

OFFICE OF BOARD OF SUPERVISORS  
YAVAPAI COUNTY, ARIZONA

Prescott, Arizona

February 27, 2002

The Board of Supervisors met in special session on February 27, 2002.

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

ITEM NO. 1. Meet in joint session with the Yavapai County Planning & Zoning Commission for discussion only of the following items. The following Planning & Zoning Commission members were present: Jacquie Weedon, Helmut Woellmer, Lee Nelson, Tom Thurman, Walter Burcham, Linda Bitner, Curtis Lindner (late) and Richard Collison (late). Development Services staff participating in discussion were: Development Services Director Ken Spedding; Permitting & Compliance Director for the Cottonwood Division Enalo Lockard; Planning Manager Elise Link; Planner Chris Bridges; Chief Building Officer Dick Busby; and Senior Plans Examiner Martin Haeberle. Deputy County Attorney Randy Schurr was also present and participated in discussion.

1. **NASA presentation.** Hoyt Johnson of the Prescott College NASA Program presented this item, and also introduced Craig Martinson of the NASA Program. Mr. Johnson provided a brief overview of Phase II, showing as an example different scenarios for growth in the Dewey-Humboldt area by the year 2050. He told the Board that the second phase also included a water tool, saying that the data used for that tool would include zoning, density, sewer or septic type, weather conditions, and the like. He pointed out that one of the things the program had helped the County look at was the impact of two-acre splits. Mr. Johnson said the tools developed through the NASA Program would help people find common ground and common goals, that it would provide for vivid visualization of possibilities, and that it would help to integrate complex issues and provide defensible decisions. Mr. Spedding said that over the next few months Mr. Johnson would be working more with staff on how to run the model and integrate it into the County's operations. Mr. Thurman asked why NASA was involved in this type of program. Mr. Johnson responded that Prescott College NASA Program Director Will Orr had suggested to NASA that these types of resources could be used to look at conditions on earth as well as in outer space. During brief discussion regarding water, Mr. Woellmer asked Mr. Johnson if he made data gathered through the program available to other agencies. Mr. Johnson said that he was working with the Water Advisory Committee. He added that although the growth model was being implemented through the Development Services Department, it would be a County-wide tool. In response to a question from Chairman Street, Mr. Spedding said that on Phase I of the program Prescott College had worked mostly with the MIS staff but that they were now working with Development Services staff on how to run the model. Chairman Street asked how long it would be before there would be someone on staff who was able to provide Board members with information using the model. Mr. Johnson said it would probably be a few more months, but that he believed there would be staff members who would learn to run the model within that time frame.
2. **General Plan Phase II – status update.** General Plan Consultant Dava Hoffman, of Hoffman and Associates, presented this item. Ms. Hoffman reminded those present that the Board had adopted Phase I of the General Plan on December 17, 2001, and that it had become effective on January 17, 2002. She said that since that time she had been looking at what should go into Phase II, and that this would include mostly the collection of data for the four elements of the Plan as well as implementation strategies for the goals and objectives adopted in the Plan. She said she had looked at the major themes and issues in Phase I, and that she hoped to receive input from the Board and Commission on this day. She said that the idea of maintaining open spaces between communities, and maintaining what ranches was part of it, and that maintaining open space for recreation and natural habitat were also an issue. Ms. Hoffman said that transportation issues needed to be considered, including alternative transportation sources, and that water resources and the idea of water budgeting on a County-wide basis also needed to be considered. She said another public comment had been that one lifestyle does not fit all. Mr. Lindner asked Ms. Hoffman to briefly review for those present the process that had led to adoption of Phase I of the General Plan. Ms. Hoffman reviewed the General Plan process, making clear that tremendous effort had been put into obtaining input from County departments, the public, and other jurisdictions. Ms. Hoffman then began a review of a "first cut" outline for Phase II of the General Plan, saying that it would be built upon Phase I and would include much of the data needed to determine if the goals and objectives adopted in Phase I were still valid. She pointed out that

