

OFFICE OF BOARD OF SUPERVISORS
YAVAPAI COUNTY, ARIZONA

Prescott, Arizona

May 20, 2002

The Board of Supervisors met in regular session on May 20, 2002.

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

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

ITEM NO. 1. Board of Supervisors.

1. Hearing: Consider approval of the 2002-2003 fee schedule for services provided to fire districts and other special districts in the county, pursuant to A.R.S. §11-251.06 and 251.08, and §48-819. Chairman Street called for comments from the public. There were none, whereupon Supervisor Davis moved to approve the schedule. Supervisor Brownlow seconded the motion, which carried by unanimous vote.
2. Request funding for up to \$10,000 to support the Verde Valley Water Users Association in their efforts to address the Gila River System General Adjudication, to be paid from Contingency. Supervisor Davis said he had been working with this group for the last few months, and that the group had brought on technical people to help with this issue. He said he believed that the information that would be developed by the VVWUA would be valuable to the Yavapai County Water Advisory Committee, and that he did not anticipate that all of the \$10,000 would actually be used. He also said that he did not believe the entire \$22,000 allocated earlier for the intergovernmental group would be spent and that it was more likely that \$22,000 would be the total amount for both groups. Supervisor Davis said the information developed by the VVWUA would be available to the public. Upon a motion by Supervisor Brownlow, seconded by Supervisor Davis, the Board voted unanimously to approve the funding request.
3. 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., 1.c., and 8., all items on the agenda were approved by unanimous vote, upon a motion by Supervisor Davis, seconded by Supervisor Brownlow. See Consent Agenda for Board of Supervisors for detail.

ITEM NO. 2. Request from Sheriff's Office for approval to apply for the COPS Universal Hiring Program 2002 grant in the amount of \$854,757 with a local 25% match of \$284,940 which does not include vehicles and related emergency equipment. Sheriff Buck Buchanan explained that this grant, if approved, would provide nine field deputies. He stressed that the request on this day was only for permission to submit the grant, saying that he was not optimistic that the grant would be approved but that if it was it would likely not have a financial impact on the County until a couple of years from now. In response to a question from Supervisor Davis, Sheriff Buchanan estimated the cost of vehicles and emergency equipment at \$20,000 for each position for a total of \$180,000. In response to a question from Chairman Street, Sheriff Buchanan said he believed it might be possible to negotiate with the federal government for partial approval of the grant and that he could look into it. Upon a motion by Supervisor Davis, seconded by Supervisor Brownlow, the Board voted unanimously to approve the request.

ITEM NO. 3. Public Works Director Richard Straub. In Mr. Straub's absence, Regional Road Program Manager Phil Bourdon presented items for the Public Works Department.

1. Discussion and possible action amending the language of Resolution No. 1343 imposing a ban on open fires on private and public lands in the unincorporated areas of Yavapai County. Mr. Hunt pointed out that the Board had approved Resolution No. 1343 at its last meeting, and recommended that approval of a new resolution include repeal of Resolution No. 1343. Supervisor Brownlow asked who would enforce the resolution. Mr. Hunt said that issue had not been fully resolved. Deputy County Attorney Randy Schurr said there were provisions in Arizona Department of Environmental Quality regulations to require burn permits and that ADEQ had delegated that responsibility to fire districts. He said the County could work with the fire districts and other agencies to help make sure the resolution was enforced. In response to a question from Supervisor Brownlow, Mr. Schurr said that instead of the Sheriff's Office citing someone on forest land, they could contact the appropriate law enforcement agency. Chairman Street pointed out that as part of the emergency declaration last week she had also imposed a ban on fires. Supervisor Brownlow moved to approve Resolution No. 1345, repealing Resolution No. 1343 and prohibiting campfires

and open fires on private and public lands in the unincorporated areas of the County. Supervisor Davis seconded the motion, saying that when the Board had approved Resolution No. 1343 on May 6 it had done so with good intentions but felt it lacked legal authority. Chairman Street called for the vote, which carried unanimously.

2. Consider approval of a right-of-way and design cooperative project on Angel Crest Drive in the Cornville area. Mr. Bourdon told the Board that Angel Crest Drive intersected with Cornville Road in an offset manner, which he said created a problem. He said that property owners were willing to dedicate the right-of-way and pay for relocation of utility poles. Chairman Street asked if the County was providing any maintenance on this road. Mr. Bourdon said it was a private road, and that it did not line up with Page Springs Road at Cornville Road. Supervisor Davis clarified that the object was to make Angel Crest Drive line up with Page Springs Road where both roads come onto Cornville Road. Mr. Bourdon said the cost of improving approximately 200 feet of the road would be about \$10,000 and that the project would be funded from District 3. Upon a motion by Supervisor Davis, seconded by Supervisor Brownlow, the Board voted unanimously to approve the request.
3. Consider approving a project on Cayuga Lane in the Lake Montezuma area and contingent upon approval, consider accepting a petition to establish Cayuga Lane as a County highway and set the hearing date and time for June 3, 2002, at 11:30 a.m. Mr. Bourdon told the Board that this project was originally scheduled to be approved in the 2005-2006 fiscal year, but that Supervisor Davis wanted to move it forward. Supervisor Davis said that paving this road would pretty much wrap up the need for maintenance of dirt roads in that part of the County. Upon a motion by Supervisor Davis, seconded by Supervisor Brownlow, the Board voted unanimously to approve the request.
4. Request to change the hearing date and time for the Superstition Lane Road establishment from May 20, 2002, to June 3, 2002, at 11:30 a.m., Castle Canyon Mesa area, due to publication problem. Approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Davis.
5. Consider approval of items appearing on the Consent Agenda for Public Works. All items on the Consent Agenda for Public Works were approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Brownlow.

