

OFFICE OF THE BOARD OF SUPERVISORS
YAVAPAI COUNTY, ARIZONA

Cottonwood, Arizona May 16, 2001

The Board of Supervisors met in a special session on May 16, 2001 at the Cottonwood office 10 S. 6th Street, Cottonwood, Arizona.

Present: Board of Supervisors: Gheral Brownlow, Chairman; Lorna Street, Vice Chairman; Chip Davis, Member.

Absent: Bev Staddon, Clerk, due to illness.

Planning & Zoning Commission members: Helmut Woellmer; Jacquie Weedon; Linda Bitner; Al Wood; Lee Nelson; Tom Thurman; Staff: Ken Spedding, Development Services Director; Elise Link, Planning Division Manager; Randy Schurr, Deputy County Attorney; Eric Triplett, Parks Coordinator; Deanna Serino, Recording Secretary/Transcriptionist; Enalo Lockard, Permitting & Compliance Director

-

ITEM NO. 1. Land Use Database; Big Chino Aquifer

John Munderloh, Yavapai County Water Advisory Committee Coordinator, gave a presentation reflecting how a database was constructed using GIS data from various sources and how it could be used as a tool for planning. He explained that \$12,000 dollars was spent on this product and it is for our use as a tool to input various types of data that will help with development and planning decisions. It is a tool to enact land development and present different scenarios. Attorney Schurr stated there is an ongoing process through the Arizona Supreme Court to try to answer a numerous amount of unanswered questions to characterize what is surface water and what is groundwater. Supervisor Street asked Mr. Munderloh about the newly formed watershed committee in Skull Valley and where is their water source. Mr. Munderloh responded they get their water from localized aquifers. Attorney Schurr stated that one of the components of developing the General Plan would be to address the availability of water resources.

-

ITEM NO. 2. Overview of the Development Services Department

Ken Spedding, Development Services Director, gave an overview of the new Development Services Department. He went through an organizational chart explaining the new structure of all the departments. Mr. Spedding explained that the Board elected to combine three departments; planning & building, environmental services and flood control to enhance the flow of communication both externally and internally. In doing so, there are now three basic divisions; permitting & compliance, flood control and planning & design review. Services will be combined and centralized. There will also be remodeling of the interior building to enhance these services and create a 'one stop shop' service. Staff will be cross-trained to streamline the Development Services process. The planning & review team will be headed by Elise Link as Planning Manager. Mark Kuhak, Engineer, is now working for Development Services to head the construction portion of the services and improve customer service in the planning process. At this time, Chairman Brownlow asked the Commissioners for comments. Commissioner Wood stated that the Commissioners are concerned about not having a General Plan in place. This is something that is greatly needed in order to have some type of guidance on the decisions they need to make on hearing applications. Mr. Spedding replied that he was approaching the General Plan as a 'project'. He sent out RFP's for the work and we have Ms. Dava Hoffman here today to make a presentation on a proposal her company submitted. Mr. Spedding remembers several years ago that since the Growing Smarter act was passed, not much has taken within the County to comply with legislation. Now that he is Director, he has taken steps to get the process started. Susan Bronson has been appointed to work on the General Plan with the Consultant, Ms. Link and himself to get the process underway. Attorney Schurr stated that there are some revisions that needed to be addressed since 1998 in the present General Plan but have not been addressed to date. The counties are required to do the plan revisions by the end of this year and we do not have the tools to do it as we are still developing the data. Commissioner Woellmer stated he misses the guidance from the Planning Director at the Commission meetings. He feels there is a lack of communication by the Supervisors on information that needs to be shared with the Commissioners before the meetings take place. He also asked that Attorney Schurr be present at all the Commission meetings for guidance and counsel. The public is becoming more educated and it is becoming more difficult to deal with the types of questions the Commissioners are being asked. Supervisor Davis stated having a General Plan in place would help in guiding the Commissioners to make better decisions and would also help the Board of Supervisors. He agrees that Attorney Schurr be present

at every Commission meeting to avoid questionable matters. Commissioner Nelson also agrees. Mr. Spedding stated he would like to create better packets with enough information so the Commissioners can make good decisions on the applications. Commissioner Weedon stated the packets have been adequate. It is the unexpected questions that arise where they need Attorney Schurr's advice on. Supervisor Davis stated he sees the individual community plan making up the general plan. He then asked Mr. Spedding if the department plans on having the employees cross-trained and have multiple certifications. Mr. Spedding replied it would be up to the individual but he does want to work toward that in certain departments. There was some discussion regarding cross-training of employees.