during the development of Phase II the goals and objectives adopted in Phase I could be modified, and that the public process utilized in Phase I would continue only this time it would be to ask for comments on how to implement the goals and objectives. Ms. Hoffman said it appeared that there were four large land use categories, with the first being open space that is reserved for recreation and the like, with the next category being rural land uses such as ranching. She said that the third category was community land uses, or unincorporated communities, and that the final category was areas of municipal influence that included areas close to and influenced by incorporated areas. Ms. Hoffman said she felt it was important to separate those types of broad land uses because of the public's stated opinion that one size does not fit all. She said that if the County's Subdivision Regulations were updated they could fall into the different tiers of land use. Ms. Bitner said she liked the way Ms. Hoffman had put land use categories into tiers and that this was exactly what the Commission needed. Mr. Spedding said that one thing staff had found was that depending upon where a person lived the definition of "rural" and other terms could be very different. Ms. Hoffman said the transportation element of Phase II would focus primarily on gathering data. She briefly reviewed the categories under this element including major transportation corridors, functional roadway classifications, alternative modes of transportation and long range transportation planning, saying that there was a great deal of data that would need to be put into the General Plan. Mr. Spedding added that staff was working with the Public Works Department regarding this element of the Plan, and that he believed that department would be looking at alternate modes of transportation. Ms. Bitner asked if bicycle routes on state highways were the responsibility of ADOT, saying that there was increased use of the highways by cyclists and that ADOT should be asked to make the highways wider to accommodate that use. Transportation Planning Engineer Mike Willett said that state highways were the responsibility of ADOT but that the County did provide input to ADOT regarding connectivity of roadways. Chairman Street added that ADOT also has a public comment process. Ms. Hoffman said there were numerous bicycle and pedestrian advocacy groups throughout the County and that she believed people would like to see bicycle and pedestrian routes connected wherever possible. Ms. Weedon said that safety was a major issue related to highways and yet the County was always trying to allow more highway access to people even though the end result would be unsafe conditions. Ms. Hoffman said she was trying to separate types of uses, and had not included equestrian or hiking trails as part of the transportation element. Mr. Thurman asked when the General Plan would be able to overrule lot splits. Mr. Schurr said that the state legislature had mandated that counties plan for growth but that at the same time it prohibited counties from regulating lot splits. He said there had been discussions in the past about the possibility of providing incentives for people to come in with plans instead of developing by lot splits. Ms. Weedon said that equestrians were not included in the transportation element and that it was important to recognize that a majority of bicyclists were riding for health and recreation instead of for transportation purposes. Ms. Hoffman said that equestrian trails and trails for hiking and cycling had been put into the open space element, but that in some cases bicycles were used as a means of transportation. Ms. Weedon said that bicycles were used as transportation primarily in areas close to schools and businesses as opposed to being used for that purpose in the unincorporated areas. Mr. Burcham said he believed Ms. Hoffman's approach to separating equestrian uses from the transportation element was appropriate, that bicycle transportation in towns was important and that the County should not close its eyes on this issue. Mr. Collison said he thought it would be a shame to not preserve the Rails to Trails program for transportation purposes. Discussion turned to the water resources element of the Plan, with Ms. Hoffman saying that she had met with Water Advisory Committee Coordinator John Munderloh and with the Water Advisory Committee a few times to discuss this element. She said there would be some areas for which there simply was not much data and that this would be a somewhat unique element of the Plan because so much of the needed information would not be available by the end of the year when Phase II of the Plan was finished. Supervisor Davis said he believed that with regard to the category of "potential water supplies" it should be changed to include a description of the studies that had been done. He said there could be numerous different water resources, but that three possibilities that no one knew about for sure had been identified. Ms. Hoffman said that the possibilities identified in the outline were areas currently known to be under discussion. She stressed that this section was just for information and that it contained information provided to her by Mr. Munderloh. Supervisor Davis said he did not believe it was appropriate to list those potential water supplies in the General Plan. He said he felt it would be appropriate to include an overview of what was happening with regard to water, but that specific resources should not be identified. Ms. Hoffman replied that state statutes required the identification of a specific plan,

