

OFFICE OF BOARD OF SUPERVISORS

YAVAPAI COUNTY, ARIZONA

Prescott, Arizona  
2001

June 18,

The Board of Supervisors met in regular session on June 18, 2001.

Present: Gheral Brownlow, Chairman; Lorna Street, Vice Chairman; Chip Davis, Member; Bev Staddon, Clerk.

Also present: Jim Holst, County Administrator; Dave Hunt, Board Attorney/Assistant County Administrator.

ITEM NO. 1. Board of Supervisors.

1. Review of 2001-2002 budget issues with County Administrator Jim Holst, including discussion regarding Yavapai County building plans for property on Highway 260. Mr. Holst said that over the past several weeks he had been monitoring expenditures and revenues, and that the budget had not changed much since the last time he had discussed it with the Board. He said that the revenue picture had not changed much, but that state officials were now more confident about sales activity on a statewide basis. Mr. Holst said the Board still had not determined what to do regarding contributions to outside programs, but that he had set aside \$170,000 for that purpose. He added that some changes had been made in the budget with regard to health insurance and the like. Mr. Holst told the Board that this was the first year the County would be involved in a Truth in Taxation hearing, even though it appeared likely that the County's tax rate would be reduced by one cent. There was brief discussion regarding the Truth in Taxation hearing, during which there was general agreement that in addition to the hearing to be conducted in Prescott on July 2, 2001, a second hearing should also be conducted in the Verde Valley at the July 16, 2001, Board meeting.
2. Discussion and possible action regarding Forest Fees and the P.L. 106-393 Program. Supervisor Davis asked whether the Sheriff's forest patrol would qualify for expenditures under Title III of the program. Mr. Hunt said it would. Supervisor Davis asked if trails would qualify. Chairman Brownlow said the Forest Service had money to build trails but that it did not have money for planning for trails, and that it might be possible to include trails planning under Title III. Mr. Hunt noted that under the program the County could also purchase conservation easements. Chairman Brownlow said he was leaning towards Title III projects. Supervisor Davis said he was, too, and that he would like to pursue expenditures for the Sheriff's forest patrol and for trails. Mr. Hunt suggested compiling a list of individual projects that Board members might be interested in, saying that once the list was compiled he would discuss it with Prescott National Forest Supervisor Mike King to see if the

projects are permissible under Title III of the program. He added that the P.L. 106-393 Program appeared to be a win-win situation for the County. Supervisor Street asked if provisions under Title III of the program for fire prevention, planning, zoning and educational programs for the prevention or mitigation of wildfire impacts would allow the County to spend money for the Urban-Wildland Interface Commission and the County General Plan. Mr. Hunt said he would talk individually with each Supervisor to compile a complete list of proposed projects and then talk with Mr. King to see which projects could be included under the program. Supervisor Street said she had questions about where the funds would go and who would monitor them. Chairman Brownlow said he felt the Board first needed to decide whether to participate in the program and then work out the details. Supervisor Davis moved to pursue participation in Title III of the P.L. 106-393 Program. Supervisor Street seconded the motion, which carried by unanimous vote. No comments from the public.

3. **Discussion and possible action regarding proposed intergovernmental agreement with the City of Prescott for Willow Lake Road.** Mr. Holst told the Board he believed the major portion of this agreement had to do with the County making a contribution to the City of Prescott for its downtown parking garage, but that the City was also requesting that, in exchange for taking over responsibility for Willow Lake Road, the County also commit to making future improvements on the road that would including widening it to four or five lanes. He said he saw no advantage to the County pursuing the agreement in its current form at this time. Supervisor Davis said he thought the Board should thank the City for injecting some humor into this day's Board meeting. Supervisor Street noted that the letter from Prescott City Manager Lawrence Asaro which accompanied the draft agreement referred to a reaffirmation of the County's commitment on the parking garage. She said she had not made a commitment on a parking garage and that she did not agree with the proposal that the County widen Willow Lake Road at some time in the future. She suggested letting the City have Adams Street and Forbing Park, saying that she was not in favor of the agreement presented by the City. Chairman Brownlow pointed out that the right-of-way on Willow Lake Road was no longer adjacent to the City's boundaries but was now inside the City limits. He said that several years ago the County had made a commitment to contribute \$250,000 towards the downtown parking garage and that the Board had included that contribution in the budget for a number of years but had never heard anything more about it from the City of Prescott and instead had begun looking at other ways to increase County parking spaces in the downtown area. Mr. Holst said that the \$250,000 contribution had always included the understanding that the City would look at how to mitigate the 20 parking spaces that the County was supposed to have as a result of its participation in the original parking lot on Granite Street in downtown Prescott. He said the County had told the City that if it would let jurors park anywhere downtown, then the County would not need the 20 spaces in the parking lot. Supervisor Street said she was not sure there had been enough official discussion about this matter. Supervisor Davis moved to not enter into the intergovernmental agreement, saying the City of Prescott could come forward with a different agreement. Supervisor Street seconded the motion, which carried by unanimous vote. No comments from the public.
4. **Consider approval of amendment to Mayer Senior Center Block Grant Project.** Mr. Holst explained that the project had not been completed, mostly due to difficulties volunteers had encountered in finding funding sources to help pay for finishing the building. He said the state had indicated that it was considering ending the project, but that NACOG did not agree with that decision. Mr. Holst said staff

believed the most prudent thing to do would be to request an amendment to the agreement which would provide additional time to finish the project. Mr. Hunt noted that the shell of the building was in place and that it was simply a matter of being able to complete the interior. He said the CDBG people had said they felt the County should repay what had already been paid out for the project, but that NACOG felt the County had fulfilled its obligations. Supervisor Davis moved to approve requesting an amendment for an extension of time to complete the project. Supervisor Street seconded the motion, which carried by unanimous vote. No comments from the public.