CONSENT AGENDA FOR PUBLIC WORKS: Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Brownlow.

1. Approve declaration of Drought Resolution for Yavapai County. Resolution No. 1346.
2. Award or reject bids for Supply and Delivery of Crack Fill Material in Yavapai County, Contract No. 2211078. Bids opened May 7, 2002, with bids received from Crafcro, Inc, Maxwell Products, Inc. and Superior Supply, Inc. Recommend awarding to all bidders at various unit prices for all districts.
3. Consider the approval for the designation of Chavez Ranch Road as a primitive road.
4. Consider request to remove Deer Pass (F.S. 89B) Road from the County maintained road list.

ITEM NO. 4. Consider request from the Water Advisory Committee to an amendment to Resolution No. 1163 establishing the Water Advisory Committee. Jerome Town Council member and WAC member Doree Christensen participated in discussion of this item. Mr. Munderloh said that the WAC had encountered some situations in the past where it wanted to respond to time sensitive issues. He said the members of the WAC felt that the makeup of the WAC was different from other County boards and commissions because it was comprised of many elected officials and because each of the jurisdictions represented on the WAC also provided money to support it. Supervisor Davis noted that there were two proposed resolutions and asked if the WAC had indicated a preference for one of them. Mr. Munderloh said that both proposed resolutions were agreed upon by consensus of the group and that the group believed either resolution would work. He pointed out that the second resolution contained a provision for the WAC to notify individual Supervisors regarding opinions it issues. Supervisor Davis asked what would constitute notification, to which Mr. Munderloh replied that notification could be done by phone or by email. Supervisor Davis said he liked the second resolution, but would like the communication link to be the Clerk of the Board. He said that there might be times when the Board would want to take action on an issue based on the opinion issued by the WAC. Chairman Street said she believed the resolution currently in place was fine, and that she was not in favor of changing any of it. She said she did not believe that the argument about things happening quickly was valid because very little in government ever happened quickly. Supervisor Davis asked Chairman Street if she had ever worked with the state legislature, saying that it was a good example of things happening quickly. He said he believed there had been a number of issues that warranted the ability of the WAC to respond quickly, that the WAC members were for the most part elected officials, and that they based their decisions on scientific information. He said the proposed resolution

represented a minor amendment to the original one, and that once the Board was notified of WAC action it could respond as to whether or not it agreed with the WAC's decision. Supervisor Brownlow said the WAC had been formed originally because the various entities in the County were fighting among themselves. He said that the resolution clearly stated that the reason the County set the WAC up was to coordinate efforts and act as a facilitator for coordinated efforts, and that nowhere in the resolution did it say the WAC was formed to give the Board advice about things. He said he was concerned that the WAC would want to advise the Board about whether or not a subdivision was a good idea and that he did not see the WAC as an advisory group. Supervisor Davis said he disagreed, and felt that when the Board established the WAC it recognized that the County did not have the resources to deal with water issues. He said he believed the WAC had done a great deal more than addressing the controversial issue of pumping in the Big Chino, adding that the WAC had brought in more than \$3 million to be used for water studies. He said the WAC did a great deal of good, and that if in the future the Board disagreed with WAC decisions it could send out a letter saying it disagreed. Supervisor Brownlow said he too believed the WAC had done a tremendous job. Supervisor Davis moved to adopt the second resolution, which he said contained language regarding the WAC notifying the Board of its decisions. Ms. Christensen said that everyone on the WAC respected the Board and its need to make decisions, and that the WAC only hoped to be of assistance to the Board. She said the WAC's decisions had to be based in science and that those decisions had to be reached by consensus, and that if the members could not agree then an opinion was not issued. She said the WAC only wanted to be of help to the Board and to the various jurisdictions represented on the WAC as well as to the state or other appropriate organizations. Ms. Christensen said that there were times when issues were time sensitive and of concern to many people. Mr. Holst said he had provided most of the language for the original resolution, and there was recognition that the way things needed to work was to have elected officials from the cities and towns, but that it was felt at the time that it would not be good to have a member of the Board on the WAC but instead to have private individuals appointed to represent the Board. He said that if there was a desire to have a different structure for the WAC then it might look like something other than an advisory committee and that maybe it needed to be something very different than the current structure. He said he was not aware that there had been a problem with the current structure of the WAC. Supervisor Davis said he believed the WAC was working very well and that he did not think the amendment would be a problem. Supervisor Davis moved to approve Resolution No. 1347, which was the second resolution providing for notification. Chairman Street said she would not second the motion. Supervisor Brownlow asked Supervisor Davis to read paragraph 7 of the resolution regarding the Board's ability to dissolve the WAC at any time. Supervisor Davis read paragraph 7, after which Supervisor Brownlow seconded the motion saying he wanted everyone to be aware that if the WAC overstepped its bounds he would look at disbanding it. Chairman Street said she believed all three Board members had differing opinions and that she did not believe the WAC should be taking any kind of position or making any kind of recommendation about the County's business. She said she believed the purpose of the WAC was to discuss common water concerns and develop information about water resources and the like, and that she thought the WAC had taken on a life of its own. In response to a comment from Mr. Munderloh, Supervisor Davis said he intended as part of his motion to have the Clerk of the Board designated as the person to be notified of WAC decisions or opinions. Chairman Street called for the vote, which carried by a 2-to-1 vote with Supervisors Brownlow and Davis voting in favor of the motion and Chairman Street voting against the motion.

