

OFFICE OF BOARD OF SUPERVISORS
YAVAPAI COUNTY, ARIZONA

Prescott, Arizona

August 15, 2001

The Board of Supervisors met in special session on August 15, 2001.

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

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

The following members of the Planning & Zoning Commission were present: Helmut Woellmer, Chairman; Jacquie Weedon; Lee Nelson (Ms. Nelson left when Dr. Collison arrived, see explanation below); Linda Bitner; and Richard Collison (arrived late). Development Services Director Ken Spedding, Senior Planner Elise Link, and Deputy County Attorney Randy Schurr were also present. Development Services Department Planning Division staff members present were Enalo Lockard, Susan Bronson, Andy Jochums, and Chris Bridges.

ITEM NO. 1. Meet in joint study session with the Yavapai County Planning & Zoning Commission.

1. John Munderloh, Water Advisory Committee Coordinator. Discussion regarding the proposed Golf Course Ordinance Amendment. Mr. Munderloh said the WAC had become aware that the only entities in the County with golf course regulations were the City of Prescott, Town of Prescott Valley, Yavapai County and the Prescott Active Management Area. He said that Prescott Valley's regulations did not allow for the use of any groundwater to water a golf course, and that the regulations being proposed by the WAC had the same provision. At this point, Dr. Collison arrived. Mr. Schurr informed the Board and Commission that Dr. Collison was especially interested in participating in discussion of the proposed Golf Course Ordinance Amendment, but that because of failure to post the Commission agenda for this meeting it would not be possible to have a quorum of the Commission at the table, or even in the room. He asked if one of the other Commissioners was willing to defer to Dr. Collison by leaving the meeting. After brief discussion, Ms. Nelson said she would defer to Dr. Collison. She then left the meeting, and did not return for the remainder of the day. Mr. Woellmer asked whether the golf courses that had already been submitted would be subject to the new regulations. Mr. Munderloh said that some of them would be, and that others would not. Supervisor Street said she did not believe anyone should assume there were new regulations, and that this was simply a recommendation from the WAC and not an ordinance. In response to a question from Dr. Collison, Mr. Munderloh said about 200 of the golf courses in Maricopa County are watered with effluent. Chairman Brownlow asked why the County should prohibit watering golf courses with groundwater in the unincorporated areas if the cities and towns do not follow suit. He asked whether a developer could just annex into a city or town to avoid the regulations. Mr. Munderloh said it appeared that the cities and towns in the Verde Valley were interested in adopting the proposed regulations. Richard Clark, representing the Williamson Valley Concerned Citizens, asked how many homes had been approved that would have wells, saying that this might provide some perspective on groundwater use for golf courses as opposed to residential use. Dr. Collison said that between 1992 and 1999 the County experienced the greatest increase statewide in the number of exempt wells, and that there was no way to account for the amount of water being used by those wells. Mr. Lockard said that as of March of 2001 there had been more than 1,700 metes and bounds parcels splits and that just in the last month the department had issued more than 150 permits for new homes. Ann Bickford, representing the League of Women Voters, told the Board that the League supported the proposed regulations and that it hoped the Board would ultimately adopt them and that the incorporated entities would follow suit. Supervisor Davis said one could look at all the various water uses, but that until it was known what kind of resources were available it didn't mean much. He said he thought the point that Mr. Clark was trying to make was that water was being drawn for both residential and golf course purposes. He said that since 1940 the Arizona Department of Water Resources had been aware of water mining in the Prescott area but had done nothing about it until 1998. He said there had been controversy over the base flow of

