADOT would be lost. Mr. Taylor said it was unlikely that all of the funding would be lost, but that chances were that a substantial portion of it would go away. Chairman Davis said that the County has a national monument within its boundaries whether it likes it or not, and that Mr. Taylor and the BLM were in the same situation. He said it would not do anyone any good to complain about the process that created the monument, and that instead, everyone needed to look at how to make the best of it. He said it would be important to take advantage of whatever money ADOT might make available. Mr. Taylor reiterated his desire to have the Board work with the BLM on the management plan for the monument, saying that the Board could influence what ultimately happens if it is involved from the beginning. There was brief discussion about "tourism circles" and tying tourism opportunities at the monument to existing tourism opportunities in the Verde Valley and in other parts of the County. Mr. Taylor said he expected to begin the planning process in the fall.

ITEM NO. 3. Meet in joint session with the Yavapai County Planning & Zoning Commission.

1. Report on Planning & Building Department activities and projects. Mr. Rozycki briefly reviewed the activities of his department, including progress on the electronic permitting system, preparation for the Growing Smarter Act and the Growing Smarter Plus legislation, progress on amendments to the Planning and Zoning Ordinance, and activities related to building safety and zoning enforcement issues. Mr. Bridges provided a brief overview of the department's webpage.
2. Discussion regarding Growing Smarter Act, Citizens Growth Management Initiative, Growing Smarter Plus Legislation, and the requirements to adopt a comprehensive long-range County plan. Mr. Rozycki reminded the Board and Commission that the Growing Smarter Act would require an updated or new County comprehensive plan and that this plan would need to be completed by December 31, 2001. He said there was an impression that because of the Growing Smarter Act (GSA) and the Growing Smarter Plus (GSP) legislation, the Citizens Growth Management Initiative (CGMI) would go away but that this was not the case and the CGMI would be on the ballot in November. Mr. Wood said he believed that CGMI and GSA were very similar. Supervisor Olsen said it was true that there were similarities, but that CGMI was an initiative and once approved could not be changed without another initiative whereas GSA was legislative and could be changed by the legislature. He said that CGMI would be a disaster, especially in the rural areas. Supervisor Olsen said that all of the ranches in the County are looking at subdividing into 36-acre parcels before November because of concerns that CGMI will pass. Mr. Rozycki briefly reviewed GSP, saying it would allow the Board to relax the requirements for "small subdivisions" and would require a disclosure affidavit for land divisions. He said it would also require the County to develop a "water budget" as one element of the comprehensive plan, although it would not change the groundwater act or diminish the authority of the Arizona Department of Water Resources. Mr. Schurr said the law makes it clear that water resources are a legitimate concern to counties. Mr. Rozycki said the County would have to adopt a comprehensive plan by December 31, 2001, but that it should also adopt a policy about what constitutes conformance and what is considered to be a major or minor amendment to the County's general plan and community plans. Mr. Schurr noted that GSP was adopted by the legislature in special session and is currently in effect, but that there are elements of the GSP legislation that assume the adoption of a County comprehensive plan. Mr. Rozycki said he considered adopting a policy regarding conformance and defining minor and major amendments to be a priority. He added that the Board must also provide for a citizen review process for any zoning map changes prior to conducting a public hearing, adding that the current Citizen Participation Guides apply not only to zoning changes but also include subdivision plans. There was general agreement that at its next joint session, scheduled for July 26, the Board and Commission should hear speakers on GSA and CGMI.
3. Discussion regarding the Verde Valley Regional Plan and the 2020 Forum on Regional Cooperation in Land Use Planning. Mr. Lockard gave a brief update on the Verde Valley Regional Plan, saying the memorandum of understanding between the various jurisdictions had been signed by the County and by the cities and

towns in the Verde Valley and was now awaiting approval from the Coconino and Prescott National Forests. Mr. Rozycki provided a brief overview of the 2020 Forum. Ramona Maddux, planner with the City of Prescott, said comments from the group were being organized. She noted that the City of Prescott was preparing to begin discussions regarding an airport authority.