ITEM NO. 3. General Plan Update/Community Planning

Dava Hoffman of Dava & Associates gave a presentation on her proposal for the General Plan Update to be considered by the Board. She introduced Rick Counts with Community Sciences Corporation who worked on the proposal as a joint venture with Dava & Associates in order to address all of the needs of Yavapai County. Ms. Hoffman went on to explain the process of developing a General Plan and the effort that goes into creating one. We will need a major public participation program for the growth plan and she explained all the issues that will need to be addressed in the process. There are a series of elements that are required by state law that was passed in 1998. She stated that the Growing Smarter Commission is more concerned about the municipalities making the effort to update their plan and meet the intent of the law rather than meeting an actual calendar date. She suggests this General Plan to be flexible and then we can fine tune it after the initial plan has been submitted to the state. At this time, Mr. Count explained his company's position and their contribution in developing Yavapai County's General Plan. The 3 major aspects of Dava & Associates' proposal are:

- Plan elements
- Implementation of the Plan
- Coordination of what already exists and what will be newly written

Ms. Hoffman stated that the goal is to involve all departments of the County in creating the General Plan as it affects each of them. Commissioner Wood asked what timeframe do we have to work with to create a General Plan. Ms. Hoffman replied a typical timeframe is approximately one year. She stated that we have an artificial deadline to meet in 4-months. She feels this is unrealistic to put together a good plan. The best approach would be to concentrate on background data gathering while enacting the public participation program and try to get something to the Commission and Board of Supervisors at the end of the year that will deal with the vision and goal statement. Then we can go into the detailed elements in the Spring of next year. Commissioner Weedon asked if we are not done in the timeframe allotted, what will happen. Ms. Hoffman said there is no penalty although if we don't show them we are working towards meeting the deadline, there could be repercussions later. Attorney Schurr agreed and strongly recommends that the County have a plan in the adoption process by the end of the year.

Attorney Schurr brought up an issue that the state legislature is requiring that the County identify every land use change to see whether it is a major or minor event. This is supposed to be defined in the plan and, unfortunately, it is not. This requirement becomes effective immediately. He proposes we immediately adopt guidelines to define what is a major amendment and he suggests we use Maricopa County's guidelines although it can change in the future. The consensus was that we needed to have the first phase of a General Plan in place by December to present to the State with the intent of fine tuning it afterward. What we need to decide is the type of information we will need to submit at that time. Supervisor Brownlow stated that the Supervisors will put Dava & Associates proposal on the agenda for consideration at the June 4th Board of Supervisors meeting.

ITEM NO. 4 Open Space and Parks

Eric Triplett, Parks Coordinator for Yavapai County, presented an overview of the direction the County is moving toward developing a Countywide Parks System. This will become part of the General Plan. Mr. Triplett went through a list of developed and undeveloped parks in Yavapai County. Currently we have five grants with the state of Arizona for the following parks; Cordes Junction Park, Quail Ridge Park, Lynx Creek Natural History Park and the Windmill Park. He stated there is a need to acknowledge, identify and include recreational needs, identify trails and preserve open space in the General Plan. Supervisor Brownlow stated there is a meeting with the Forest Service on Friday the 25th at 9:00 in the Prescott Police Department and anyone is welcomed to come. He stated they have money to build trails but no revenue to plan them and they are asking Yavapai County to assist them in this endeavor. He wanted it known that he does not want Yavapai County to maintain these trails.

Supervisor Brownlow stated within the County of Yavapai, there are 8,100 square miles. Of that, there are 2,021 privately owned square miles which makes up 25% of the County, State owned land is 2,145 square miles which is 26% and BLM land is 722 square miles at 9%. In the national forest, there are 3,000 square miles which makes up 37% of the County. He asked, when the developers leave an amount of open space, who is going to own that space and who is going to maintain it? Commissioner Woellmer stated it is the subdivision developer's responsibility to maintain it. Supervisor Brownlow agreed. Discussion ensued on the responsibility of maintaining open space and trails and how the County is not in a position to enforce this maintenance and issues of liability. Supervisor Davis gave an update on their efforts in the Verde Valley to address the open space issue. They are asking for public input on the open space they would like to contain, and their opinion on what could be done with the remaining land. He distributed a questionnaire they are generating in the Verde Valley for public input. Elise Link stated we should be very careful on how we reflect open space on maps.