the Verde River. Supervisor Davis said that he lived in Clarkdale and that this was the second summer in a row that citizens in that town had been placed under a water advisory because of springs going dry. He said he also believed that the point Mr. Munderloh had been trying to make regarding the number of golf course holes per person in Yavapai County as compared to those in Maricopa County was that Yavapai County now has an adequate number of golf courses. Supervisor Davis said the County had actually been more abusive with regard to golf courses than the Phoenix metro area. He said he believed that requiring effluent for golf course watering was a step in the right direction. Dr. Collison said he had reviewed the Verde Watershed Study for 2000 and had learned that 81% of the upper Verde water use is for agriculture, and that agricultural uses for both the upper and middle Verde use 46,400 acre feet per year. He said he believed the County's current Golf Course Ordinance allows the flexibility to look at projects on a case-by-case basis, and that if the proposed new regulations were approved the result would be a moratorium on golf courses in the County. Dr. Collison told the Board that what the County gets for allowing golf course projects like Inscription Canyon Ranch and Talking Rock Ranch are trade-offs such as paved streets, sewers, and the like, and that the proposed regulations would discourage sewer systems. He said the County already had the best Golf Course Ordinance in the state. Mr. Woellmer asked who would set the criteria for dealing with golf course issues on a case-by-case basis, and how the Commission and Board could justify allowing a golf course in one instance and not in another. Ms. Link said she believed the existing ordinance laid out criteria, and that it was more flexible than what was being proposed. Dr. Collison pointed out that the current ordinance requires the complete use of effluent at some point, and that the proposed regulations would only encourage lot splits. There was brief discussion regarding injection wells, during which Mr. Schurr said that one of the problems with injection wells was that they are too expensive for subdivisions. Ms. Weedon said she had felt confident with the current ordinance, She said she feared that if the County discouraged golf courses, it would end up with nothing but lot splits with individual wells and septic systems. She said if the proposed regulations did move forward, she believed those projects already in line should be handled under the current ordinance. She said she believed that the current ordinance was adequate at this time. Mr. Spedding said it might be possible to improve the existing ordinance. Mr. Munderloh pointed out that there were some problems with the water balance worksheet and that some things were counted twice on it. Supervisor Davis said he was concerned that not moving forward with the proposed regulations would result in encouraging more growth in the unincorporated areas instead of encouraging golf-course type developments to locate in cities and towns. He said the County was the easiest to get along with regarding development, and that the current ordinance would encourage high-density urban-type development in the middle of nowhere. He said he thought of agriculture as being something in the County while urban settings should be in incorporated areas, and that high-density areas should be close to cities and towns. Dr. Collison said he would like to see the other entities adopt golf course regulations. Ms. Bickford told the Board she did not think it could justify golf courses as a way to get rid of effluent. Mr. Schurr said he was concerned that the proposed regulations might have ramifications that had not been thoroughly analyzed. Chairman Brownlow said he did not think the Board had said with regard to Inscription Canyon Ranch and Talking Rock Ranch that it wanted those golf courses to be watered with effluent within a certain number of years, and that perhaps consideration should be given to having a cap on that. Mr. Spedding suggested allowing time for the existing ordinance to be reworked in order to come up with something that would be in between the existing ordinance and the proposed new regulations. Supervisor Davis agreed that the County had created a great golf course ordinance, but that there was no time limit as to when a golf course must transfer from groundwater use to effluent. He said there were other loopholes that needed to be looked at, and perhaps recommendations for closing those loopholes could be made and the whole thing sent back to the WAC for further review. Supervisor Street said she was always concerned about the effect that any change will have on District 2. She said that so far all of the subdivisions and golf courses were in the main corridors. She said she did not want people to think that she did not care about water, but that she would heavily weigh her vote on the fact that currently there are only two golf courses in District 2. Supervisor Street said she was not anti-water and that she did not want to waste water, but that District 2 was very different from Districts 1 and 3 and that where golf courses are concerned it is completely different. She asked if it was a function of the WAC to suggest that the County make ordinance changes. Mr. Woellmer said he would like to see added to the ordinance something to specify the "grow-in" period for golf courses, adding that the "grow-in" period should be in the fall when the most water is available. Chairman Brownlow said he did not think there was a big rush to make changes to the ordinance, mostly because anyone trying to bring a new golf course into the County would have to be nuts.