5. Consider approval of items appearing on the Consent Agenda for Board of Supervisors and on the Consent Agenda for Special Districts. With the exception of items 1.b., 5.b., and 7.b., all items were approved by unanimous vote. Motion by Supervisor Street, second by Supervisor Davis. No comments from the public. Supervisor Street noted that there was no back-up information for several items on the Consent Agenda, saying she felt that if there was no back-up provided the item should not go on the agenda. See Consent Agenda for details.

ITEM NO. 2. Merit Award Board Member Joyce Zuber. Approve William "Bill" Frank, Development Services Department – Environmental Unit, as Employee of the Month for June, 2001. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Street. No comments from the public.

ITEM NO. 3. County Attorney Sheila Polk. Request for advanced step hire for Attorney Senior position, grant funded. Human Resources Director Julie Ayers participated in discussion of this item. Ms. Polk told the Board that she had lost two very experienced attorneys, one to retirement and the other to a judgeship, and that she had the opportunity to hire an attorney with many years of experience. She said she had existing grant funds to pay for the advanced step salary, adding that she would like to bring the new attorney in at Range 67, Step 15. Supervisor Street moved to approve the request. Supervisor Davis asked if this would be an additional staff member. Ms. Polk responded that it would not be, and that there was a vacancy to be filled. She said that the grant used to pay for the position had been a grant in the County Attorney's Office for many years. Supervisor Davis seconded the motion, which carried by unanimous vote. No comments from the public.

ITEM NO. 4. Health Department Director Marcia Jacobson. Consider approval of a lease agreement for property at 216 S. Marina Street, Prescott. Mr. Hunt explained that the purpose of the lease was to house the Home Health and Attendant Care programs until such time as the new building on Fair Street is completed and the programs can be moved to that location. Approved by unanimous vote. Motion by Supervisor Street, second by Supervisor Davis. No comments from the public.

ITEM NO. 5. Convene in executive session pursuant to A.R.S. 38-431.03(A)(1), personnel matter, to discussion position placement of County department heads for purposes of the at-will compensation program. Due to time constraints, this item was taken out of order and was done during the lunch break.

Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Street.

ITEM NO. 6. Development Services Director Ken Spedding and Senior Planner Elise Link. Planning and zoning. Planning & Zoning Commission Chairman Helmut Woellmer was present to represent the Commission.

1. Zoning map change from R1-35 to R1L-10, 406-11-001B, Cottonwood area, Mike Gardner, Casa Verde Consulting, agent for Michael Mulcaire, #7213. Consideration of a Zoning Map Change from an R1-35 [Residential; Single Family, thirty-five thousand (35,000) square feet minimum lot size] zoning district to an R1L-10 [Residential; Single Family Limited, ten thousand (10,000) square feet minimum lot size] zoning district on approximately 1.73 acres. Located on the south side of Fir Street near its intersection to the west with Settlers Circle and to the east with Paradise Drive. This site is outside the boundaries of any adopted community plan area. The Planning and Zoning Commission recommended denial of the Zoning Map Change. Cottonwood Division Permitting & Compliance Director Enalo Lockard participated in the presentation. Ms. Link said that this request would increase density in the area, but that it would also limit the type of housing that could be built on the property to site-built homes. She said the Commission had recommended denial on a 4-to-3 vote, and that it appeared that the Commission's concern had to do with allowing the property to be split nine ways without requiring the applicant to go through the subdivision process. She said the Commission had no problem with limiting the property to five splits. Ms. Link said she had also received a letter from the City of Cottonwood suggesting that it would be appropriate for the applicant to pursue the rezoning through the subdivision process if more than five splits were allowed. She said that, in addition, the Verde Valley Regional Planning Resolution discourages this type of splitting. She told the Board that the applicant had provided staff with two additional letters of support but that letters of opposition had also been received which represented 20% of the adjacent property owners, therefore requiring a unanimous vote of the Board in order to approve the application. Supervisor Davis asked if the City of Cottonwood would allow the applicant to connect to the City's sewer system. Ms. Link said that annexation into the City was not required in order to connect, but that it was technically and economically not feasible for the applicant to connect. In response to a question from Supervisor Street, Ms. Link said that the use of properties surrounding the subject property was single-family homes. Applicant's agent Mike Gardner said the subject property was the only property in the area that would allow mobile homes and that area residents would be given the opportunity to increase density in exchange for protection from mobile homes coming in. He said that eight property owners were opposed to the application and that 19 were in favor of it, with most of those in favor fronting on Fir Street directly across from the applicant's property. Mr. Gardner said that with regard to sewer connections, it was physically and economically not feasible for the applicant to connect to the City of Cottonwood's sewer system. Chairman Brownlow asked Mr. Gardner what the applicant was going to do with the property, saying that the County had asked for a site plan but that one had not been provided. Mr. Gardner said the applicant had been asked to draw the ultimate density of the parcel, but that the applicant was not considering doing a subdivision. He said the applicant intended to split the parcel only five ways and had asked for R1L-10 zoning in order to have some flexibility with the shape and size of the parcels. Mr. Gardner said the applicant also agreed that one or two accesses to Fir Street were all that should be allowed. Lyman Young said

