

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 3, 2005

The Board of Supervisors met in regular session on January 3, 2005, at 9:00 a.m.

Present: Chip Davis, Chairman; Carol Springer, Member; Thomas Thurman, Member; Bev Staddon, Clerk.

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

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.

Chairman Davis requested a moment of silence for the victims of the tsunami in southern Asia and also for four people who had been killed in a traffic accident on Highway 260 recently.

Upon a motion by Chairman Davis, seconded by Supervisor Thurman, the Board voted unanimously to elect Supervisor Springer as Chairman and Supervisor Thurman as Vice-Chairman for 2005.

Chairman Springer thanked Chairman Davis for his service as Chairman. She said she also wanted to thank former Supervisor Gheral Brownlow and former Supervisor Lorna Street, who she said had served the County admirably.

CONSENT AGENDA With the exception of item C16, all items were approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Thurman. No comments from the public. See item C16 for detail.

C – BOARD OF SUPERVISORS

- C1. Approve minutes of meeting of December 20, 2004, and of special meeting of December 1, 2004.
- C2. Consider approval of proposal by the Arizona State Board on Geographic and Historic Names to change the spelling of Bannon Creek (in Yavapai County) to Banning Creek.
- C3. Approve expenditure of \$10,000 from Contingency Account to pay for County Supervisors Association increase in annual service fees resulting from the loss of SOBRA revenues.
- C4. Acknowledge receipt of official canvass from Chino Valley Irrigation District for election held November 9, 2004.
- C5. Consider approval of request from the Yavapai Cemetery Association for County sponsorship of the Memorial Day Observance to be held at Citizens Cemetery on May 30, 2005.

C – DEVELOPMENT SERVICES

- C6. Zoning map change from RCU-2A to RMM-5A, Juniper Ridge Land Division, 306-40-123, 192, 128G, 128H, 128J, 128M, 128P, 128Q, 128R, 128T, 128U, 129K, 129Z, 154, 154G, 154H, 154K, 154L, 154M, 154N, 154P, 154Q, 196N, 196Q, 196R, 196S, 196T, 196U, 196W, 196X, 207A, 207B, 108, 209A, 209B, 210, 212C, 212D, 212E, 212F, 212J, 212K, 212N, 213A, 213B, 213C, 214B, 214D, 214E, 214F, 214G, 221, 221K, 221L, 221R, 221Z, 222, 222A, 222B, 222C, 317, 317B, 317C, 334A, 334C, 334E, 334F, 336A, 336B, Paulden area, Juniper Ridge Homeowners Association agent for Planning & Zoning Commission, #H4183. Zoning Map Change from RCU-2A (Residential; Rural, minimum 2 acre lot size) to RMM-5A (Residential, Multi-Sectional Manufactured; 5 acre minimum) for the development known as Juniper Ridge in addition to 2 parcels (306-40-123 & 192), which are located adjacent to the Juniper Ridge development, consisting of a total of 70 parcels on approximately 589 acres. Located approximately 1 mile West of the Rolling Hills Dr/Hwy 89 intersection in Section 17 T17N R2W. The Planning and Zoning Commission voted to recommend approval of Juniper Ridge Zoning Map Change as requested.
- C7. Zoning map change from R2-5 to C2, Table Top Telephone Shelter, 301-26-191C, Seligman area, Gabriel Alvarado and Shelby Burch, owners, Linda Feidt, Table Top Telephone, applicant, #H4180. Consideration of a Zoning Map Change from R2-5 (Residential and Services; 7,500 square-foot minimum) to C2 (Commercial; General Sales and Services) to allow construction of a 30'X30' garage for the storage of vehicles and materials on a parcel consisting of a total of approximately one (1) acre. The garage will not be used as a switching station nor will it be open to the public. Located on Howington Boulevard, approximately 1,000 feet northeast of the Old Highway 66/Main Street intersection in the community of Seligman. S36, T23N, R06W G&SRB&M. The Planning and Zoning Commission recommended approval of HA# H4180, Zoning Map Change, with the following stipulations: 1). Zoning map change to C2 for the use specified in the applicant's letter of intent dated October 6, 2002 and property to be developed per the site plan dated September 28, 2004 and in accordance with all applicable codes and ordinances and subject to a community plan amendment for the proposed use; 2). No servicing, repairing or maintenance of vehicles allowed on-site; 3). Approval of screening waiver, to allow a 6 ft., non-slatted, chain link fence, subject to no outside storage allowed on the property; 4). Applicant to apply for a building permit within one year of Board approval.
- C8. Transfer of a use permit in order to allow the operation of a secretarial/ bookkeeping/ advertising/property management