-

ITEM NO. 5. Current Planning/Ordinance Amendments

Supervisor Davis needed to be at another meeting. Before he excused himself, he wanted to suggest that we create an ordinance review committee. Commissioner Thurman stated that he is a Board Member of the Yavapai County Contractor's Association and offered his assistance in this endeavor. The consensus was this was a great idea. Mr. Spedding stated the department is looking at going through and rewriting all of the ordinances and asked Attorney Schurr to help with the revisions of the Zoning Ordinance and Subdivision Regulations so there will be more clarification. Also, they are looking at revising the drainage criteria manual which is tied to both the zoning and subdivision regulations. He will also be looking at revising the building code and plans on adopting the International Building Code 2000. On all of these, he hopes to have public input on. Subdivision regulations will be rewritten. Changes will not be reflected in amendments. Ms. Link asked for input by the Board of Supervisors and the Commissioners to let her know what they would need staff to do to help them better understand the planning issues being presented at their meetings and help the meetings go smoothly. Commissioner Weedon suggested having information available to the public when they enter the meeting room pertaining to procedural guidelines that need to be followed. For example, not allowing them to bring last minute letters or information to the meeting for consideration and, if the application is not complete, they will not be allowed to be heard that day and their application will be deferred. Attorney Schurr advised that we couldn't stop the public from submitting last minute information. Commissioner Nelson agreed that we should have some type of procedural guidelines at the entrance door for the public to read when entering the meeting. Commissioner Weedon suggested we have the procedures reflected on the screen as people come in and sit down, they can read them. It was discussed that if the applicants do not like the decision the Commission makes, they go to the Board of Supervisors and try to have them change it. It must be written that if an applicant does not have a completed application that complies with the ordinance, it will not go to the Commission. Commissioner Woellmer stated enforcement is a problem and there are too many violations. The Board has already asked Mr. Spedding and Attorney Schurr to address this issue. Discussion went to the Zoning Ordinance Amendment scheduled to be heard at the upcoming Board of Supervisors meeting next week. Commissioner Wood asked for guidance on this issue. Attorney Schurr stated that these types of issues needed to be decided by the Board of Supervisors, not the Commission. Commissioner Weedon stated this is a CC&R issue, not a County one. Supervisor Street asked Attorney Schurr's advice on what their options were on how to vote on this issue. Attorney Schurr advised the Board of Supervisors that if they are not prepared to approve this, then they need to deny it and state that it can be reconsidered as part of the ordinance revision process. Discussion went to building codes and the areas in the County that need to comply.

ITEM NO. 6. Legislation and Litigation

Attorney Schurr reviewed changes in legislation:

- Board of Adjustment members no longer have to reside over unincorporated areas
- The amount of lots required to file a preliminary plat was omitted
- For Realtors, a disclosure requirement was taken out and replaced with an affidavit form
- Timeshare statutes changed; one specific change was that the state included a section that states the Counties will continue to have regulatory authority
- An exemption was added; agricultural composting is now exempt from County regulation. Mr. Schurr stated we will have to amend our ordinance to reflect this change.

Attorney Schurr also provided a summary of recent pending litigation and appeals from various land use decisions and Board of Adjustment action in the County. Presently there are three pending lawsuits that were generated on radio towers that were permitted in Black Canyon City. The Commission recommended denial and the Board of Supervisors decided to approve. Supervisor Brownlow stated the County will receive \$50,000 for 5 acres regardless of how the lawsuit turns out. We are being sued by Alamosa PCS under the Telecommunications Act. They asked for a jury trial.

-

ITEM NO. 7. Ideas for Future Joint Session Topics

Supervisor Brownlow suggested that instead of having these types of meetings, maybe we could have a combined meeting. Whenever the P&Z Commission has a short agenda, the Board would join them in the afternoon for a joint session. Mr. Spedding stated that he would prefer to keep these types of joint session meetings. For our next meeting in August, it would be a prime time to provide an update on the workshops and processes that will be ongoing in getting the General Plan underway. Also, he suggested maybe having work-studies with the Commissioners and staff prior to the Public Hearings to get together and answer any questions, concerns or legal issues they may have on the items being heard.

There being no further discussion, the meeting was adjourned.

ATTEST:

_____Clerk _____Chairman