and that the potential water supplies section was a data collection section for which the County would be relying on experts. Chairman Street said it sounded to her like it was just a blurb on a page indicating that studies were ongoing and may affect the County. Supervisor Davis asked which water experts would be quoted. Ms. Hoffman said again that the purpose of this category was simply to say that studies were being conducted. Mr. Spedding said he believed that some of Supervisor Davis' questions were related to implementation strategy and that at this point it was just a matter of indicating which studies were being done. Chairman Street said there was a local group discussing whether or not there was a way to bring water into western Yavapai County from the Colorado River, and that she felt it was a good idea to include this kind of information in Phase II. Supervisor Davis asked if the General Plan was to include every harebrained idea that came along. Ms. Weedon said she believed that the key word here was "potential." Ms. Nelson said that because of the number of exempt wells in the County, she would like to see more monitoring tools and that this would be a critical issue in the future. Mr. Lindner said he shared some of Supervisor Davis' concerns and would like to see more generalized statements about potential water supplies. He said he did not think the County should be speculating, and that he would like to see something included about existing water laws. He said he also believed there was an historic element and that if there was a general decline in water in the County he would like to see that documented so the public would be aware. Ms. Hoffman said she had been told by Mr. Munderloh that there was a great deal of information regarding declining water in the AMA, but that such information was not available with regard to many areas of the County. Mr. Lindner said if there were qualified studies they should be part of the Plan, and that he wanted to see the best document possible. He said there was a great deal of monitoring and documentation regarding water in the Verde Valley and that the public needed to understand what current water laws say and what is actually happening to water in the County. Chairman Street said the Board and Commission would be relying on the Water Advisory Committee and Mr. Munderloh for assistance in this area. Supervisor Davis said he thought it was ludicrous to look at potential water supplies because people would be looking at those from now until Judgment Day. He said that state statutes did not give counties authority to regulate water, but that the Growing Smarter legislation dictated that counties must identify water resources. He said he felt that was out of line. Chairman Street asked how a water study was different from a transportation study, saying that neither was etched in stone and the County did not have to follow them. She said the potential water supplies category was just indicating that studies were taking place. Supervisor Davis said he did not like the word "potential." Discussion turned to the open space element, with Ms. Hoffman saying she had broken existing open space into categories for federal, state and local areas, and that she had also included open space preservation. She noted that the Verde Valley was working on an open space plan, saying she hoped that plan could be included as part of the General Plan document. She added that waterways were another open space category. Ms. Weedon asked Ms. Hoffman how she would approach open space dedicated by subdivisions. Ms. Hoffman said she would include that under private open space, and that she wanted to separate out the idea that just because land is not developed it can be considered open space. She said that floodplains, rivers and lakes would need to be included as part of the open space element and that she had been working with the Prescott Open Space Alliance on some of those issues. Ms. Hoffman said that the last category in this element was to restate that existing community plans would be included as part of the adoption of Phase II. Mr. Collison asked if that would also include the need for future community plans, adding that he felt it was important to identify the need for future community plans. Mr. Spedding asked Ms. Hoffman when she expected the first go-round of public meetings to take place. Ms. Hoffman said that process would likely begin toward the end of next month. She asked if everyone was generally together on the direction of Phase II. There appeared to be general agreement that Ms. Hoffman should move forward.

3. **Zoning Ordinance revision update, including discussion of the Lighting Ordinance Amendment.** Chairman Street said that when the Lighting Ordinance Amendment was brought to the Board for approval both she and Supervisor Brownlow had concerns about it. Supervisor Brownlow said he was fairly comfortable with the revisions that had been made to the Ordinance since the Board had considered it. Mr. Spedding said that following that Board meeting he and Mr. Lockard had reviewed the proposed Ordinance and realized that it was quite strict with regard to residential lighting. He said it was his opinion that most houses being built would not be able to meet the intent of the Lighting Ordinance. He said that the Ordinance presented to the Board would have allowed residents to hang Christmas lights, but only during a certain period of time and that the time frames had been eliminated in the revised Ordinance. Mr. Spedding said that he and Mr. Lockard had gone through the residential section of the Ordinance and thought about the needs