business in an existing mobile home in an RCU-2A zoning district, Killian Secretary/Bookkeeping/Advertising/Property and Investment Management Company, 306-40-327C, Paulden area, Starr Bennett agent for Killian Family Trust, #H4179. Consideration of a transfer of a previously approved Use Permit in order to allow the operation of a secretarial/bookkeeping/ advertising/ property management business in an existing mobile home in an RCU-2A (Rural Residential, two (2) acre minimum lot size) zoning district on a 2 acre parcel. Located on the south side of Big Chino Road approximately one-fourth (¼) of a mile west of Highway 89, south of the community of Paulden, and approximately one-fourth (¼) mile north of the AT & SF rail road tracks. Located in SEC 4 TWN17N R2W G&SRB&M. The Planning and Zoning Commission recommended approval of HA# H4179, Transfer of a Use Permit, with the following stipulations. 1). Use Permit to be transferred to the Killian Family Trust and be granted on a 5 year, non-transferable basis; 2). Business shall be operated in conformance with the letter of intent and site plan dated November 12, 2002 and adding the property management/ investment company portion of the use; 3). Applicant to obtain a right of way permit from Public Works within 30 days of Board of Supervisor's approval; 4). Applicant to obtain a sign permit from Development Services within 30 days of Board of Supervisor's approval.; 5). Waiver of solid screening requirement; 6). Applicant to obtain a certificate of compliance prior to initiation of use.

- C9. Use permit to allow continued operation of a real estate office in an RCU-2A zoning district, Bennett Real Estate Office, 306-40-327A, Paulden area, Starr Bennett, #H4178. Consideration of a Use Permit in order to allow the continued operation of a Real Estate Office in an RCU-2A (Rural Residential, two (2) acre minimum lot size) zoning district on an approximate 3 acre parcel. Located on the south side of Big Chino Road approximately one-fourth (¼) of a mile west of Highway 89, south of the community of Paulden, and approximately one-fourth (¼) mile north of the AT & SF rail road tracks. Located in SEC 4 TWN17N R2W G&SRB&M. The Planning and Zoning Commission recommended approval of HA# H4178, Use Permit, with the following stipulations: 1). Use Permit to be approved on a permanent, non-transferable basis for the home occupation of the real estate business and the existing, 2 foot by 2 foot (2'x2') sign only. When the real estate business ceases operation, signage must be removed within 30 days. Any further expansion of the business must be reviewed and approved by the Planning and Zoning Commission and Board of Supervisors; 2). Applicant to obtain a right of way permit from Public Works within 30 days of Board of Supervisor's approval; 3). Applicant to obtain a sign permit from Development Services within 30 days of Board of Supervisor's approval; 4). Waiver of screening requirement.
- C10. Preliminary site plan, Eichman Preliminary Site Plan, 402-14-060H, Prescott Valley area, George Eichman agent for Eichman Family Trust, #H4174. Consideration of a Preliminary Site Plan in order to allow the creation of 4 parcels in an M1 (Industrial; General Limited) zoning district on an approximate 4.35 acre parcel. Located on the northwest side of the Santa Fe Loop and Concord Drive intersection approximately 4,000 feet north of the Highway 69 and Fain Road intersection east of the Town of Prescott Valley in the Grapevine Industrial Park. Located in SEC 21 TWN14N R1E G&SRB&M. The Planning and Zoning Commission recommended approval of HA# H4174, Preliminary Site Plan, with the following stipulation: Recorded Survey to be in conformance with the Record of Survey dated drawn 12/19/03 and amended 2/16/04 and shall be recorded within 30 days of Board of Supervisors approval.
- C11. Final Plat, Senator Heights, 110-08-014B, Prescott area, Ed Beshers agent for Crystal Creek Homes, Inc. Consideration of a final plat for an approximate 37 acre parcel, depicting 5 single family residential lots, ranging in size from approximately 4.95 to 9.97 acres in a R1L-35 (Residential; Single Family Limited; 35,000 square foot minimum lot size) zoning district. Located on a parcel bisected by Senator Highway and Haisley Road between the intersections of Nathan Lane/Senator Highway and Juniper Drive/Senator Highway, approximately 800 feet South of the Haisley Road/Senator Highway intersection, Southeast of the City of Prescott. SEC 10 TWN 13N R2W G&SRB&M.