ITEM NO. 5. Development Services Director Ken Spedding and Planning Manager Elise Link. Planning and zoning. Planning & Zoning Commission members Curt Garner and Curtis Lindner were present to represent the Commission.

1. Consider approval of items appearing on the Consent Agenda for Planning & Zoning. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Brownlow.
2. Preliminary plat, Cross Creek Ranch, 408-31-040 and 408-31-109S, Sedona area, Shepard-Wesnitzer, Inc., Art Beckwith agent for Daniel Maloney, Steven Maloney and Dushan Vojnovich, #2019. Consideration of a Preliminary Plat consisting of eighty-four (84) Single Family Residential lots, having an average area per lot of 2.32 acres, on approximately two hundred eighteen (218) acres in an RCU-2A [Residential; Rural, minimum two (2) acres lot size] zoning district for the project known as Cross Creek Ranch. Located along the south side of Lower Red Rock Loop Road, approximately 2.7 miles from it's intersection with State Route 89A in the Sedona area. The Planning and Zoning Commission recommended approval of H2019, Consideration of a Preliminary Plat with the stipulations listed below. Ms. Link told the Board that the subject

property was an old historic ranch that was being purchased by Cachet Homes to be developed with 84 homes with a density of about one home for every two acres. She said the Commission had recommended approval of the preliminary plat by a 7-to-2 vote and that most of the discussion at the Commission meeting had centered around the property being developed as a typical subdivision with private open space instead of public open space. Ms. Link said that the County could not require someone to develop property as a PAD and that the preliminary subdivision submittal was consistent with County requirements and in keeping with the low density of the area. She said the development would have a central water system and wastewater facility and that it would be a gated community with private roads built to County standards. She told the Board that following distribution of the Board's packets for this day's meeting letters had been received from a number of people and that an email had also been received from the City of Sedona indicating that the City was talking with the developer about the possibility of the subdivision connecting to the City's wastewater system. Ms. Link noted that the provision of a water and wastewater system was beyond what was required for a standard subdivision, adding that the developer also planned to propose a number of requirements in the subdivision's CCRs. In response to a question from Supervisor Davis, Ms. Link said that after the last Commission meeting the developer had added a requirement that fireplaces would meet EPA emission standards. Supervisor Brownlow referred to the recent Indian Creek Fire in Prescott and the fact that lack of access in some areas had been a problem. He asked if there was only one access for this subdivision, to which Ms. Link responded that the only bridged access would be to Lower Red Rock Loop Road. Sedona Fire District Fire Marshal Will Loesche said he had reviewed the project and had recommended the addition of a stipulation that the developer be required to comply with the wildland/urban interface code. He said that because the subdivision would be a gated community all substantial buildings in the subdivision would be required to have sprinklers, and that fire hydrants would also be required. Mr. Loesche said he had looked carefully at the access and that if the project was approved he would look carefully at the engineering for the bridge on the access road to make sure that it is adequate. He said the subdivision provided for a loop travel pattern and that the cul-de-sacs were designed to allow turnaround for fire trucks. He said he had no problem with the cul-de-sacs. Supervisor Brownlow said that, to his knowledge, this was the first subdivision that had stepped forward to provide both water and wastewater systems where lots are over two acres in size. Deputy County Attorney Randy Schurr said that this situation was unique and that the developer had not requested rezoning. He said that the only thing the Board was considering on this day was whether or not the project conformed with the Subdivision Regulations. Applicant's attorney Stephen Anderson of Gammage & Burnham introduced project hydrologist Steve Noel and Cachet Homes president Matt Cody. Mr. Anderson said he wanted to clarify that the existing low water crossing would remain in place as a secondary and emergency access and that the second bridge referred to in the applicant's letter of intent was an internal bridge. He said that an emergency strobe light would be installed on the gate to the subdivision so that the gate would automatically open when approached by a fire truck. Mr. Anderson pointed out that the item under consideration on this day was a preliminary plat and that it conformed to the County General Plan, existing zoning, and the Red Rock Dry Creek Community Plan. He said the project's density would be more than 20% below that allowed for the property and that the applicant believed that the project not only met the Subdivision Regulations but exceeded them. Mr. Anderson said the applicant had held two community meetings about the project and had done a good job in making sure that people who were interested in the project received information. He added that the project would have rigorous design standards and that approximately 15 specific architectural styles would not be allowed. He said he was aware that property owners in the Cup of Gold Estates subdivision were opposed to the development of the property, but that the proposed subdivision would be at least as nice as Cup of Gold, if not nicer. Chairman Street called for comments from the public, in each case asking those commenting if they had attended previous public meetings regarding this project and where they lived in relation to the project. Allen K. Briney said he had attended previous public sessions and that he lived next door to the subject property. He said he questioned who owned the property and that the original plan was to subdivide it into 40-acre parcels. He asked that the Board place a moratorium on the project until problems with it could be investigated. Diane Briney said the property contained a rare riparian forest and that the proposed project did not provide for any wildlife areas to be left open. Mr. Schurr said that the County was severely restricted in its ability to impose a moratorium. Supervisor Brownlow