of the average person, and that as a result they had upgraded the number of outside lumens allowed for residential dwellings from 7,550 lumens to 15,000 lumens with a maximum of 50% of those lumens to be unshielded. He said that in taking another look at it, he now felt that 10,000 lumens with 50% unshielded would probably be sufficient for a typical residence. Mr. Spedding said the prior to the new revisions, the Ordinance would have prohibited things like Malibu lights or twinkle lights in trees, and that those provisions had been eliminated. He noted that the Ordinance retained strict standards on commercial lighting, and that sports lighting was exempt. Supervisor Brownlow asked how anyone would know ten years from now how a light was originally installed. He said he felt there needed to be a better description of shielded and unshielded lighting. Mr. Schurr said he believed under the previous Ordinance there was reference to partial shielding, and that in the revised Ordinance a light was either shielded or not shielded. Mr. Spedding said he thought what Supervisor Brownlow was asking was whether someone could hang a bare bulb and that the answer was "yes." He said if the Board would like staff to reword that so it would require a cap of some sort on the light, that was fine. Mr. Schurr said that could be a problem because of the proliferation of globe type lights at the ends of driveways. Supervisor Brownlow said he would also like to "Outdoor Recreation Facility" include specific reference to roping arenas. Mr. Spedding said the upper level of 15,000 lumens for residences might be too high, and he suggested that the Board might want to consider reducing that level to something between 10,000 and 15,000. There was brief discussion regarding a requirement that lighting plans be certified, during which Mr. Lockard said there were a number of fields specifically trained for this purpose. He pointed out that this requirement applied only to commercial activities and outdoor displays. Supervisor Brownlow said he was concerned that putting too many restrictions on businesses would result in people not being able to afford to open a business. He said he thought it would be appropriate to look at a tiered system for the different areas of the County. Mr. Collison suggested leaving the language in the revised Ordinance as it is, but allowing staff to waive the requirements based on the size of the project. Mr. Schurr expressed concern with staff being asked to make that decision. He said that most people would have to come in for a zoning map change or use permit anyhow, and that the Commission and Board could make adjustments at that time. There was brief discussion regarding light trespassing, during which Mr. Lockard said one of the pertinent questions was how to define light trespass. Chairman Street said that a property owner's light should stay on his property. Ms. Nelson said she was concerned about the change to eliminate time frames for holiday lighting in favor of the phrase "for recognized holidays." Mr. Lockard said that change had been made in response to concerns from Board members. He said that some people put lights out for Halloween or the Fourth of July, and that the change was an attempt to address the Board's concerns. Chairman Street said it did not matter what kind of Ordinance was passed because 80% of the people would comply with it and most of those who failed to comply would do so once they knew there was a problem, but that there would always be a few people who would not comply. She said her overall concern with the Ordinance was the safety and welfare of working class people. She said that people who do shift work or who work during the day could not attend Commission and Board meetings and that she believed it was the responsibility of those at the table on this day to remember those people and to think about their needs. She asked what the general public needed in terms of lighting for safety and health. Chairman Street said there were also people who liked to barbeque during the winter months, that she was one of them and that she did not wish to be in violation of the Ordinance because of having to turn on a porch light in order to barbeque. She said she believed the Board needed to look at doing what would fit for most people, and that she was pretty satisfied with the revisions to the Ordinance. Ms. Bitner asked who would oversee compliance with the Ordinance. Chairman Street said that one of her concerns with making laws was who would enforce them and that she also did not believe government should micromanage people, but that she could live with the Ordinance as revised. Discussion returned briefly to certification of plans, during which it was clarified that compliance on commercial projects would occur as part of the regular review process and that residential properties would be reviewed during the building permit stage. Mr. Spedding added that most lights already have some kind of engineer's seal on them. Supervisor Brownlow asked how many people would have to be hired and trained to be lighting specialists. Mr. Spedding responded that his department could handle things with existing staff. Mr. Woellmer asked about a commercial building in the Village of Oak Creek area with many lights against the building, saying he did not know why that had been allowed. Mr. Lockard said it was allowed under the current Ordinance. Chairman Street said she felt the first draft Ordinance was too restrictive. Supervisor Davis said he felt this was a good proposal and that it had been through the public process. He said if the