C – FLOOD CONTROL DISTRICT

- C12. Consider approving and signing a quit claim deed from Yavapai County Flood Control District to Fain Family Limited Partnership for a drainage easement granted to the District in 1992 (Prescott Valley/Villages at Lynx Creek area).

C – HUMAN RESOURCES

- C13. Consider approving a 5% increase for Victoria Gray effective January 3, 2005, in conjunction with her lateral transfer to the position of Administrative Aide in the Board of Supervisors' office. Ms. Gray would become an at-will, exempt employee and be placed at Range 60, Step 30.

C – MANAGEMENT INFORMATION SYSTEMS

- C14. Request for permission to purchase a video camera monitor system to be used for office-based teleconferences and Board meetings, at a cost of \$4,173 to be paid from Computer Maintenance account. This item was not specifically budgeted for.
- C15. Request for permission to upgrade the Clerk of Superior Court's scanning system at a cost of \$79,458 to be paid from Contingency Account, and approve Letter Agreement between the Board of Supervisors and the Clerk of Superior Court regarding the same.

C – MEDICAL ASSISTANCE/LONG TERM CARE

- C16. Consider approval of a County-wide contract with Mingus Center for Title 36 Services (Psychological Exams) at a cost of \$242,952 for the period January through June 2005 and \$510,192 for the period July 1, 2005 through June 30, 2006, to

be paid from Exams account. The following persons participated in discussion of this item: John Gesell, Provider Relations Coordinator for Yavapai County Medical Assistance/Long Term Care Department; Noel Hill, Executive Director for the Mingus Center; and Laura Norman, Community Relations Coordinator for West Yavapai Guidance Center. Upon a motion by Supervisor Thurman, seconded by Supervisor Davis, the Board voted unanimously to approve the contract. (Clerk's note: The effective date of the contract will be 30 days from the date of approval in order to allow for termination of existing letter agreements.)

Mr. Gesell told the Board that the County was required to provide Title 36 services for people who could be a danger to themselves or others and who refuse to accept treatment on their own. He said that screening for these people could be done anywhere but that evaluation was generally done in a secure facility. Mr. Gesell said he had received two responses to the Request for Proposals for Title 36 services, and that one of the responding providers was willing to provide services on a County-wide basis for a lower cost, while the other responding provider was willing to provide services only for the western part of the County. He recommended that the Board award the contract to Mingus Center. Supervisor Davis asked how many people had been on the review committee that made the recommendation for award. Mr. Gesell said there were four. Supervisor Davis asked Mr. Gesell what his experience was with regard to contract administration. Mr. Gesell said the Medical Assistance/Long Term Care Department had contracts with more than 500 providers, and that many of them provided mental health services. He said that if the Board awarded the contract to Mingus Center, the contract would need to become effective 30 days from this day in order to provide time to terminate the letter agreements with West Yavapai Guidance Center and Verde Valley Guidance Center. Supervisor Davis asked Mr. Gesell if the termination notices would be hand-delivered. Mr. Gesell said they would be. Mr. Hunt noted that the contract amount would also be adjusted because of the change in the effective date. Chairman Springer said that at the last Board meeting there was discussion about Mingus Center providing office space and facilities in Prescott Valley, and that she was a little unclear about Mingus Center's commitment to that. Mr. Gesell said there was no requirement in the contract to have an additional office location. Mr. Hill said that Mingus Center had several different offices in Prescott Valley and Prescott that could be used for evaluation. He said those facilities were available to ease transportation concerns and also to make it easier on family members. Chairman Springer asked Mr. Hill if he would be able to provide services in Prescott Valley beginning in February. Mr. Hill said "yes." Chairman Springer asked for more information about the transportation issue. Mr. Hill said Mingus Center would either provide or obtain transportation when it was feasible or necessary to do so. He said that Mingus Center would do this in order to ease the transportation burden of law enforcement, and that it would absorb the transportation costs unless it was not feasible to do so because of the patient. Chairman Springer asked if that meant that within the terms of the contract Mingus Center would pay for transportation unless the patient was violent or would otherwise require a transport by law enforcement. Mr. Hill said that was correct. Supervisor Thurman asked if it would be a problem for Mingus Center to provide services to people in remote areas like Seligman or Wickenburg. Mr. Hill said it would not be, and that Mingus Center would go wherever it needed to go and that there would be no extra charge to the County. Ms. Norman said that West Yavapai Guidance Center had been the County's Title 36 services provider for the western part of the County, that it had also provided evaluations for the eastern side of the County and that it had provided beds on both sides of the County. She said that everyone needed to be focused on what was in the best interests of the people who need Title 36 services, and that WYGC had been providing those services for more than 30 years. Ms. Norman said she was not sure that all of the departments in the County who deal with the Title 36 issue had been involved in the development of the Request for Proposals. She said that Title 36 work was difficult, high-risk, costly, and high maintenance, but that WYGC had always felt that that it was part of its duty to provide those services. Ms. Norman said that, regardless of who was awarded the contract, it was important that a smooth transition be in place. She said that if Mingus Center had beds available in the western part of the County at this time, WYGC was not aware of it. She told the Board there were still unanswered questions about how services would be delivered under the new contract and that WYGC believed that a contract for the eastern part of the County and a separate contract for the western part of the County made the most sense. In making the motion to award the contract to Mingus Center, Supervisor Thurman said he believed it would be a good thing for the County but that the Board would keep a strict eye on it and would discuss it again in another 17 months. Chairman Springer said it was her understanding that patients had the right to select their provider. Mr. Hunt said that was true.