asked what could happen if the property was sold off in 40-acre parcels. Mr. Schurr said the current zoning was two acres and that property could be split down to two acres with no improved roads and with individual wells and septic systems. He added that the County could not change the zoning without the consent of the property owner. Lyman Brainerd, Jr., said he attended both public participation meetings and that he lived next door to the Brineys. He said his subdivision had only 24 houses and that the proposed subdivision would have 80 and that the area was too sensitive to develop without further study. In response to a question from Chairman Street, Mr. Briney said that lots in his subdivision, Cup of Gold, ranged in size from one acre to three acres. Celinas Ruth said she did not participate in the public process and that she lived three to five minutes away from the property. She said she was a member of the Red Rock Rural Community Association, whose purpose was to preserve the rural lifestyle that exists in the area now. She said she did not agree that the proposed subdivision met the requirements of the Red Rock Dry Creek Community Plan, and that the developer was trying to do a good thing but was doing it in the wrong place. Harry Easton said he had participated in one of the public meetings, that he lived off Dry Creek Road, and that he was one of the members of the Red Rock Dry Creek Community Plan Committee. He said he sympathized with those who felt that the proposed subdivision was not a good idea, but that the developer had followed many of the recommendations in the community plan. He said he had only two concerns, one of which was that he would like to see a requirement that the fireplaces be gas fireplaces in order to eliminate smoke from the area, and that the other request was that building footprints be established for each lot prior to the lot being sold. Robert Cristall said he lived in Sedona but owned property overlooking the proposed subdivision. He said that he had been disappointed that Cachet Homes decided to use a standard subdivision and so he had asked to review the plans. He said he found that the developer had done a terrific job with design and that he believed the owner had the right to develop the property. Mr. Cristall said that if the subdivision was developed as proposed, it would go a long ways toward mitigating any concerns that he had. He said he supported the proposal because it was better than what anyone could reasonably expect of any other developer, and that he hoped the architectural guidelines would be incorporated into the stipulations. Mr. Garner said the Planning & Zoning Commission had indicated its desire that the developer provide footprints of the building sites for the most environmentally sensitive lots. Supervisor Brownlow asked how many houses actually used fireplaces for heating, adding that if anyone in the area wanted more wildlife he would be happy to send some javelina over from his neighborhood. Mr. Spedding pointed out that once the bridge design was approved through the Flood Control District the District would issue a permit and would provide a copy of it to the Army Corps of Engineers, which he said could still require additional permits. He said he would like to know if the developer would be providing an easement along the creek for the Flood Control District. Mr. Anderson said the applicant had provided notice of the proposed project to property owners within 1,000 feet of the project boundaries and also to all property owners in any subdivision adjacent to the subject property. He said that with regard to fireplaces, the applicant had made a commitment to work on the issue and was willing to impose a requirement that fireplaces must be either gas fireplaces or meet EPA standards for emissions control. He said that lot sizes in Cup of Gold ranged from .4 acres to 3.82 acres and that the lot sizes in the applicant's subdivision would be from 2.3 acres to 4 acres. Mr. Anderson said the applicant had already begun the process with the Army Corps of Engineers, and that the applicant had also agreed to take the project's trail system out of the state park area so that residents in the subdivision would not use the state park as a common area. He said that footprints had not been designated but that the applicant had agreed to restrict building envelopes to no more than 60% of the lot. He said he believed the applicant had been more than reasonable in his willingness to address the concerns of neighbors but that he thought it was clear from what people were saying that they simply did not want to see any kind of development on the property. He added that it had always been the applicant's intent that prior to the sale of any lot the building footprint would be determined. In response to a question from Supervisor Davis regarding water resources, Mr. Noel said that he had prepared a water adequacy study and submitted it to the Arizona Department of Water Resources but that ADWR had not yet issued a statement of 100-year supply. He said there was a 347-foot deep well on the property that would need to be replaced because of damage, and that he did not know what the surface water rights were. Mr. Anderson said that with regard to surface water rights, there were two possibilities that he was aware of. He said that one was Armijo Ditch, but that he did not know what the rights were with respect to that ditch and that there