he owned property adjacent to the applicant's property, that he had a well near the property line, and that he did not want to see four or five septic systems on the applicant's property. Sue Franquero said she owned property on the other side of Fir Street, across from the applicant's property, and that if a person owns property he should be able to do with it as he chooses as long as it does not encroach on anyone else. She said she was in favor of the application, and that she would prefer to not see mobile homes on the property. Supervisor Street said her problem with the application was that there was no plan, and that she wanted to know how many homes would be built on the property and how many septic systems there would be. She said she wanted to know now what would be on the property and what it would look like. Supervisor Davis said that in the past the Board had talked about creating a tiered type of system for subdivisions, and that he thought the Board was dealing with this applicant's request because of the absence of such a system. He said that with a tiered system a person could do small projects more easily and that they could come with a solid plan. Supervisor Davis said perhaps the applicant's request was the first one the Board should consider for such a system. He said the Board should consider letting the applicant do a plan for the property, but should adjust its criteria so it would be economically feasible for the applicant to do so. Mr. Spedding said the applicant could still come in with a request to split to five parcels and could still provide a site plan showing ingress and egress. Ms. Link said she believed the Commission really wanted to see a site plan showing ingress and egress. She said that under the current zoning, the applicant could have only two splits but if the property was rezoned to R1L-10 the applicant could split it nine ways. Mr. Gardner said the applicant had no problem being restricted to five splits. He reiterated that the request for R1L-10 was simply to allow for some of the parcels to be smaller or larger, depending upon topography. He said that two accesses onto Fir Street might be necessary in order to satisfy the fire district's requirements, but that the applicant would work to keep it at just one access. Chairman Brownlow asked if it would be possible to rezone the property to R1L-10 but stipulate that there could be no more than five lots. Mr. Hunt said the Board could do so. Mr. Woellmer said that at the Commission meeting Mr. Gardner had been asked directly by the Commission whether the applicant was willing to go with just five parcels on the property and that the answer had been no. He said he had voted against the application because of the number of septic tanks that would end up on a small lot, but that he did not believe the Commission would have any problem with the application if it was restricted to five lot splits. Ms. Link said she believed the restriction to only two accesses was to ensure that, absent a site plan, there would be only two accesses. Supervisor Davis said he would prefer to see only one driveway, and that perhaps access could be restricted to one unless the fire department required a second access. He asked if the applicant would stipulate that the roads are private. Applicant Mike Mulcaire said he was planning to pave the roads. He said he agreed with Supervisor Davis' comments regarding a tiered PAD system. During review of the proposed stipulations, Mr. Gardner said he did not believe the applicant had a problem with dedicating a one-foot nonvehicular access easement along the alley on the west side of the property, and that doing so would provide some protection for the neighbors on that side of the property. Supervisor Davis moved to approve the application with the following stipulations: (1) The zoning map change shall conform to the Letter of Intent and site plan dated February 28, 2001. No more than five parcels may be created. The applicant shall submit a survey map for recordation illustrating no more than five parcels, with a note on the survey map to state "No further splitting of parcels." Map to be recorded prior to issuance of building permits, and zoning map change to be contingent upon recordation of the survey map.; (2) ADEQ/Yavapai County Environmental Services Department shall approve sanitary facilities (including any agency requirement that sewer connections be made) before

the Certificate of Occupancy is issued; (3) access onto Fir Street shall be limited to one access point unless two are required by the Fire Department. Access point(s) shall be reviewed and approved by the Yavapai County Engineer in coordination with the City of Cottonwood. A one-foot non-vehicular access easement along the applicant's remaining contiguous property on Fir Street and along the western boundary shall be recorded before a lot is sold; (4) The Yavapai County Addressing Coordinator shall approve all addresses before the Certificate of Occupancy is issued; (5) the applicant shall record a disclosure document with the Yavapai County Recorder's Office in which he discloses the stipulations upon which this zoning map change is conditioned. The disclosure document shall be properly recorded in the subject property's chain of title and shall be recorded before selling the subject property or any portion thereof; (6) Flood Control review and approval prior to issuance of building permits; (7) road improvements to provide all-weather access to each individual lot and to be in place prior to the Certificate of Occupancy for the residences; (8) local fire district review and approval prior to issuance of building permits; and (9), certificate of compliance shall be required prior to the Certificate of Occupancy being issued. Supervisor Street seconded the motion, which carried by unanimous vote.

2. Zoning map change from R1L-70 to C2, 407-23-003F and J, Cornville area, Tom Pender, P.E., Pender Engineering agent for David P. Mongini/G.M. Fratelli General Partnership, #7121. Consideration of a Zoning Map Change from R1L-70 [Residential; Single Family Limited, seventy thousand (70,000) square feet minimum lot size] zoning district to C2 [Commercial; Neighborhood Sales and Services] zoning district to allow the construction and operation of a Texaco Service Station and a fast food restaurant on an 11.58 acres parcel. Located on the west side of Highway 89A near its intersection with Bill Gray Road and approximately three-fourths mile north of Cornville Road. The Planning and Zoning Commission recommended denial of the Zoning Map Change. Ms. Link told the Board she had received a letter from the applicant requesting an extension of time. Supervisor Street moved to continue this item. Supervisor Davis said he needed Mr. Woellmer's and the Board's input on this matter. He said the reason for requesting an extension of time was to allow the applicant to better present his case. Supervisor Davis said that was not really the Board's process, and that he did not believe a new presentation should be allowed. He said if there was new information, the matter should be remanded to the Planning & Zoning Commission. Ms. Link said she believed it would be appropriate to refer the matter back to the Commission. Applicant's agent Tom Pender said there was new information. Supervisor Street withdrew her motion. Mr. Pender said that staff have failed to provide the applicant with information throughout the process, that he was given the wrong time to appear at the Commission meeting, and that his item on the agenda had been moved forward. He said there had been passionate discussions at the meeting regarding open space and comments that this application represented spot zoning. Mr. Pender said it was his understanding that the City of Cottonwood was supportive of the application, and that there were 41 acres across the highway zoned for commercial use and an approved PAD next to the applicant's property. He told the Board that he wanted to be able to present the project appropriately and that he would appreciate the opportunity to go back to the Commission. Ms. Link said that although it was possible that staff had lost track of something, she had to disagree with Mr. Pender's comments that staff had given him the wrong time for the Commission meeting. She said he should have been given an agenda for the meeting. Ms. Link said that with regard to Mr. Pender's comments regarding staff's failure to provide him with information, she did not know what he was talking about. She said she had received a number of letters of opposition from individuals, as well as a letter of concern from the Cornville Community Association. She told the Board that