C – PUBLIC DEFENDER

- C17. Request for approval to hire Lois Tornquist to fill a vacant paralegal position in Prescott, at a cost of \$33,772.54 annually.
- C18. Request for approval to hire E. Lynn Piper-Riordan to fill a vacant legal secretary position in the Verde Valley, at a cost of \$30,528.87 annually.

ACTION ITEMS

A – BOARD OF SUPERVISORS

- A1. Open bids received for the purchase of \$11,840,000 bonds of the Central Yavapai Fire District of Yavapai County; refer bids to bond counsel for review and recommendation; consider approval of a resolution authorizing the issuance of the bonds; and award bid. Fred Rosenfeld, bond counsel, Gust Rosenfeld. One bid was received, from the Greater Arizona Development Authority, for the following interest rates: 2006, 4.95%; 2007, 5.00%; 2008, 5.10%; 2009, 5.20%; 2010, 5.25%; 2011, 5.30%; 2012, 5.35%; 2013, 5.40%; 2014, 5.50%; 2015, 5.60%. Upon a motion by Supervisor Davis, seconded by Supervisor Thurman, the Board voted unanimously to award the bid to GADA. Upon a motion by Supervisor Thurman, seconded by Supervisor Davis, the Board voted unanimously to approve Resolution No. 1570 authorizing the issuance of the bonds. No comments from the public.

A – DEVELOPMENT SERVICES

- A2. Consider delaying the effective date for the implementation of the Urbanized Overlay District (Building Code) expansion area, scheduled to be implemented on February 1, 2005. Ken Spedding, Development Services Director. Upon a motion by Supervisor Davis, seconded by Supervisor Thurman, the Board voted unanimously to delay the effective date to July 1, 2005. No comments from the public.

Mr. Spedding said there had been discussion about going County-wide and that there were concerns about the building code, and that delaying the effective date would allow time for the Board and staff to meet in study session to discuss these issues. Supervisor Davis said it sounded like staff wanted to take a better look at the proposal. Chairman Springer said she had asked that the Board take another look at it, and that she believed the issue deserved a little more discussion.

A – PUBLIC DEFENDER

- A3. Request for approval of a professional services contract with Sherman Jensen at a rate of \$50 per hour with presumptive cap of \$2,000 per appeal and a presumptive cap of \$1,000 per Rule 32 matter. Contract provides that he offered no less than 7 appeals and 12 Rule 32s. To be paid from Additional Attorney Services. Janet Lincoln, Interim Public Defender. Supervisor Thurman moved to approve this request. Chairman Springer seconded the motion, which carried by a 2-to-0 vote, with Supervisor Davis abstaining. No comments from the public.

In response to a question from Supervisor Davis, Ms. Lincoln said that Mr. Jensen would take no less than seven appeals and 12 Rule 32s, but that he had the right to reject them. She said there were other attorneys who also worked on appeals. Supervisor Davis said he would like to have an idea of how much money this would involve. Ms. Lincoln said she did not have that information with her at the moment, but that she could provide it later.

HEARINGS

H – DEVELOPMENT SERVICES Planning & Zoning Commission Chairman Gene Kerkman was present to represent the Commission.

