

BOARD OF SUPERVISORS MINUTES WITH SUPPLEMENTAL TRANSCRIPT  
(Where a supplemental transcript is available, it is printed in bold type)

OFFICE OF BOARD OF SUPERVISORS  
YAVAPAI COUNTY, ARIZONA

Prescott, Arizona

January 28, 2004

The Board of Supervisors met in special session on January 28, 2004, at 9:30 a.m.

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

Absent: Bev Staddon, Clerk (due to family illness).

Also present: Carolyn Dicus, Administrative Aide.

Clerk's note: A copy of these minutes with a supplemental transcript is available in the Office of the Clerk of the Board of Supervisors and is also available on the County website.

ITEM NO. 1. Board of Supervisors. Meet in joint study session with the Yavapai County Planning & Zoning Commission. The following members of the Planning & Zoning Commission were present and participated in discussion of the sub-items listed below: Tom Thurman; Gene Kerkman; Linda Bitner; Joan McClelland; Walter Burcham; Karl Rockwell; and Curtis Lindner. The following County staff members were also present and participated in discussion: Randy Schurr, Deputy County Attorney; Ken Spedding, Development Services Director; Enalo Lockard, Development Services Assistant Director; Elise Link, Planning Manager; Chris Bridges, Planner Journey and Steven Mauk, Land Use Manager. The following members of the public participated in discussion related to sub-items 1.b and c and 3., below: Judy Miller and Marvin Bagby, Cornville residents; Peggy Titus, Mayer resident and representing the Friends of the Agua Fria River Basin; Diane Lovett, Charles "Spike" Hicks, Robert Aberg, Cathy Hubbard and Lynn Reddell, Members of the Yavapai County Trails Committee and Doug Ayres, Verde resident.

1. General Update of the Development Services Department:
  - a. Subdivision Regulations

Mr. Spedding said that they were looking for some guidance from the Boards on how they would like for the Development Services Department to proceed on certain matters and to give some updates on different projects. Mr. Lockard said the review group had just completed the subdivision regulations and that they were ready to bring it to public hearings in March. He said one item in the regulations was the minor land division and that the department wanted to gain direction from the Boards on this matter. Mr. Lockard said the state legislature was looking at making it mandatory for counties to have a minor land division. Chairman Davis said he believed the legislature had pulled this issue and that he hoped the state would not make it mandatory. Mr. Schurr said the County would want to re-visit this issue and promote consumer use and not minor land division. Mr. Mauk said that the affidavits of disclosure were not being filed and that the title companies were not following through and it had actually become a problem at this point. Mr. Schurr said the title companies have taken the approach that it is not their problem. Mr. Thurman said that he makes all of the builders he works with fill out an affidavit of disclosure before building permits can be obtained. He said he knows it is a "buyers beware" but thought the affidavit of disclosure helped protect people. He said the only problem was when a property was split then the owner waits ten years or so to do anything with it, then it could cause problems. Mr. Spedding said the County had provisions to sort this type of problem out. Chairman Davis said the County should go ahead with this matter and see what happens. Mr. Spedding said to move ahead with the subdivision regulations then also look at the minor land division and bring back to the next joint session.

- b. Community Planning

Ms. Link provided an update on the Cornville and Paulden Community Plans saying the areas were being set as a priority and that the groups were moving forward and doing a good job. She said that it had come to the County's attention that the Northern Arizona University (NAU) had a land use policy class which helps a community through a community plan process by doing research, data base, and helping obtain other useful information and that the department would get together with Rex Mauldin from NAU for the plans. Supervisor Street said there were grant funds available for students helping with the plans. Supervisor Brownlow said the County might have to have staff available occasionally for planning meetings to answer questions on the County's rules and regulations before a community plan was put together. Ms. Link said the staff's role was to lay out a good outline for community plans. Chairman Davis said the plans should be community driven and make it their ideas, thoughts and plans. Ms. Miller spoke regarding the Cornville Community Plan and said they had received a great response by the community.