was also an existing pump next to the creek. He said he was assuming that the applicant did not have any surface water rights, even though he was sure that was not the case. He added that the applicant would have to go through an adjudication process with the Arizona Corporation Commission with regard to the water. Supervisor Davis asked if the applicant would have a water improvement district. Mr. Anderson said the Corporation Commission had asked the applicant to contact existing certificated water companies in the area to see if any would be interested in supplying water service to the subdivision, adding that the applicant was also discussing wastewater service with the City of Sedona. Supervisor Davis asked what would be done with the effluent. Mr. Beckwith said it would be disposed of underground. In response to a question from Supervisor Davis, Mr. Anderson said that the building footprint being confined to 60% of the property meant that 40% on the perimeter of each lot would be left as open space, and that the applicant had no problem with adding that as a stipulation. He said he believed the applicant could just say he would agree to designate the building envelope prior to the sale of each lot. Chairman Street said she had a problem with everything being so specific. She said the property was already zoned for two acres, and that it came down to saying where people could put their houses, what color the houses could be, and so on, that it was just too much governmental regulation for her liking. She said she did not believe there was any subdivision that should have 27 stipulations on it. Supervisor Davis said the wastewater system would be controlled by ADEQ, the bridge by the Army Corps of Engineers, and that the water system would be approved through the Arizona Corporation Commission. He said the County did not have the authority to deal with archaeological issues, and that the Board could not base its decision on any of those issues because they were regulated by other agencies. He asked Mr. Anderson if the applicant planned on maintaining the irrigation ditch because of its historic value. Mr. Anderson responded that the cottonwood trees along the ditch would be maintained and that the applicant had agreed to continue working with the Arizona State Parks Department regarding the ditch because they used it. He said the ditch originated on private property, that he did not know at this time whether the applicant even had the right to go on that property and as a result no commitment regarding the ditch could be made on this day. Chairman Street said he believed that all the stipulations belonged in the applicant's CCRs and that it was not the Board's place to put rules on people just so they could get through the system. Supervisor Davis said he thought the subject property was a very beautiful piece of land, but that people have property rights. He said he understood that people who overlooked that valley did not want to see it developed, but that one of the things that plagued the County was lot splits over which the County had no regulatory authority. He said that in this case, the developer was bringing in roads, water and other amenities and that the developer was limiting the number of homes. He said the Board had encouraged people to provide good development and that in this case the applicant had bent over backwards to provide good development. Supervisor Davis moved to approve the recommendation of the Planning & Zoning Commission, with the following stipulations: 1). Submittal of a Final Subdivision Plat, as specified under Article 5 of the Yavapai County Subdivision Regulations, within twenty-four (24) months of the Board of Supervisors approval of the Preliminary Plat and in substantial conformance with the approved Preliminary Plat dated 1/19/01, and the letter of intent dated February 20, 2002. Existing low water crossing will remain and serve as the secondary/emergency access and will need to be depicted on the Final Plat; 2). Applicants to provide a central water and central sewer system; 3). Approval of a waiver of maximum cul-de-sac length requirements, per the plat's proposed roadway layout; 4). Lot 65 to be adjusted to a minimum of two (2) acres in size on the Final Plat; 5). Subdivision to be developed in compliance with all applicable local, State and Federal codes and regulations; 6). Joint review of bridge construction and hydrology by the Land Use Unit, Flood Control and Sedona Fire District prior to Final Plat submittal; 7.) Applicants' proposed stipulations 1 through 27 shall be incorporated by reference into the applicants' letter of intent dated February 20, 2002. March 19, 2002 conditions set out by the developer/applicant that they have agreed to adhere to: 1). Setbacks on all lots adjoining Red Rock State Park shall be a minimum of 50 feet regardless of whether the lot adjoins the park on the side or rear; 2). No improvements of any kind such as outbuildings, sheds, garages or fences, other than single-strand fencing, shall be constructed in the 50-foot setback on lots adjoining Red Rock State Park; 3). No improvements shall be constructed in the 100-year floodplain on the lots nearest Oak Creek adjoining Red Rock State Park; 4). Non-reflective building materials in earth tone colors shall be used in the construction of improvements, including fencing; 5). All lots bordering Red Rock State Park shall have a one-

foot non-access easement along the lot lines adjacent to the Park unless otherwise approved by the State Parks Board; 6). No Creek or Park access easements or corridors shall be permitted between lots in the area bordering Red Rock State Park without the approval of the State Parks Board; 7). No subdivision trail system shall be located at the rear (the Creek side) of lots immediately adjacent to Red Rock State Park without the approval of the State Parks Board. This stipulation shall not effect trails located at the front (the street side) of such lots; 8). Applicant shall obtain County Environmental Services and ADEQ review and approval of sanitary facilities prior to Final Plat approval; 9). Applicant shall provide a Water Adequacy report or finding from ADWR prior to final approval of Plat; 10). Applicant shall comply with ADEQ water quality standards including R18-11-107 (D) regarding anti-degradation of an Arizona "unique water"; 11). A final drainage plan/report [shall] be submitted and approved by the Flood Control District prior to recording the final plat; 12). The applicant shall submit deed restrictions and CC&Rs to the State Parks Department for review and comment prior to seeking final plat approval. The applicant shall not be required to incorporate the comments of the State Parks Department; 13). Applicant shall comply with the Yavapai County Dark Sky ordinance; 14). The Applicant shall develop a fire management plan for the subdivision, including residential fire sprinklers, and appropriate fuel mitigation requirements; 15). Require sedimentation control from lots during construction until bare soil is in a stable condition; 16). Require fences (wildlife friendly) along the National Forest boundary to identify the boundary and prevent unauthorized use, trail development and impacts to the National Forest; 17). Ensure all utilities for the project will come from private land and not require additional construction on the National Forest; 18). The primary structure and garage shall be limited to a building envelope. The building envelope shall be no more than 60% of each lot. Accessory structures outside of the building envelope, exclusive of driveways, shall total no more than 1,000 square feet; 19). The primary structure and garage shall be setback a minimum of fifty feet from all property lines and twenty feet from the higher of the FEMA floodplain line or the actual floodplain line reflected in the applicant's Phase III drainage study (to be prepared during final platting); 20). Second stories will be limited to no more than 50% of the square footage of first floors, inclusive of garages. In no case will any portion of a building be permitted to exceed the immediately adjacent natural grade by more than thirty feet, as measured to the midpoint of peaked roofs or the parapet of flat roofs; 21). Buildings will be constructed out of materials that are harmonious in appearance with their surroundings. Roofs shall be constructed from materials that limit reflectivity. In addition to roof materials, reflective surfaces of any kind, e.g., metal siding, window treatments or films, trim materials, etc., shall be prohibited; 22). Landscaping improvements shall be limited to native plants only. The applicant shall not disturb any cottonwood trees in excess of 20 feet in height that line the Armijo ditch except for clearance of fuel per the approved fuel management plan and clearance of undergrowth to a height of 20 feet; 23). Fencing will only be permitted within the building envelopes. Block walls encircling entire lots or entire backyards shall not be permitted. Wood, particularly in a split-rail design, shall be the preferred method of fencing; 24). Streetlights shall be limited to those required by the County for traffic safety purposes. Any community path lighting will be of a low-level, bollard type of lighting; 25). The applicant shall preserve the existing main ranch house; 26). The two main bridges (over Oak Creek at the entry and over the major wash where the "flume" currently runs) shall be designed to minimize the length of their spans. There shall be no improvements on the bridges above the necessary wall or guardrail system, with the exception of any lighting required by the County for safety purposes. The bridges will be subject to the same building material restrictions referenced above; 27). All infrastructure systems such as water, electric, gas, cable and phone, shall be undergrounded. A single above-grade cistern shall be permitted for the water system. The wastewater system shall be primarily underground. He told the applicant he appreciated his working with neighboring property owners to resolve concerns. Supervisor Brownlow said he would be happy to second the motion, saying the property owner could have lot split the property. Chairman Street called for the vote, which carried unanimously.