- H1. Record of Survey in Lieu of Subdivision for various parcels in Antelope Valley Ranches, 301-31-178A, 178C, 178D; 301-31-208C, 208F, 277A, 277C, 216A, 216B, 171A, 257A, 257F, 257E, 429K, 429G, 219B, 096A, 096B, 171C, 171D; 301-30-010, 011, 013A, 013C, 013F, 013G; 301-31-004, extreme northwest corner of Yavapai County, John Sears and Michael Haywood agents for Ron Jones, #H4140. Consideration of a Record of Survey in Lieu of a Subdivision for sixteen approximately 40 acre parcels within Antelope Valley Ranches including Lots 67, 71, 78, 95, 170, 177, 207, 211, 215, 218, 246, 384, 385, 389 & 440 or portions thereof. Located in the Hyde Park area, in the extreme northwest corner of Yavapai County. SEC 5, 7, 8, 9, 14, 19, 20, 21, 25, 29 & 30 T24N R9W G&SRB&M. The Planning and Zoning Commission recommended approval of HA# H4140, Record of Survey, with the following stipulation: Applicant to record the Record of Survey with the County Recorder's Office within 60 days of Board approval. Planner Mike Kelly presented this item and applicant's agents participated in discussion, as did Commission Chairman Kerkman. Upon a motion by Supervisor Thurman, seconded by Supervisor Davis, the Board voted unanimously to approve the recommendation of the Planning & Zoning Commission. There were no comments from the public.

Mr. Kelly told the Board that the Arizona Department of Real Estate had declared Antelope Valley Ranches an illegal subdivision and that the applicant had done the Record of Survey in an effort to cure that problem. He said that if the property was owned by 16 different people there would not be a problem, but that there was a problem because of common ownership. Supervisor Davis asked what would happen if the

Board did not approve this application. Mr. Kelly said the applicant would then be in trouble, with the applicant's options being to either refund the money to people who had purchased parcels or to go ahead and put in roads, fire hydrants, and other infrastructure, which he said would be cost prohibitive. Mr. Kelly said the applicant had indicated that he was backed into a corner. Supervisor Davis asked if this situation was similar to 1970s Ned Warren activities. Mr. Kelly said he could not answer that. Supervisor Thurman said the only thing that really bothered him was that the applicant was backed into a corner and now the Board was in the same position. He said that if someone wanted to do something like this applicant had done, all they would have to do is say they were backed into a corner. Mr. Sears said he was the applicant's attorney, and that his client was not a sophisticated developer, but instead an investor who had received some very bad advice from a realtor. He said his client had believed that by purchasing parcels larger than 36 acres in size he would not be subject to subdivision regulations. Mr. Sears said a consent order from the ADRE had been in place for seven years and that it was preventing closing transactions on properties that had been sold. He said this was not a Ned Warren type land deal but that it was a remote area and difficult to find, and that everyone who had purchased a parcel knew what they were buying and that they just wanted to finish their deals. Supervisor Davis said that what worried him was the remoteness of the property and the message that approval of this application would send. Mr. Sears said he did not think that anyone who talked with his client would want to do the same thing his client had done. Chairman Springer asked if it was true that there were 16 40-acre parcels to begin with, and that the applicant had made splits so that there were now 34 parcels altogether. She said she was unclear as to how many of those parcels had closed escrow and were now in someone else's name. Mr. Sears said the properties were sold on land contracts and that there was no escrow involved, and that payments were being made on the contracts at the time the consent order was entered into. Chairman Springer asked if title was vested in the original owner pending payment of the contracts. Mr. Sears said that was correct, but that some people had paid off their contracts. Chairman Springer asked if a title company or Mr. Sears' firm had handled the transactions. Mr. Sears said he did not become involved until after the properties were sold, and that he believed First American Title may have been involved at some point. Chairman Springer said that told her that the applicant was probably very sophisticated and knew exactly what he was doing. She said she was a little reluctant to go much farther than to approve the sales already made, and to restrict the applicant to selling the remaining parcels intact. Mr. Sears said that was what he expected. He said the problem was not so much the splits but the fact that the applicant had sold more than five of them. He added that the property involved was very inexpensive. Supervisor Thurman asked if the applicant had been fined by ADRE. Mr. Sears responded affirmatively, saying his client had agreed to a fine and that the consent order was fairly detailed and prevented his client from selling any additional properties or closing on existing sales transactions. Mr. Haywood told the Board there was no fraud intended in this situation, and that if the Board members could meet his client they would see that he was not a sophisticated developer. He said that if the Board did not approve the Record of Survey it could create a problem with ADRE and that the intent here was to allow people who had purchased remote land to close their sales transactions and obtain deeds to their property. Supervisor Thurman asked if the realtor who was involved and been censured. Mr. Haywood said the realtor was long gone. Supervisor Thurman noted the presence of Planning & Zoning Commission Chairman Gene Kerkman, and, adding that the Commission had recommended approval of this application by a 6-to-3 vote, asked Mr. Kerkman for his thoughts regarding the Commission's vote. Mr. Kerkman said the Commission had quite a few of the same questions that Chairman Springer had posed on this day, but that, at the end of the day, it appeared that if the Commission did not recommend approval of the application it would be hurting the people who had purchased the properties instead of the applicant. He said the applicant had also stated that if there were people who had purchased property from him who did not want to go through with the transaction that he would refund their money.