the City of Cottonwood was in the process of obtaining signatures to annex the applicant's property, and that she believed annexation would occur within a matter of months. Ms. Link said she believed that at the Commission meeting it was felt that this request for rezoning was premature. Supervisor Davis asked if the applicant had been given an opportunity to present his request at the Commission meeting. Mr. Woellmer said he believed that applicant had been given that opportunity. He said that the Commission had moved one item up on its schedule that day, at the request of the public. He asked Mr. Hunt whether the applicant's request on this day would generate a new application for the Commission. Mr. Hunt said that if the Board considered and denied the application on this day then the applicant would have to file a new application in order to have the matter reconsidered, but if the Board remanded the application back to the Commission a new application would not be required. Mr. Pender said he had not received copies of the letters of opposition, and that if those letters were new information then he should have copies of them. He said he had been told to be at the Commission meeting at 9:45 a.m. because his item would be considered at 10:00 a.m., and that no one had asked him if he wanted to have his item moved forward on the Commission's agenda. Mr. Spedding said the Commission meeting was scheduled for 9:30 a.m., and that what was in the packets for the Commission meeting was what staff had at that time. He said that if materials come in after the packets go out, staff needed to find a way to get that information out to the appropriate parties. Supervisor Davis pointed out that the Board's agenda indicates that times are estimated and that people should be present 15 minutes early for items in which they are interested. Mr. Spedding noted that the Commission agenda has only one time listed, 9:30 a.m., with the items to be considered listed below that time. He said he believed the Commission had the right to consider items out of the order in which they are listed on the agenda. Mr. Hunt said he agreed, and that people need to be advised to be present at the listed time. Mr. Spedding said he would like a list of items that Mr. Pender contended staff failed to provide. Torston Hilldale of the Cornville Community Center told the Board that the applicant had come to the community association a year ago to present his plan, and that he knew then there was overwhelming opposition to it. Joe Schirada said he had attended the Commission meeting and that this item had been considered beginning at 9:50 a.m. He said he believed that Mr. Pender had been given ample opportunity to present his case, saying that no one had cut him off. Joan McClelland said she also had been at the Commission meeting, and that people have to be there when the meeting starts. She told that Board that everything Mr. Pender had said on this day was what he had said at the Commission meeting, and that there was no new information. Bob McDonald said he was president of the Lake Montezuma Property Owners' Association, and that his organization would be working with other nearby property owners' associations to ensure more input on issues like this one. He said his organization wanted to stop poorly planned sprawl. Bill Kustner of Keep Sedona Beautiful said his organization was very concerned about sprawl. Mr. Woellmer asked the Board to keep in mind that the applicant was asking for rezoning of about 11.5 acres, while the project was only about two acres in size. Joanne Johnson said the Verde Valley Regional Plan and open space plans needed to be considered, and that the commercial property across the highway from the applicant's property might never be developed. She said that Mr. Pender had his opportunity to make his presentation. Supervisor Davis said he had not heard anything new on this day. Mr. Pender said if the Board was not going to remand the application back to the Commission, then he would like to make a presentation to the Board. Supervisor Davis said there was nothing new here, noting that the application was for the rezoning of more than 11 acres. Mr. Pender countered that a site plan would have to be approved for each phase of development if rezoning was approved for the entire 11 acres. Supervisor Davis moved to deny the application.

Supervisor Street said the Board had not received a presentation on this matter. She said she had read the minutes of the Planning & Zoning Commission meeting, but that the Board had not had a presentation or followed its normal process. She said she did not think there was anything in the application about a mall going on the applicant's property, but that she had heard someone say something about a mall. Chairman Brownlow said if the Board was going to send the matter back to the Commission it would not have to hear a presentation on this day, but if it was going to approve or deny the application instead it would need to allow Mr. Pender to make a presentation. Supervisor Street said there were no stipulations in the Board's packet and that she was not prepared to make a decision on this project on this day. She said that the people who had spoken on this day were the same people who had spoken at the Commission meeting and that their comments were the same. Supervisor Davis withdrew his motion and asked for a presentation by the applicant. Mr. Pender said he believed the concern was that there would be sprawl if the application was approved. Supervisor Street asked Mr. Pender to explain what he wanted to do on the property. Mr. Pender said the applicant wanted to develop a Texaco service station with a convenience market on about two acres. He said the property was located at a regional intersection that was supposed to be getting a traffic light. Mr. Lockard noted that the north portion of the Verde Santa Fe project, which he said was across the highway from the applicant's property, was zoned PAD and that it would include commercial development and a resort. Mr. Pender said it was also his fault that he had not presented some information very well to the Commission. He said he wanted everyone to understand that he was not personally attacking the people who were here on this day to oppose the application. He said the applicant's property was bounded by commercial property, a school and a highway, and that the applicant would have to come back with a site plan for each phase of development. He said the applicant was trying to promote reasonable and controlled development. Chairman Brownlow said the Board needed to clarify what it was going to require with regard to rezoning requests. Mr. Spedding said what he was hearing was that the Board might have different requirements for commercial and residential rezoning requests. He added that there was very little time between Commission and Board hearings, and that having a little more time between hearings might provide for a better process. Chairman Brownlow said he was opposed to rezoning the entire 11 acres, saying that the Board needed to know what types of buildings and operations would be on the property. Supervisor Street said she agreed that the Board needed some study sessions about how it wants zoning to work and the like. Supervisor Davis moved to approve the recommendation of the Planning & Zoning Commission, which was to deny the application. Supervisor Street seconded the motion, which carried by unanimous vote. Supervisor Davis said the Board needed to have a standard about what it would review with regard to these issues, adding that he would prefer to see only what the Commission is provided. Supervisor Street said the Board needed to decide where the information starts and stops and how many hearings it will have on these issues.