CONSENT AGENDA FOR PLANNING & ZONING: Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Brownlow.

1. Amendment of the General Provisions adding W: Application of Building Codes in Rural Overlay Zones, Planning and Zoning Commission, #2026. Consideration of an amendment to the General Provisions Section 108 adding "W" Application of Building Codes in Rural Overlay Zones for the purpose of administration of Building Codes affecting all commercial projects (includes all

retail/wholesale commercial buildings, performance industrial, industrial buildings and multi family residential structures greater than a duplex) within the unincorporated areas of Yavapai County currently within the Rural Overlay Zone designation.

W. COMMERCIAL/INDUSTRIAL/MULTIPLE FAMILY BUILDINGS IN RURAL OVERLAY ZONES

All structures other than single family and duplex units and their accessory buildings proposed in Rural Overlay Zone designated areas shall obtain appropriate construction building permits and inspections as required by the currently adopted Building Code of Yavapai County. Affected structures will include all retail/wholesale commercial buildings, performance industrial, industrial buildings and multi family residential structures greater than a duplex. The Planning and Zoning Commission recommended approval of Amendment of the General Provisions (108) adding W: Application of Building Codes in Rural Overlay Zones.

2. Adoption of the 2000 Building Codes, Planning and Zoning Commission, #2025. Consideration of adoption of the following Building Codes: Yavapai County Administrative Code (2000), International Building Code (2000), International Residential One and Two Family Dwelling Code (2000), International Plumbing Code (2000), International Mechanical Code (2000), National Electrical Code (1999), International Fuel Gas Code (2000), International Property Maintenance Code (2000), Uniform Fire Code (1997), Yavapai County Grading Ordinance (2000), Valuation and Fees Resolution (2000) for the Urbanizing Zone of the Unincorporated Areas of Yavapai County. The Planning and Zoning Commission recommended approval of H2025, Consideration of Adoption of the 2000 Building Codes.

ITEM NO. 6. Study session for budget/legislative update. County Administrator Jim Holst and Human Resources Director Julie Ayers participated in discussion. Mr. Holst explained that there would be another budget study session the afternoon of June 3. He said that generally, the legislature had focused on major budget issues related to Maricopa and Pima counties, but that he was getting information that some of the Fill the Gap monies would be available. Mr. Holst said he had reviewed the various line items in the 2002-2003 budget and wanted to go over that with the Board at some point, and that he also had more information related to revenue estimates. Ms. Ayers said that health insurance premiums had increased and that she would need to provide 30 days' notification to employees about the increase and allow them an opportunity to change their coverage. She added that the City of Prescott had adopted a 35% subsidy for employees with dependent coverage. Ms. Ayers said that another issue was how much of a range adjustment needed to be given in order to have employees break even. Supervisor Brownlow asked Ms. Ayers if she had checked with any independent insurance companies regarding dependent coverage. Chairman Street asked what percentage of employees actually had dependent coverage. Ms. Ayers said that about 33% of County employees had dependent coverage. Chairman Street said she thought that was a benefit that the other two-thirds of employees were not receiving. Mr. Holst said he could put insurance costs into the budget as a program change. Ms. Ayers said the rate increase would go into effect July 1. Chairman Street said she did not want cuts in the budget to be made on the backs of County employees. Mr. Holst said he believed the Board's discussion on June 3 would probably take several hours. There was brief discussion about uniform allowances in the Sheriff's Office, during which Mr. Holst said he would look into costs associated with that.

CONSENT AGENDA FOR BOARD OF SUPERVISORS: Unless otherwise noted, all items were approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Brownlow.

1. Requests from Board of Supervisors:

- a. Approve minutes of April 29, 30, May 1, 2, 6, and 7, 2002.
- b. Liquor license for which there are no protests, Series 13 Domestic Farm Winery, Echo Canyon Vineyard & Winery, Cornville area, Jon Robert Marcus. Supervisor Davis said it appeared the property had been rezoned from RCU-2A to agricultural, that he did not think this was an appropriate use for the property, and that he had concerns about the hazardous condition of the road leading to the property. There was brief discussion regarding the status of the property, during which it was determined that the zoning was still RCU-2A, but that the Assessor had applied an agricultural exemption to the property. Supervisor Brownlow moved to hold this item in abeyance for more information. Supervisor Davis seconded the motion, which carried by unanimous vote. Later in the day, the Board was advised that Deputy County Attorney Randy Schurr was present and able to answer questions regarding the status of the property, and that the applicant, Mr. Marcus, was also present. The Board then reconsidered this item. Mr. Schurr said that under the Planning and Zoning Ordinance this was an appropriate use of the property. Mr. Marcus said that the winery would not be open to the public, but that he hoped

within a couple of years to be able to pursue a use permit in order to provide tours and the like. He said he would not be selling wine from the property until such time as he could obtain a use permit, but that he was required by the state to have the liquor license at this time. Upon a motion by Supervisor Davis, seconded by Supervisor Brownlow, the Board voted unanimously to approve this liquor license.