Board found later than it needed to tweak the Ordinance, it could do so. Chairman Street said the Board would consider taking action on the Ordinance at its April 1, 2002, meeting. There was general agreement that the upper level of 15,000 lumens for residences should be left intact, with the understanding that it could be changed later if such a change appeared to be appropriate. Supervisor Brownlow expressed concern about small lots, saying that it would be difficult to avoid light trespass on small lots and that perhaps there should be a tiered system. Discussion turned to a proposed amendment to required building inspections on commercial properties on a County-wide basis. Chairman Street said she was in favor of this because when the public is invited into a building that building should be inspected regardless of where it is. Mr. Lockard said consideration was also being given to updating the entire Planning & Zoning Ordinance, and he asked how staff should proceed with that. Mr. Spedding said that staff could bring one section of the Ordinance at a time to the Commission and Board or it could instead obtain consensus on the various sections and then bring the entire Ordinance as revised to the Commission and Board. He recommended the latter course of action. Chairman Street said she liked to see both the old language and the new language, and that she did not know that anyone wanted to see this done one section at a time. There was general agreement that staff should work on the changes on a consensus basis and bring all of the proposed revisions forward at one time. Supervisor Brownlow asked if staff was planning to toughen the Ordinance. Mr. Lockard responded that staff was actually looking at relaxing some requirements and that there were a number of things that could be eliminated to simplify the process for everyone. Mr. Collison said he did not want to see the baby thrown out with the bath water, and that the County should be careful about relaxing standards. Chairman Street said she did not believe that any major changes to the Ordinance were being contemplated but rather that this would be an attempt to put things in better order so that it is easier for people to understand. There was brief discussion regarding whether the Board, Commission and Boards of Adjustment and Appeals should meet in joint session to discuss this issue, during which there appeared to be general agreement that staff could interact with each of those bodies regarding what they would like to see happen with the Ordinance. Mr. Schurr said that, for example, he would like to see some of the definitions moved out of the definitions section and put in the sections of the Ordinance to which they apply. Ms. Weedon said she thought it would be good to cut down on the Ordinance and make it simpler, but that everyone should recognize that at the same time the County would have a new Lighting Ordinance that was so lengthy and complex that no one could understand it. She said she would like to see the Ordinances be more compact, concise and user-friendly.

4. **Subdivision Regulations update and discussion regarding requirements for wells and septic systems.** Ms. Link pointed out that staff had put together pamphlets explaining the hearing process and that these had been useful for the public. She told those present that the current subdivision process was a "one size fits all" approach and that staff was looking at having a tiered approach, the main goal of which would be to provide incentives for developers. Ms. Link said there were two parts to the Subdivision Regulations, and that one was the process that developers go through and the other was the improvements that are required. She said that in some respects the County was already allowing some flexibility and that in some cases the County had allowed waivers of certain road standards. She said that the problem did not seem to be so much the standards as time frames and how long it takes to work through the subdivision process. Ms. Link said she would like to look at dovetailing this project with the General Plan because the Plan would bring forward some things that would most likely need to be included in any update of the Subdivision Regulations. She said she would like to start by looking at the time frames involved in the process and hold off on looking at improvement standards at this time but that she wanted to stress the importance of being flexible with the different standards. Supervisor Davis said he was a little concerned about being too flexible because it could lead to allegations of discriminatory behavior. Chairman Street asked why the Board wanted to have tiered subdivision regulations. Supervisor Davis said that the Board had complained about lot splits and wildcat subdivisions, but that the Subdivision Regulations were a one size fits all approach that was not fair. He said the Board was interested in a process that would be user friendly for everyone from small builders to larger developers. Supervisor Brownlow said he liked to use as an example the small subdivision in the Big Chino area. He said he had talked the developer of that subdivision into coming through the subdivision process instead of doing it by lot splits, and that when everything was finished the developer had told him he would never go through the subdivision process again because there had been too many restrictions placed on him. There was brief discussion regarding lot splits, during which Mr. Schurr said it was hard to prove illegal subdividing because one had to prove that people were acting in concert to create a subdivision. Mr. Spedding said that in looking at past subdivision