4. Discussion of a model intergovernmental agreement with fire districts regarding sharing residential permit information and a partnership for enforcement of fire department access for new single-family residences. Mr. Rozycki reviewed a proposed intergovernmental agreement to create a partnership between the County and fire districts that have adopted the fire code. He reviewed the proposed access standards, saying that the agreement would allow for modification or even omission of access standards when a building is fully protected by an approved sprinkler system. There was brief discussion regarding the standard calling for driveways to be not less than 14 feet wide, and the standard providing for turn-outs every 500 feet if the driveway is more than 1,000 feet long. Supervisor Brownlow expressed concern about the appeals process, saying he did not want fire chiefs to sit on appeal boards. Mr. Schurr said that the fire districts that would be involved have their own elected boards of directors who would also sit as an appeals board. Mr. Rozycki noted that fire districts that have adopted the uniform fire code have the authority to enforce the code. He said that agreement would provide for his department to send copies of building permits for single family residences to the fire districts for review and comment. He said his department would not withhold permits because of comments from fire districts, but that the fire districts do have the authority to stop work on a building if it doesn't meet code. He said that waivers could be given, but that it would be the fire district granting the waiver with regard to fire code access requirements. Supervisor Brownlow said he was concerned about giving the fire districts too much authority. He said he believed any appeal process should be free of charge and should involve someone other than the fire board. Mr. Schurr said that the County's Building Safety Advisory & Appeals Board could overrule a fire district decision. Mr. Rozycki said he had heard concerns about the need for an independent review process and about some of the access standards. He asked if it would be appropriate for him to address those issues and then bring the matter to the Board for approval. Mr. Buchanan said he believed it should go to the Planning & Zoning Commission for a recommendation before going to the Board. There was general agreement that Mr. Rozycki should make changes based on this day's discussion, and present the agreement to the Commission for approval prior to bringing it to the Board. Mr. Rozycki briefly mentioned that the fire chiefs had also been consulted regarding a proposed Ordinance Amendment to require petitioners for naming private streets to install street name signs, but said he felt recommendations regarding that issue were simple and could be presented at a Commission hearing. There were no objections to this plan.
5. Discussion regarding an amendment to the Planning & Zoning Ordinance to specify that the rental, lease or sale of dwelling units in less than 30-day increments is prohibited in residential zones. Mr. Rozycki said this issue had come forward because of individuals renting residential dwelling units in increments of less than 30 days. He said that such activity was similar to a hotel or motel use and could undermine the integrity of residential areas. He briefly reviewed the proposed amendment and said he expected that there would be comments about it at the June 7 Planning & Zoning Commission meeting. Mr. Schurr pointed out that consideration would need to be given as to whether individuals who are currently participating in this type of activity would be grandfathered under the amendment. Ms. Weedon said she did not want to be part of this type of ordinance, saying it was more of a jurisdictional problem than a County problem. She said she believed that if people in a specific area have a problem it should be controlled through CC&Rs and not by the County. There appeared to be agreement with Ms. Weedon's position on the part of several Commission members. Mr. Buchanan said he believed the use of private homes to rent on a daily or weekly basis circumvents residential zoning and that he believed the ordinance was necessary. Chairman Davis pointed out that currently it is possible for someone from out of state to purchase a house in Yavapai County and rent it out as a motel. Mr. Rozycki said he believed it would be necessary to look at some other issues that may not have been intended by the amendment. He said he did not think that the amendment, as drafted, would provide the opportunity for owner occupied residences to be rented on an occasional basis. He said it was important to distinguish between what was a business type of use and what was merely an occasional use. Supervisor Brownlow said that sounded good to him. He said he did not believe the County should get carried away on this issue and that there should be provisions for people who want to rent their home out for a couple of weeks. He said that if the amendment was adopted as written, the County would be forcing people to break the law. Prescott resident Paul Daly said he agreed with Mr. Rozycki's comments, and that it was appropriate to consider controlling the frequency and length of stays in private residences. He said it would be possible to do that and still preclude people using homes as motels. Ms. Lovett suggested also requiring people to pay taxes for this type of use. Mr. Rozycki said that between now and June 7 he would try to come up with modifications to the amendment that

would address unintended consequences and allow for less than 30-day rentals provided it retains the residential character and is not done as a business.

6. Discussion regarding the evaluation of subdivision plans and steps that may be taken to encourage subdividing as an alternative to parcel splitting. Due to a lack of time, this item was held with the understanding it will be placed on the agenda for the next joint session.
7. Discussion regarding adoption of and implementation of Citizens Participation Guidelines. Supervisor Brownlow noted that the developers of the American Ranch felt they were in compliance with requirements, but that people who live in that area disagreed. Mr. Rozycki said he would like to make the Citizen Participation Guidelines a top priority and move it forward for adoption. He said it is already a statutory mandate and that he felt it could be accomplished pretty quickly.
8. Discussion regarding a possible Zoning Ordinance amendment to clarify when use permits and/or variances are used to authorize a use or relax an Ordinance requirement. Due to a lack of time, this item was held with the understanding it will be placed on the agenda for the next joint session.
9. Discussion of proposed amendments to the Planning & Zoning Ordinance and the Subdivision Regulations: Items b. through e. were held for discussion until the next joint session, after Mr. Rozycki quickly identified his priorities for amendments as follows: (1) Prohibiting lodging in residential zones; (2) Citizen Participation Guidelines; (3) fire department access standards for single-family residences/signing of private streets; (4) amendment to Sign Code Ordinance; (5) amendment regarding discontinuance and change of non-conforming uses; (6) possible amendment regarding self-storage facilities; (7) amendment regarding temporary uses such as festivals; (8) evaluation of subdivision plans; (9) amendment regarding use permits and variances; and (10) amendment regarding "sea cargo" containers as an allowable accessory residential use.
  - a. Sign Code, for on and off premise signs on interstates and/or state highways. Supervisor Brownlow said he believed that to get traffic off the main highways it was necessary to allow larger signs. Mr. Rozycki noted that the Board of Adjustment & Appeals often receives requests for larger signs on interstate highways. He said he would suggest limiting the larger signs to freeways or state highways. Mr. Collison said he was concerned about the landscape returning to the 1960's or 1970's with a proliferation of highway signs, saying he would hate to see that happen. Mr. Buchanan said he believed the Board of Adjustment & Appeals had done a good job of addressing this issue.
  - b. Relax standards regarding separation, screening and parking requirements for self-storage facilities.
  - c. Allow "sea cargo" containers that meet specific standards as an allowable accessory residential use.
  - d. Establish an administrative review and approval process for temporary uses such as music festivals, carnivals and other temporary events that attract large crowds.
  - e. Discontinuance and change of non-conforming uses.
10. Discussion of items to be included for the next study session, which is tentatively scheduled for July 26, 2000, in Cottonwood. There was general agreement that this date was appropriate.

There being no further business to discuss, the meeting was adjourned.

ATTEST: \_\_\_\_\_ Clerk \_\_\_\_\_ Chairman