3. Use permit renewal and expansion for a horse training facility, habitation of an on-site recreational vehicle and to allow a secondary dwelling unit in an R1-35 zoning district, 408-32-012L and W, Sedona area, Rygh and Trish Westby, #7228. Consideration of a Renewal and Expansion of a Use Permit in an R1-35 [Residential; Single Family, thirty-five thousand (35,000) square feet minimum lot size] zoning district on a 5.26 acres parcel for the operation of a horse training facility and to allow the habitation of an on-site recreational vehicle (RV) by a caretaker and to allow a secondary dwelling unit. Located on the west side of Elmersville Road, approximately one thousand four hundred twenty-seven (1,427) feet from its intersection with Red Rock Loop Road in the Sedona area. The Planning and Zoning Commission recommended approval of the Special Use Permit



subject to the following stipulations: 1). Previously approved Use Permit to be approved for a seven (7) year non-transferable basis and including the habitation of a secondary dwelling unit; 2). The development shall conform to the Letter of Intent dated April 5, 2001 and with the Site Plan received on April 9, 2001; 3). The number of horses maintained at one time shall not exceed fifteen (15); 4). Public equestrian events and public trail rides are prohibited; 5). Horse trailers owned by the customers shall not be parked on the premises overnight; 6). A portable fire extinguisher shall be maintained in each barn; 7). Stalls, arenas and turnout areas shall be cleaned at least once daily; 8). Manure shall be removed from the property in accordance with the Applicant's Letter of Intent; 9). Masonry sand and/or masonry sand mixed with manure-free shavings shall be used to cover the dirt in the arenas as a dust control measure; 10). The Kachina Stables (a.k.a. Trails Adventures) directional sign may remain but cannot be replaced by a similar, different sign; 11). Outdoor lighting shall comply with the intent of the Yavapai County Dark Sky Ordinance; 12). No other person(s) shall occupy the RV trailer except the ranch caretaker; 13). The rental of the secondary dwelling shall conform to the Yavapai County Planning and Zoning Ordinance's regulation of the residential property; 14). The parcel shall not be divided during the time that the Use Permit is in effect; 15). Environmental Services review and approval of septic system for the RV and secondary dwelling unit prior to occupancy; 16). All other applicable County permits to be obtained within sixty (60) days of the Board of Supervisor's approval; 17). Certificate of Compliance to be issued within ninety (90) days of the Board of Supervisor's approval; 18). RV approved as a dwelling for five (5) years only, to be painted and totally screened; 19). Off site Kittredge lease to be in effect during the period of the Use Permit. Ms. Link explained that the expansion would involve allowing a caretaker to live in an RV on the property, and the rental of an existing dwelling that had been on the property for about 30 years. She said the Commission had recommended that use of the RV not exceed five years and that it be both screened and painted. She told the Board this was a temporary use permit and not a zoning map change because the use was not permanent. Ms. Link added that the use permit would be non-transferable. Chairman Brownlow said he was concerned about the RV, saying the Board had denied similar requests for habitation of an RV from people who were taking care of their parents. He asked why the Board should allow it in this case. Ms. Link said it was not allowed unless a use permit allowing it was approved. Mr. Westby told the Board that he and his wife had proven themselves over the last five years and had done what they said they would do. He explained that they train horses, saying that the horses they train are very expensive and that an on-site caretaker was necessary. He said his operation did not generate much traffic, and that there were only four people who lived in Sedona and boarded horses on his property who came out to ride. Mr. Westby told the Board that with regard to screening the RV he would do whatever the Board wanted him to do. He said he was a big believer in keeping things clean, and that over the last five years he and his wife had removed more than 500 cubic yards of weeds and trash from the property, as well as seven junked cars and an old doublewide trailer. He pointed out that he had submitted approximately 20 letters of support for his application. Merry Shanks told the Board this was a commercial operation in a residential area. She said she was concerned about the number of residences on the property and especially about the RV. She said if the Board was going to approve this use, it should not allow expansion and should ensure that reviews are done on an annual basis. Steve Holland, Jay Elmer and Jim Elmer also spoke in opposition to the application, primarily citing concerns about a commercial operation being allowed in a residential area and the effect it might have on property values, flies and odor. Cynthia Parent spoke in favor of the application, saying she boarded a couple of horses with the Westbys and that their property was possibly the nicest one in the

area. She said the second dwelling on the property had been there for many years, that one could not see the RV from the road, and that neighbors in the area also had horses and that some of them did not bother to clean up manure. Bob Kittredge said he leased land to the Westbys, that they were very good neighbors and that he strongly supported this application. Debbie Dobson also spoke in favor of the application, saying she had never noticed offensive odors from the Westby property and that there were RVs being inhabited all over the area. In response to a question from Chairman Brownlow regarding the use of feed that kills flies, Mr. Westby said the horses on his property are wormed regularly, and that there were some questions about the safety of using systemic feeds. He said that some of the manure from the horses is hauled out on a weekly basis, while some of it is placed on the leased Kittredge property and some of it is composted. Chairman Brownlow said he would like to see the manure trailer covered. Supervisor Davis asked Jay Elmer whether he would still have a problem with the Westby operation if the Kachina Stables were not in the area as well. Mr. Elmer responded that it would still be a problem because it is a commercial operation in a residential area. Supervisor Davis said he thought perhaps the Westbys were taking the brunt of peoples' anger with the Kachina Stables, which he said was an abusive situation. Supervisor Davis asked Jay Elmer if he believed the Westbys had improved the property by cleaning it up and improving the road. Mr. Elmer responded that he preferred a dirt road. In response to a question from Supervisor Street, Mr. Woellmer said the Commission had recommended a seven year permit to match the lease agreement for the Kittredge property. He added that it was a temporary, non-transferable use permit. Supervisor Street asked how often staff would review the property. Ms. Link said a stipulation could be added requiring annual reviews by staff. Chairman Brownlow said he believed it should be reviewed annually. Supervisor Davis said that with five and one-half acres, the Westbys could have 11 horses without a use permit. He said that if they run a good operation, then four more horses would not make a difference and if that would allow them to make a living and maintain their property, he had no problem with it. He said he was opposed to additional residences on the property because of problems the County had experienced with RVs. Supervisor Davis moved to approve the recommendation of the Planning & Zoning Commission, but to delete stipulations #12, #15 and #18. Following brief discussion regarding the existing second dwelling, Supervisor Davis amended his motion to not delete all of stipulation #15 but only to delete from that stipulation reference to the RV. Supervisor Street seconded the motion, as amended, and asked why stipulation #10 referred to a sign on the property that had nothing to do with the applicant's operation. Ms. Link explained that the sign had been placed there to prevent people from mistaking the Westby's property for Kachina Stables. Chairman Brownlow called for the vote, which carried unanimously. (Clerk's Note: Although not included as part of the motion, the deletion of reference to the RV also affected stipulation #1 by deleting such reference and eliminated stipulation #12. Additionally, staff review on an annual basis was included in stipulation #1, based on the Board's discussion and general agreement that it should be included.)