### c. Rezoning Large Tracts of Lands

Ms. Link provided an brief update saying the BLM had requested that the County hold off on this issue until the state had completed their new plans and that the County had not received an update from the state at this time. Mr. Spedding said he had met two times with the state and spoke about a memorandum of understanding between Yavapai County and the State BLM Department for joint shared information when land would be split, sold or exchanged. He said one item being stressed by the BLM was that they liked entities to adopt the state's plan. Ms. Titus gave a brief overview for rezoning of new lands and said if the BLM removes lands from the disposal list, they can still amend their plan and individuals could still obtain the land. She said also if lands are left on the disposal list while waiting for the BLM plan to be completed, lands could still be bought up. Mr. Spedding said the BLM would just let lands go whereas the state would not unless it was for a good use. He said the County could watch and if it sees something happening, it can jump into it and work on it. Mr. Schurr said the County could wait until an actual notice of sale or exchange and could act at that time to rezone the land. Chairman Davis said it needed to be clarified that the land would not be rezoned until the land changes hands and that the land use zoning of 35 acres is to protect not stop development and choosing where open space or infrastructure would go when it was exchanged lands. He said the County needed to start controlling unplanned growth. Ms. Lovett said there were also the trails across lands that could be lost through sales to private parties. Mr. Spedding spoke briefly about notifications to the public and the legal descriptions and database for these lands. Mr. Aberg spoke regarding trails and the need for keeping them open.

### d. Building Code Update

Mr. Lockard said the P&Z Commission had two hearings on the new building codes and the issue would be coming before the Board of Supervisors at their February 15, 2004, meeting. He said by mid-year, all communities would be on the same code. Mr. Spedding said this would be a real positive thing for contractors to deal with. Mr. Thurman asked why the fire code would not be adopted. Mr. Lockard said the County does not have the wherewithal to enforce the fire codes outside of fire districts. Mr. Spedding pointed out that the building codes would not be exactly the same as there would be administrative differences. Mr. Lindner spoke of the fire code and the lack of coverage and said that he felt there was a hole in the wall. He said the state's fire marshal was not doing any hands-on in Jerome and if the County does not have the manpower or because of liability, this issue needed to be looked at in the near future as it was a public safety issue. Mr. Spedding said they were looking into the fire code adoption but the County would have to put more regulations on and would have to have more staff and resources. He said if the state's fire marshal was not enforcing the fire safety issues then it should be taken up with the state. Mr. Schurr spoke of the fire codes saying that roads would have to be specifically designed for fire equipment such as widths, turn around area and that type of requirements. Chairman Davis asked if the P&Z Commission had the ability to add fire suppression requirements into the stipulations. Mr. Schurr said they do put them into the stipulations but that the County does not have the manpower to check all requirements later on down the road. Mr. Spedding said he would find out what the state's fire marshal's responsibilities were. Mr. Spedding then spoke briefly of the revenue that could be generated in the areas that are not in the building code areas and the revising of the zoning ordinance. Mr. Ayres said that mortgage and insurance companies would be major supporters of a County wide building code and individuals would probably see lower insurance rates because of them.

### e. Violation Abatements

Mr. Mauk gave a brief update saying last year, the County had filed 1,950 violation cases and it was up to 187 cases filed to date this year. He said their department had been partnering with the Juvenile and Adult Probation departments in community clean-ups which were going very well. He said Development Services had just taken over the Hearing Officer process and that sanctions were going to be collected through a collection agency. Mr. Mauk said they were in the process of checking out dead tree complaints and illegal lot splits. Mr. Spedding said the County had been taking a more aggressive stance with the repeat offenders and that at this time, approximately 5% of the offenders went to court.