- c. Receive petitions for establishment of the Williamson Valley Fire District and set hearing on establishment for June 3, 2002, at 9:30 a.m. In response to a question from Supervisor Brownlow, Mr. Hunt said that acceptance of the petitions was purely ministerial and that the Board had no discretion to not accept them. Hootenanny Holler resident Ron Chase said he represented 40 homeowners and that they were trying to annex into Central Yavapai Fire District. He said that people associated with the Williamson Valley Fire Department had stopped the annexation process by filing an appeal and that he wanted the Board to stop the Williamson Valley petition process. Mr. Hunt said the Williamson Valley group had circulated petitions in the manner provided for by law, and that the establishment hearing would be at the Board's next regular meeting. He said that all the Board could do at this point was receive the petitions. Chairman Street said she had received some phone calls about this matter, and that what the Board was doing on this day was simply part of the process. Supervisor Davis moved to accept the petitions and set hearing on establishment for June 3, 2002, at 9:30 a.m. Supervisor Brownlow seconded the motion, which carried by unanimous vote.
- d. Approve resolution to amend existing Commerce contract, deleting the Jerome Police Department renovation and move the money to the Jerome Park Improvements project. Resolution No. 1344.
- e. Approve Change Order #1 in the amount of \$5,880 for the Camp Verde Jail Expansion Project.
2. Request from Sheriff for permission for Lieutenant Andy Bacon and Account Clerk Jennifer Gray to attend the Regional Grant Training Seminar, Las Vegas, Nevada, June 3 – 5, 2002, at an approximate cost of \$500, to be paid from regular training budget and to take a County vehicle out-of-state.
3. Request from County Attorney – Victim Witness Program for permission for Louise Jackson to attend Western Regional Compensation Conference, Portland, Oregon, May 29 – 31, 2002, at an approximate cost of \$675, to be paid from Victim Compensation Travel/Training account.
4. Request from Human Resources to approve the temporary appointment of Mary Conner to the Merit Award Board until August, 2002, to be replaced by Joe Huot from Public Works at a later date.
5. Request from Development Services for approval to dispense funds to abate an abandoned dangerous building located in Paulden, 304-01-023T, at an approximate cost \$432 to be paid from the Contingency Account.
6. Requests from Health Department:
 - a. Consider approve sending letter to the Governor's Community Policy Office identifying Advocates for Positive Choices as a local group working to reduce youth substance abuse.
 - b. Consider approval for Medical Director Leonard Jasinski to attend "The National Family Medicine Board Review", June 10-14, 2002, Las Vegas, Nevada, at an approximate cost of \$895, to be paid by Primary Care program.
7. Requests from Adult Probation:
 - a. Renewal of janitorial contract with Why Bother Cleaning, Inc., for an additional year from July 1, 2002 through June 30, 2003, at a cost of \$5,733.24 per year (\$452.88 per month; \$477.77 if after the 5th day), to be paid from Outside Services account.
 - b. Approval of a janitorial contract with Circle M Professional Office Cleaning for a period of 13 months (June 1, 2002 through June 30, 2003) at \$6,500 per year (\$500 per month) to be paid from Outside Services account.
8. Request from Elections to amend Seligman 2 precinct boundary and approve the creation of a Seligman 3 precinct. After pointing out that this amendment was necessary because of congressional district boundaries and that it was related to the Havasupai reservation, Supervisor Brownlow moved to approve the request. Supervisor Davis seconded the motion, which carried by unanimous vote.
9. Requests from Juvenile Probation:
 - a. Approval for a continuation of the YouthStep grant with the Governor's Office for \$92,864 with an \$79,639 in-kind match from Yavapai College, Youth Count and Yavapai County to be paid from Youth Summer Training and approval of an intergovernmental agreement with Yavapai College for collaborative summer employment/remedial education program for juvenile offenders.
 - b. Approval for Juvenile Probation Director Gordon J. Glau to attend Coalition for Juvenile Justice Conference on Alternative to Detention, Santa Fe, New Mexico, July 8-10, 2002, with all expenses paid by the Governor's Division for Children.
10. 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 No. II and Bryce Canyon Drive Sewer Improvement District.