4. Final subdivision plat, Thunder Ridge Phase Two, 405-23-001R and 015C, Lake Montezuma/Rimrock area, Jim Binick, Shepard Wesnitzer, Inc., agent for America West Capitol One, L.C., #6831. Consideration of an additional one-year extension to record the Final Subdivision Plat for Thunder Ridge Phase Two Subdivision, consisting of a total of nine (9) single family residential lots on approximately 29.7 acres in an RCU-2A (Residential Rural) zoning district. Located along the west side of Thunder Ridge Road approximately five hundred feet (500') north of its intersection with Beaver Creek Road in the Lake Montezuma/Rimrock area. The Planning and Zoning Commission recommended approval of the Preliminary Subdivision Plat subject to the following stipulations: 1).

Submittal of a Final Plat as specified under Article 5 of the Subdivision Regulations in substantial conformance with the approved Preliminary Plat; 2). Development in conformance with the plat entitled "Preliminary Plat for Thunder Ridge" consisting of two (2) sheets stamped received 7/17/96; 3). A final (Phase III) drainage report shall be submitted and approved by the Flood Control District prior to Final Plat submittal and Development Permit issuance; 4). Installation of road improvements and approval by the County Engineer of turning movements improvements within Beaver Creek Road right-of-way for primary and secondary access prior to Certificate of Compliance, together with commensurate share financial contribution to Dry Beaver Creek Road improvement project in the amount of twenty thousand dollars (\$20,000). Financial assurances shall be posted for both required improvements prior to Final Plat recordation; 5). All street names and addresses shall be approved by the Address Coordinator or his/her designated person prior to Final Plat Approval; 6). All outdoor lighting to conform to Yavapai County Zoning Ordinance Requirements (Dark Sky Ordinance); 7). County Environmental Services Department approval of sanitary facilities prior to Final Plat submittal; 8). Final Plat submittal shall identify building envelopes as indicated on the Preliminary Plat prior to recordation. Said building envelopes shall contain entirely the primary residential structure for all lots; 9). Submittal of road name change petition pursuant to Section 121 of the Yavapai County Zoning Ordinance (Street Naming and Addressing) in conjunction with subsequent Final Plat submittal; 10). Approval of Petitions of Exceptions for cul-de-sac lengths (dead end streets), road grades and minimum lot width and depth; 11). Installation of fire suppression methods, including swimming pool standpipe, road turnarounds and participation in the acquisition of fire suppression equipment as specified by the Beaver Creek Fire District prior to Certificate of Compliance; 12). Certificate of Compliance shall be required; 13). Recordation of a one foot (1') non-access easement along lots adjoining Forest Service lands except at designated access points; 14). Review and approval of final road construction drawings, including slope stabilization methods by the County Engineer prior to Final Plat submittal and/or roadway construction, The road construction shall be monitored by a geotechnical engineer to verify roadway stability as required by the County Engineer; 15). Final C,C,&R's shall reference the authorization to place guest homes as accessory structures to a primary residential use subject to Section 103 of the Yavapai County Zoning Ordinance and performance criteria set out under Section 109 prior to Final Plat recordation. After a brief explanation by Mr. Binick, the Board voted unanimously to approve the request for an extension. Motion by Chairman Brownlow, second by Supervisor Davis.

The following item was deferred by the Planning & Zoning Commission. No action is necessary or required by the Board of Supervisors.

1. Zoning map change from RCU-2A and R1L-10 to PAD and preliminary plat/final site plan, 405-33-482H, Village of Oak Creek/Big Park area, Gary Hoffman agent for P K Development, #7237.

ITEM NO. 7. Public Works Director Richard Straub.

1. Consider approval of an intergovernmental agreement with the State of Arizona for \$1,040,814 in Highway User Revenue Funds to be used in the construction of the Fain Road project. Half-cent sales tax project. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Street. No comments from the public.
2. Consider approval of a purchase agreement and fees needed for the Hillcrest/Butterfield Connector Project. Half-cent sales tax project. Approved by unanimous vote. Motion by Supervisor Street, seconded by Supervisor Davis. No comments from the public.
3. Consider approval of Change Order No. 1 to Authorization of Services No. 997589 with Cannon & Associates for the Willow Creek Bridge Replacement Project in an amount not to exceed \$50,001.80. Half-cent sales tax project. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Street. No comments from the public.
4. Consider approval of Change Order No. 1 to Authorization of Services No. 018870 with Bock Appraisal Services for Appraisal Services for Various Regional Road Projects in an amount not to exceed \$5,000. Approved by unanimous vote. Motion by Supervisor Street, second by Supervisor Davis. No comments from the public.
5. Consider approval of items appearing on the Consent Agenda for Public Works. Items 2. and 3. were approved by unanimous vote, with no comments from the public. Motion by Supervisor Davis, second by Supervisor Street. See Consent Agenda, below, for detail on item 1.