Prescott area resident Joe Ayres said it appeared to him that the objective of the proposal was to stop development in the County, and that it really had very little to do with water. He said that the proposed regulations would preclude any master-planned communities.

2. **Dava Hoffman, Dava & Associates.** Update and discussion regarding General Plan development. Ms. Hoffman told the Board that there had been very good turn-outs at meetings on the General Plan. She reviewed the information she had previously provided to the Board and Commission, briefly going over public comments submitted by those attending the meetings. Ms. Hoffman pointed out that 56% of those responding to questionnaires were retired, but that only 48% of the respondents actually worked in Yavapai County. She said that 30% of those responding had lived in Yavapai County for less than five years. She said she believed that people who live in the County understand the concepts that are needed for planned growth, and that people seemed to be looking for planned communities that would have preserved and dedicated open space. Ms. Hoffman said that what the County has now is sprawl as a result of unregulated lot splits. She said public comments had revealed that people also think more money should be spent on public transportation and bicycle routes, and that people also want to see interconnected green belts that can be used by wildlife as well as by people. Ms. Hoffman said that people also seem to understand the necessity of water and wastewater systems. She said she would like to have comments from the Board and Commission, adding that she was currently trying to establish some more workshops in early September in order to draft goals based on the information received at the public meetings already held. She said she hoped to provide the Board with a preview of the goals next week for individual Board members' comments. Ms. Hoffman said the first public hearing with the Commission would likely be in October, and that the General Plan would be on the Board's agenda in December. Chairman Brownlow told Ms. Hoffman he had attended three of the meetings and thought she had done an excellent job. He said it was interesting that people say they want small homesites, but that they do not want high density. He said that with regard to public transportation, several years ago it had cost \$22 a ride and now the cost was \$7 a ride, but that it was still too high. Supervisor Street said that some people thought the General Plan would solve all their problems, but that it would not. She said that many of the suggestions from the workshops would really only work in the urbanized areas of the County, saying that for example in her district "public transportation" would probably mean "shuttle." She said that everyone was talking about the same things, but that those things had different meanings for different people. Ms. Hoffman said the General Plan was designed to be a guidance tool for the Board to make decisions about development, and that it could also provide guidance for the County in its plans for capital improvements. Dr. Collison asked Ms. Hoffman if she had received input with regard to zoning and where commercial zoning should be. Ms. Hoffman said she thought the County had moved away from a true rural lifestyle and that what existed now was rural suburbanism and suburban urbanism. She said that people do seem to want to find a way to create a feeling of a rural County with some amenities. Pat Acosta, representing the Williamson Valley Concerned Citizens, said she was pleased to see that as large as the County is, there is a common thread with regard to what people want. Chairman Brownlow noted that the County was mandated to have the updated General Plan, asking if the plan would contain things that the Board could not enforce, such as prohibiting lot splits. Mr. Schurr said it would be a good idea to communicate the concerns brought forth in the workshops to legislators, but that there also were things the County could do to encourage development other than lot splits. Ms. Hoffman said the County could make it easier for master-planned communities to be brought forward. She said the County could put out a flag that it wants good developers, but that in order to do so it will have to change the way it does things because there was no way to stop unregulated development. Sedona area resident Doug Ayers said he thought the Board should ask the legislature to eliminate lot splitting, and that some kind of system for permitting wells should also be developed. He also suggested economic penetration studies. Richard Clark, representing the Williamson Valley Concerned Citizens, said there had to be trade-offs. Supervisor Davis said he was concerned that the focus seemed to be that the message from citizens was that they want developers. He said what he had heard from citizens was that the County has well-thought-out communities. He said he did not want the press to leave the meeting on this day with the message that the Board wants high density, master-planned communities. He added that there had been discussion in the past regarding having a tiered plan for subdivision development, and that he would like to see something happen with that.
3. **Ken Spedding, Development Services Director.** Update and discussion regarding the Development Services Department, with emphasis on hearing schedules, filing deadlines, and presentations. Mr. Spedding presented a proposed schedule for hearings on planning and zoning issues, pointing out that the proposed