approvals, some of the additional costs to developers were the result of stipulations placed on them by either the Board or the Commission, sometimes at the request of community organizations, and that those stipulations were not included in the Subdivision Regulations. Mr. Schurr said that when property is rezoned the Board could put conditions on it, but that it needed to think about the impact of those conditions. He said that when someone meets the requirements of the Subdivision Regulations the Commission and Board needed to approve it without putting stipulations on that approval. Chairman Street said she agreed. She said she had noticed that some of the questions asked at hearings were really no one's business and had nothing to do with the Subdivision Regulations. Mr. Collison said the reason for looking at tiered Subdivision Regulations was that it was easier for a person to do lot splits than a subdivision. He said that lot splits were increasing all the time, and asked if the County wanted to compromise on water, sewer or roads. He said he believed Ms. Link had made a good point about the application process and that to a developer time was money. He said that some of the County's own technical regulations had encouraged people to split lots. Chairman Street said she believed that sometimes the questions Commissioners ask people just makes the situation worse. Mr. Collison said he did not believe that the standards should be compromised because the County wanted projects that were well engineered, but that the process could be made easier. Mr. Spedding said that most of the comments his department had received from developers had to do with the process rather than the improvements being required. He said that the Board would have to change the County's road standards in order to achieve much of a lessening of requirements under the current Subdivision Regulations. Ms. Nelson said that some of the stipulations the Commission applies are imposed as the result of public concern, and that the Commission took public input seriously. Supervisor Davis said he agreed. He said the County's history had been one of rape and pillage by developers and that he believed the County had made great strides in controlling it. He said that with regard to road standards, not relaxing the Subdivision Regulations would require a full-blown road, water and sewer infrastructure. He said that a person with ten acres to develop could not do that because they would not be able to sell the lots afterwards. He said that if someone had 40 acres and wanted to put 20 houses on it, the County should say it was okay to have septic systems. Supervisor Davis said he thought that dirt roads in some cases would be appropriate. Mr. Thurman said he liked the idea of tiered regulations. Chairman Street said she thought it came back to the question of health, safety and welfare, how many people would use a particular road, and so on. She said she did not believe the Commission or the Board should be micromanaging and re-engineering projects all along the way. Mr. Spedding said that staff would look at the process but would also look at the levels of infrastructure required for different types of subdivisions. He said he felt that one of the most important things the Board could do would be to look at Resolution No. 1036 regarding County road standards and consider relaxing the road standards. He said if that happened, there probably would not be a great deal of change required in the Subdivision Regulations. He acknowledged that if the road standard was relaxed to allow for chip sealed or dirt roads, people would still come to the County years from now and ask the County to pave their roads. Ms. Link said she believed it was also reasonable to look at subdivisions on a case-by-case basis.

5. **Expansion of the Building Code for multi-family, commercial and industrial, and discussion of adoption of the 2000 Building Codes.** Chief Building Official Dick Busby presented this item. Mr. Busby spoke of the cost of the code books to the public and to the contractors saying that at \$400 a set, the cost was prohibitive to most individuals. He said that as part of the adoption of these codes, there would be a change in fees adding that they had not been changed in approximately ten years. Mr. Busby said the fees were being changed to the 1994 building codes and that all the County was trying to do is recover costs. Mr. Spedding pointed out that the County would be going with 1994 building codes and not 2002 codes which would have been considerably higher. Chairman Street inquired what would be the next step for this process. Mr. Spedding answered there would be public hearings held and two commission meetings. Mr. Busby said it would also be placed before the Contractors Association.
6. **Minor Land Division Ordinance.** Mr. Schurr explained the format of the minor land division affidavit to the Boards saying there are not any penalties at this time if a landowner is not in compliance with the filing of this form. He said the County could make it a requirement that the form be filled out and recorded when a building permit was taken out and that this method would also show who was doing a lot of land splitting. Mr. Schurr said if the County decided to make the recording of the affidavit a requirement, they would have to have the personnel to work with the affidavits and check them for compliance. He said even with the current ordinance there had been non-compliance of the filing of the form. Ms. Nelson asked how Coconino County's tiered subdivision

was working. Chairman Street asked Supervisor Brownlow if he could check when he attends the next NACo meeting on how Yuma County were working with their minor land division ordinance. Mr. Schurr said there would still be problems with individuals who will sell their property and won't record it. There was general agreement among the Board members that they would like to change the ordinance to implement the requirement of the affidavit to be recorded when a building permit was taken out and that a seller would have to apply for pre-approval of splits and the buyer would have to sign off on the affidavit. Supervisor Brownlow said that most lot splits are legal even though they call them illegal splits and that the County gets beat on by individuals who purchase property with poor roads that have resulted from the wildcat subdivisions and then expect the County to come in and fix the roads.

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

ATTEST:

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