#### CONSENT AGENDA FOR PUBLIC WORKS:

1. Consider approval of Change Order No. 1 to Authorization of Services No. 998142 with HDR Engineering, Inc., in an amount not to exceed \$10,000 for Regional Road Program Engineering Support, and a time extension to June 30, 2002. Half-cent sales tax project. Chairman Brownlow asked what this firm had done for the County. Regional Roads Program Manager Phil Bourdon said that the firm had done work on Pioneer Parkway and Verde Valley School Road. Approved by unanimous vote. Motion by Chairman Brownlow, second by Supervisor Street. No comments from the public.
2. Consider approval of final Change Order No. 2 with American Fence Company in the amount of an additional \$438 for fencing at the Seligman Airport.
3. Award or reject bids received for Supply or Supply and Delivery of Concrete Sand Material in Yavapai County, Contract #2110480. Bids opened June 5, 2001, with bids received from the following: Flintstone Industries; Clark Excavating dba Clark Sand & Gravel; Paulden Sand & Rock; Hanson Aggregate of Arizona, Inc.; and Metro Materials. Recommend awarding to all bidders.

ITEM NO. 8. Visit the Yavapai County Public Defender's Office, 3505 W. Highway 260, Camp Verde. On the return to Prescott, Chairman Brownlow and Supervisor Street stopped in to see the newly completed office.

CONSENT AGENDA FOR BOARD OF SUPERVISORS: Unless otherwise noted, all items were approved by unanimous vote. Motion by Supervisor Street, second by Supervisor Davis. No comments from the public.

1. Requests from Board of Supervisors:

- a. Approve minutes of meetings of May 21 and June 4, 2001.
- b. Accept resolutions from Verde Rural Fire District and Cornville-Page Springs Fire District requesting an election for merger of the two districts, and set hearing on the resolutions for July 16, 2001, at 9:30 a.m. Supervisor Davis recognized Chief Don Eberle from the Verde Rural Fire District. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Street.
2. Request from Adult Probation for renewal of janitorial service contract with Why Bother Cleaning, Inc., for the period July 1, 2001 through June 30, 2002, to be paid for from Probation Service Fees. No increase in contract amount.
3. Requests from Development Services Department:
  - a. Permission to purchase one IBM Thinkpad computer at an approximate cost of \$3,400 including tax and shipping, to be paid for from Contingency.
  - b. Permission for Kathleen Houchin to attend Govern Users Conference, August 18-22, 2001, Montreal, Canada, at a cost not to exceed \$1,200, to be paid for from existing budgeted funds.
4. Request from Health Department for approval of a new contract with Arizona Family Planning Council for Family Planning Services.
5. Requests from Public Defender's Office:
  - a. Permission for Dan DeRienzo and Craig Williams to attend a Continuing Legal Education seminar in San Diego, California, July 11-14, 2001, at an approximate cost of \$4,121, to be paid from the Public Defender Training Fund Grant.
  - b. Approval of indigent defense attorney contracts for 2001-2002. Chairman Brownlow moved to approved with the understanding that the Board members would review the contracts. Supervisor Street seconded the motion, which carried by unanimous vote.
6. Request from Juvenile Probation for permission to send two Senior Probation Officers to the 26<sup>th</sup> Annual Training Institute of the American Probation and Parole Association, August 25-29, 2001, St. Paul, Minnesota, at an approximate cost of \$1,000 each. One Probation Officer's total expenses will be reimbursed by the Arizona Chief Probation Officers Association and expenses for the other Probation Officer will be paid from existing Probation Fees budget.
7. Requests from Superior Court:
  - a. Consider approval of reappointment of Rhonda L. Repp, Howard D. Hinson, Jr., and Marc E. Hammond as Judges Pro Tempore for the Superior Court for the period July 1, 2001 through December 31, 2001, contingent upon the availability of funds.
  - b. Consider blanket approval of appointments of Justices of the Peace Pro Tempore for the period July 1, 2001 through June 30, 2002, provided that budgeted funds are available to pay for the same. Supervisor Davis asked how funds were budgeted for pro tems. Mr. Holst said that funds were included under the Temporary Salaries line item in the Superior Court budget, and that the Court keeps track of how often each justice court uses pro tems. Supervisor Davis said he would like to see a list indicating pro tem use by justice courts. Supervisor Davis then moved to approve the request.

Supervisor Street seconded the motion. Chairman Brownlow said he wanted to point out that the Court was working with the Clerk of Court, the County Attorney and the Public Defender to streamline processes. Mr. Holst added that tools were being developed that would allow Court calendars to be done through Microsoft Outlook, and that he and Mr. Hunt would be attending the Felony Task Force meetings in the future and working with those involved to help create greater efficiencies. Chairman Brownlow called for the vote, which carried unanimously.

8. Requests from County School Superintendent, Special Programs Division:

- a. Award contract for Counseling Services for the Mayer and Yarnell School Districts to Saul Stolzberg.
- b. Award contract for Psychological Services for Aguila Elementary School District #63 to William R. Makela.

9. Request from MIS for permission to spend unbudgeted funds to replace batteries for the main County uninterruptible power supply at a cost of \$2,905 to be paid from the Computer/Communication Repair account.

10. Requests from Facilities:

- a. Permission to renew contract with AZ Pro Industries for custodial services for the Verde Valley Services Building; the Camp Verde Justice Facility, including the Sheriff's and Attorney's Mobile Office Units; the Verde Roads Facility; and the Village of Oak Creek Sheriff's Substation in the total amount of \$8,871 per month which includes an increase of \$349 per month due to inclusion of the new Attorney's mobile office space and an increase of \$500 per month due to a clerical error made in the bidding process last year.
- b. Permission to renew contract with AZ Pro Industries for custodial services at the Yavapai County Morgue in the total amount of \$454 per month which includes an increase of \$47 per month due to the expansion of the Morgue building.
- c. Permission to renew contract with AZ Pro Industries for custodial services for the Courthouse Outside Restrooms; Health Department Building; Juvenile Probation/Detention Building; Facilities/Parks Departments Building; Marina Street Annex; Commerce Drive Complex; and Warehouse Offices, in the total amount of \$9,838 per month.