schedule would allow approximately 30 days between the time the Commission hears an application and the Board hearing on it. He said that since November was the earliest time that the new schedule could be implemented, he would recommend waiting until January 2002 to begin the new schedule. Mr. Spedding said the new schedule would eliminate back-to-back advertising of Commission and Board hearings, and would allow more time for staff to prepare packets for the Board hearing. He added that with the new schedule it would also be possible to eliminate advertising of planning and zoning consent agenda items. Mr. Spedding added that the Board had also indicated that it did not want to receive any new information at its hearing. Chairman Brownlow said he thought there should be discussion regarding not taking new information, saying that following the Commission hearing there sometimes is an opportunity for people to make corrections to their plans. Dr. Collison said the Commission had been trying to re-engineer a lot of the projects and that the reason for it was largely related to the time frame. He said he did not think the problem was with the time between the Commission and Board hearings, but rather that there was not enough time prior to applications coming to the Commission. He said he did not think applicants should use the Commission as a sounding board in order to create what they are going to present to the Board. Dr. Collison said that more and more applications are complex and that he would like to see them have more time in front of the Commission. Supervisor Street said there was already an existing set of rules and ordinances to follow, and that the County should be telling applicants it expects them to follow the rules. She said that developers would tell the Commission and the Board anything and everything in order to obtain a zoning change, but that the Commission also required things that were not in the regulations. Ms. Link said there were times when there needed to be trade-offs, and that that was where extra stipulations sometimes came from. Supervisor Street said she wanted the system to work and to be followed all the way through by both developers and the Commission. Mr. Schurr said that if an application was not complete, staff would not advertise it for hearing. Mr. Spedding briefly reviewed the format for Board packets following the Commission hearing. Supervisor Davis said that no one wanted to be judge and jury with regard to zoning, and that the Board just wanted public participation and for developers to fix any problems before the application comes to hearing. He said he thought that should be the message. Mr. Woellmer said he was in favor of not accepting more information between the Commission hearing and the Board hearing. He said he had attended Board meetings where he was left wondering if what the Board was hearing was even the same application the Commission had heard. There was brief discussion regarding procedures at Board hearings on planning and zoning issues, including discussion of a sign-up form for speakers which included options for people to say whether or not they are in favor of an application without having to speak. Mr. Schurr said he felt the form should be used only for those who wish to speak.

4. Planning Division staff. Current planning update, including hearing applications, tracking system, and use permits vs. rezoning. Ms. Link provided a very brief review of upcoming projects in each supervisorial district. She said the new tracking system was up and running and she briefly reviewed the new checklists for different types of applications.
5. Discussion regarding topics for next joint session, scheduled for November 14, 2001. Due to time constraints, this item was not discussed.

ITEM NO. 2. County Administrator Jim Holst. Consider application for the FY 2002 Local Transportation Assistance Fund II Program (LTAF). This item was taken first on the agenda. Mr. Hunt told the Board the application deadline was only a week away, and that staff was requesting permission to submit the application using the same categories as last year's application. He noted that there was an approximately 20% reduction in the amount of funds available, and said there had been questions about how the ride sharing program was working. Public Works Director Richard Straub told the Board that as of May of 2001 between 70 and 90 people were using the ride sharing program, at a cost of about \$7 per ride. He said that most of the people using the program were handicapped or the unemployed who are seeking work. He said that as of May the cost of the program was approximately \$7,000. Supervisor Davis moved to approve the application, using the same format as last year. Supervisor Street seconded the motion, with the understanding that adjustments in specific projects could still be made later. Chairman Brownlow called for the vote, which carried unanimously.

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

ATTEST:

_____ Clerk _____ Chairman