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CLAIMS AGAINST YAVAPAI COUNTY

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| <u>ACCOUNT</u> | <u>AMOUNT</u> | <u>ACCOUNT</u> | <u>AMOUNT</u> |
|-------------------------|---------------|-------------------------|---------------|
| General Fund | 1,383,962.96 | Jail District | 211,876.54 |
| District 1 Park Fund | 538.46 | District 2 Park Fund | 10,662.14 |
| District 3 Park Fund | 12,188.94 | Family Planning | 5,587.53 |
| MCH Programs | 1,419.37 | Home Health Ser | 17,062.11 |
| Health Promotion | 7,737.31 | Nutrition | 1,819.40 |
| T.B. Control | 487.93 | WIC Program | 16,515.46 |
| Jail Enhancement | 1,871.69 | Juvenile Delinq. Reduct | 8,639.33 |
| Juvenile IPS | 15,425.30 | Family Counseling | 2,565.00 |
| Juvenile Food Prog | 1,734.43 | Community Adv. Bd. | 130.50 |
| Probation Serv | 3,840.93 | Adult IPS | 24,865.31 |
| Adult Probation Fees | 19,100.39 | Prob Enhance | 30,705.78 |
| Recorder's Surcharge | 61,798.64 | Indigent Def/Dg | 1,054.41 |
| Misc Small Grants | 137.22 | Crim Just/Atty | 10,225.97 |
| Bad Check Prog | 4,095.71 | CDBG Grant | 6,870.78 |
| Juv Prob Svs | 4,620.64 | Commodity Fd | 294.77 |
| Azeip Case Mgmt | 2,559.51 | Sexual Trans Disease | 10.66 |
| Hi Risk Chld HI | 2,274.03 | Clerk's Storage | 412.64 |
| WIC/TOB Intervention | 1,708.62 | HIV Counsel & Test | 2,357.96 |
| Atty Anti-Racket | 1,479.30 | Law Library | 4,188.97 |
| CASA | 5,570.54 | Case Process | 3,822.34 |
| Azeip Coordinator | 1,983.26 | Vict Witns Prog | 6,675.09 |
| Court Enhancement | 1,578.53 | Council Court | 1,568.85 |
| Drug Enf Fndg | 1,168.61 | Primary Care Svs | 12,933.93 |
| FTG Indigent Defense | 5,443.50 | Victims Rights Impl | 3,470.10 |
| JAIBG Juv Acct 3 | 1,626.48 | Yav Indian Agreement | 1,866.37 |
| Hassayampa/LTC | 1,409.19 | Dietetic Intern | 699.54 |
| Immuniz Service | 1,314.76 | Personal Care Svs | 456.02 |
| Idea-Preschool | 951.36 | Subs Abuse/DARE | 295.60 |
| Chem Abuse | 252.68 | Family Drug Court | 859.82 |
| Juvenile Drug Court | 7,928.77 | Juv Det/PACE | 3,092.17 |
| Special Program | 17,489.85 | Sm Schools Ecia | 703.08 |
| Sm Schools Beha | 16,294.21 | Cops in School | 4,101.91 |
| Mobile Command C. | 953.82 | Fill the Gap - Courts | 5,533.96 |
| Hurf Road Funds | 420,846.92 | Assessor Surcharge | 1,694.70 |
| Health Fund | 60,936.85 | Jail Commissary | 10,438.44 |
| Environm. Svs. | -\$99.60 | Landfill Administ. | 7,102.20 |
| Clinical NCP | 727.42 | Tire Recycle | 3,165.85 |
| Water Advisory Comm | 2,891.43 | Safe School Pro | 6,370.31 |
| Adhs-Svs Coord | 767.62 | Local Incentive Awards | 1,037.74 |
| Fill the Gap – Attorney | 2,755.97 | Family Law Commiss. | 3,943.25 |
| Comm Punish Pro | 1,920.58 | Idea Education | 911.62 |
| Juv. Detent Ed Pro | 2,455.26 | Regnl Road Project | 137,669.51 |
| Library Auto. Consor | 1,716.93 | Health Start | 3,973.16 |
| Victim Compensation | 3,488.40 | Interstate Compact Pro | 2,268.25 |
| Ryan White II | 2,242.87 | Primary Care Fees | 513.13 |
| Perinatal Block | 1,692.90 | Well Woman Health | 2,012.37 |
| Tobacco Educ | 11,233.01 | Hopwa Housing Op | 3,270.36 |
| Cops Fast | 3,351.82 | Ad Prob Education | 393.08 |
| School Res. Mayer | 1,302.32 | Detention Education | 98.26 |
| St. Grant in Aid | 974.35 | Direct Treatment Fund | 16,835.00 |
| Mental HealthRWJF | 1,127.69 | Mental Health Part. | 2,909.31 |
| Field Trainer | 1,767.78 | Comm. Access Pro | 1,393.86 |

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|--------------------|--------------|-----------------------|------------|
| Attendant Care | 25,545.03 | HIV/CT | 441.71 |
| Network Develop. | -\$63.55 | HIV Targeted | 2,189.82 |
| Childrens Justice | 1,484.46 | Child Sup & Vis | 658.01 |
| Domestic Relations | 31.29 | NIBRS Reporting Sys. | 242.60 |
| Self Service | 1,527.25 | VOCA | 4,844.68 |
| Yav. Drug Court | 3,247.23 | JTSF Treatment | 3,693.51 |
| Diversion Conseq. | 1,146.79 | Tobacco Donation Fund | 35.69 |
| Transferred Youth | 1,221.09 | Well Woman Compa. | 500.00 |
| Capital Projects | 95,137.43 | Jail Construction | 617,938.95 |
| ALTCS | 1,561,520.43 | | |

In addition, payroll was issued on May 17 for the pay period ending May 11; warrant numbers 2419134 through 2419607, in the amount of \$359,925.64. Jury certificates were also issued, warrant numbers 6855510 through 6855904. Warrants issued for May 20 Board day, 4170311 through 4170755; 4170756 through 4171194.

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

ATTEST:

_____ Clerk _____ Chairman