11. Requests from Finance Department:

- a. Approve extending current vending machine contracts for 2001-2002.
- b. Approve cooperative purchasing agreement with Yuma County which allows it to purchase off of the existing Yavapai County motor grader contract.

12. Request from Adult Probation for permission to renew building lease at 221 N. Marina Street, Suites 101 and 102, Prescott, for \$3,629.16 plus tax per month for the period July 1, 2001 through June 30, 2002.

13. Approve vouchers.

CONSENT AGENDA FOR DIRECTORS OF YAVAPAI COUNTY FLOOD CONTROL, FREE LIBRARY AND

JAIL DISTRICTS, AND COUNTY IMPROVEMENT DISTRICTS: Reference: Special District minutes.

- 1. Resolve into the Boards of Directors of the Yavapai County Flood Control, Free Library and Jail Districts and other County improvement districts as follows, for the purpose of approving vouchers: Coyote Springs Road Improvement District II; Prescott East Sanitary District; Sun-Up Ranch Road Improvement District; Seligman Sanitary District; Pine Valley Street Improvement District.

CLAIMS AGAINST YAVAPAI COUNTY

<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
General Fund	1,380,502.39	Jail District	185,977.28
District 1 Park Fund	28,716.91	District 2 Park Fund	91,110.00
District 3 Park Fund	16,889.38	Family Planning	6,231.44
Family Planning Fees	2,177.78	Home Health Ser	14,667.52
Health Promotion	2,465.49	Nutrition	785.74
T.B. Control	860.91	WIC Program	10,838.41
Jail Enhance	24,871.19	Diversion Intak	10,910.34
Juvenile IPS	14,997.15	Family Counseling	1,485.00
Juvenile Food Prog	1,991.53	Probation Serv	4,528.33
Adult IPS	26,869.54	Adult Probation Fees	17,264.10
Prob Enhance	37,812.15	Recorder's Surcharge	3,370.60
Indigent Def/Dg	1,571.12	Crim Just/Atty	3,628.02
Bad Check Prog	2,5774.44	CDBG Grant	4,606.00
Juv Prob Sys	3,755.60	Commodity Fd	307.36
Azeip Case Mgmt	793.27	Sexual Trans Disease	263.52
Hi Risk Chld Hl	1,928.09	Clerk's Storage	609.86
WIC/TOB Intervention	2,368.25	HIV Prevention	3,045.48
Atty Anti-Racket	8,019.90	PANT	3,671.44
Law Library	777.22	CASA	3,684.21
Case Process	1,415.95	Azeip Coordinator	2,247.40
Vict Witns Prog	5,044.02	Court Enhancement	953.84
Concil Court	1,021.88	Drug Enf Fndg	2,489.71
Juvenile Detent Enh.	172.63	Developmental Svs	15,607.55
Vital Statistic	11,637.39	Victims Rights Impl	3,197.05
JAIBG Juv Acct	1,373.51	Recycle Ed. Program	2,945.01
Hassayampa/LTC	4,898.90	Dietetic Intern	866.21
Immuniz Service	1,742.29	Idea-Preschool	400.05
Subs Abuse/DARE	103.89	Chem Abuse	96.65
Family Drug Court	852.32	Juvenile Drug Court	3,323.30
Juv Det/PACE	5,442.27	Collab Comp Rev	387.04
Prevent Child Abuse	1,112.81	Special Program	4,894.54
Sm Schools Ecia	425.79	Sm Schools Beha	5,248.51
Cops in School	4,023.09	Fill the Gap - Courts	5,925.73
Public Works	358,166.99	Health Fund	65,933.19
Jail Commissary	8,467.41	W Yav Solid Waste	4,494.13
Verde V. Landfill	3,523.00	Water Advis. Comm	2,750.63

Osteoporosis	339.26	Develop Clinic	972.15
Tire Recycle	15,808.62	Safe School Pro	3,792.47
Adhs-Svs Coord	1,116.07	Local Incentive Awards	48.96
Fill the Gap - Attorney	1,858.96	Family Law Commiss.	4,106.25
Comm Punish Pro	2,691.11	Idea Education	215.30
Pace Chapter 1	89.71	Regnl Road Project	847,417.93
Gohs Safety Grant	539.88	Health Start	4,873.09
Emerg. Response Gr	2,367.25	Victim Comp	214.18
Intstcomp Prog	2,202.69	Ryan White II	1,963.20
Grant In-Aid	7,693.42	COPS More	5,083.97
Perinatal Block	1,892.84	Child & Adol. Grant	707.43
Tobacco Educ	40,236.42	Hopwa Housing Op	3,021.74
Cops Fast	2,767.23	Equal Ad Det Ed	89.72
School Res. Mayer	1,643.82	Direct Treat Ed Fund	7,102.32
Field Trainer	788.02	Comm. Access Prog	103,427.00
Attendant Care	26,073.12	HIV/WYGC	495.93
Network Develop	2.01	HIV Targeted	2,713.10
Children's Justice	1,686.88	Child Sup & Vis	559.96
Domestic Relations Ed	569.46	Self Service	432.94
VOCA	2,837.66	JTSF Treatment	5,037.35
Divrsn Consequ	1,158.18	Tobacco Donation Fund	276.88
Capital Projects	202,798.40	Jail Construction	52,236.60
Sedona Airport	19,322.50	ALTCS	1,442,250.63

In addition, payroll was issued on June 15 for the pay period ending June 8; warrant numbers 2406371 through 2406887, in the amount of \$360,991.75. Jury certificates were also issued, warrant numbers 6850780 through 6850913. Warrants issued for June 18 Board day, 4150538 through 4150940; 4150941 through 4151407.

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

ATTEST:

\_\_\_\_\_Clerk\_\_\_\_\_Chairman