## 2. Use Permits (Temporary/Permanent) vs Rezoning.

Mr. Bridges presented this item saying he had been in contact with Coconino County along with other entities regarding use permits and said that towns and cities did not do use permits. He said Coconino County does use permits at approximately the same ratio as Yavapai County. Mr. Bridges said at this time,

the Ordinance was pretty well open and that the P&Z Commission and staff come up with stipulations whereas most entities already have them already built into their ordinances. Ms. Link said in the Ordinance, the zoning category uses are met and some uses are prohibited and that was where use permits come in. Mr. Spedding said with rezoning, it could make spot zoning like a commercial enterprise in the middle of a residential area. Ms. McClelland said that some people put a lot of money into a use permitted property and the County should tell them up front not to put in a lot if it is a use permit only. Mr. Burcham said when some people request a use permit for an area then the area starts building up after a business has been there for a long time and has invested a lot of money into the business and they keep coming back every few years for a use permit renewal and that was when the problems could start. Chairman Davis said use permits were a negotiation tool. Mr. Thurman said use permit individuals should apply for a re-zoning when they see big changes in the area. Mr. Gardner said the County did not want to encourage the spot zoning and when approving a use permit, they needed to give individual attention to the use. There was brief discussion regarding home businesses.

3. Yavapai County Trails Committee Update.

Chairman Davis said a lot of uses the County approves were connected to trails and planned trails. Mr. Spedding said the trail master plan needed to be updated and funding looked at. Ms. Link said the trails committee had been working on a lot of old trails and new trails coming up. Ms. Lovett said they had an updated trail map and would like to find out just what their responsibilities were and that they were looking for direction. She said they would like to interact to protect trails and said they have no funding but would like to look into getting some grants and some signage. Ms. Lovett spoke of the brochure they had put together and said that at this time, there were no new trails being done. She said that the application for trails was cumbersome and that they would like to see about making it easier to fill out the applications. She said they also needed more public awareness of the trails committee and there needed to be more volunteers and resources. Ms. Reddell said that signage was also very important for the use of the trails. There was brief discussion on the responsibility of trails such as maintenance and problems with the trails and the possible use of forest fees for trail use. Supervisor Brownlow asked the trail committee members what their goals were and what could the County do for them. He said that the trail committee needed to bring a plan for the Board to look at. Ms. Reddell said that where it was County land, the forest service had said the County was responsible for signage but when on forest service land, the forest service department would hang and maintain the signs. She said there are multiple organizations also working with them. Chairman Davis said the trail systems had an unique opportunity to make Yavapai County a great place to be. He said the County cannot go back later and had to do this up front. Supervisor Street said the idea of the Yavapai County Trails Committee was to take existing trails and map them and when a development comes in, then the trails would be mapped and preserved. She said as far as the signs go, she had not had a request by any individual for them. She said she also wanted to make sure there was a distinction between trails and road construction.

4. Discussion regarding role of Planning & Zoning Commission members.

Chairman Davis said the Board of Supervisors had to work closely with the P&Z Commission and that it was important to have a good working relationship. He said the Commission was the front line of defense and that they do a huge service for the County getting the work done and processing implementation and it had worked well. He said the role of the Boards was the health, safety and welfare of Yavapai County and it was very important to look at every aspect of the decisions made. Supervisor Street said decisions also needed to be made on if all of the requirements have been met or not. Supervisor Brownlow asked what the feeling was of the Commission on the Board's position on recommendations. Mr. Gardner said applicants are told that they have another avenue to go to if they are denied at the P&Z Commission level and that they know that new information was being given to the Board that had not been seen by the Commissioners. Chairman Davis said he hated moving targets as the Board then gets different information than what the Commission gets then may make a different recommendation. He said he looked at the recommendations by the Commission, especially the water issues, pollution and ingress/egress issues and appreciated reading the comments. Supervisor Brownlow said he appreciated the comments of the why of the yes or no votes and the reasons behind them if listed. Mr. Lindner said his reliance on staff was very important, as they are the first tier and needed to look at applications and then do the homework.

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

ATTEST:

\_\_\_\_\_ Clerk \_\_\_\_\_ Chairman