- H2. Conditional zoning map change from RCU-2A to Conditional C1, The Country Store, 100-16-010D, Williamson Valley area, Hunt Property Holdings, LLLP, owner, Bill Riviere, applicant, #H4177. Consideration of a Conditional Zoning Map Change from RCU-2A (Residential; Single-Family; Rural; 2-acre minimum) to Conditional C1 (Commercial; Neighborhood Sales and Services) to allow the construction and operation of a Country Store consisting of a total of approximately 2.11 acres. Located adjacent to the Central Yavapai Fire District station, on the southeast corner of the Williamson Valley Road/Outer Loop Road intersection in the community of Williamson Valley. S11, T15N, R03W G&SRB&M. The Planning and Zoning Commission recommended approval of HA# H4177, Conditional Zoning Map Change, with the following stipulations. 1). Conditional Zoning Map Change to C1 (Commercial; Neighborhood Sales and Services) for the specified use only. Development to be in conformance with the Letter of Intent and Site Plan dated October 01, 2004; 2). Applicant shall have Preliminary Code Review prior to applying for building permits; 3). Applicant shall apply for building permits and commence construction within six (6) months of Board of Supervisors approval; 4). Waiver of Section 567 Protective Screening to allow for a live-vegetative screen; 5). Applicant shall record parcel split within three (3) months of Board of Supervisors approval; 6). The applicant shall submit a detailed traffic analysis for the project, which must be reviewed and approved by Public

Works, and make all necessary improvements and right-of-way dedications defined by the Public Works Department to mitigate their impact to the County's roadway system. Planner Amy Karn presented this item. Planning Manager Elise Link and applicant's agent Bill Riviere participated in discussion. The following persons spoke in opposition to the application, generally citing concerns about traffic, the potential for crime, and the lack of a community plan for the Williamson Valley area: Jim Buchanan; Richard Clark; Ruth Schepler; William V. Cheek; and Bruce Bleeker. The following persons spoke in favor of the application, generally citing the urbanization of the Williamson Valley area, the fact that the subject property was located at the intersection of two major roads, and the right of the applicant to use his property: Paul d'Heilly; Mike Haywood; Lou Smith; Jeff Sparks; Kathy Lopez; Mark Meredith (representing Hunt Properties, LLLP); Bud Bassett; and Paul Glinski. Yavapai County Trails Committee member Spike Hicks did not state a position but simply informed the Board that trail issues affecting the property were currently under negotiation. Chairman Springer moved to approve the recommendation of the Planning & Zoning Commission. Supervisor Thurman seconded the motion. There was no vote taken on this motion. Following further discussion among the Board members, Chairman Springer moved to approve the recommendation of the Planning & Zoning Commission with amendment to stipulation #3 as follows: Applicant shall apply for building permits no sooner than twelve (12) months of Board of Supervisors' approval and commence construction within eighteen (18) months. Supervisor Thurman seconded the motion, which carried by unanimous vote.

Ms. Karn provided the Board with background information on this application, including the fact that it was first brought forward in 1998 and subsequently denied because of concerns about the rural lifestyle in the area and setting a precedent for future development. She located the subject property adjacent to the existing Central Yavapai Fire District fire station at the corner of Williamson Valley Road and Outer Loop Road, adding that the County General Plan designated this area as an area of municipal influence. Ms. Karn briefly reviewed the numbers of comments received in favor of and in opposition to the application, provided population statistics for the Williamson Valley area, and showed the locations of other convenience stores in the area, the closest of which was seven miles away in Chino Valley. She told the Board that the applicant had met or exceeded all County requirements with regard to this application and that the applicant was consistent with the goals and objectives of the County General Plan. Ms. Karn said it was requested that stipulation #3 be changed to allow the applicant 12 months in which to apply for a building permit instead of six months. Supervisor Thurman asked the reason for this change. Ms. Karn said the applicant had met with people living in the area and that the request was the result of that meeting. Chairman Springer asked if the change meant that the applicant could apply for a building permit anytime before the end of the 12 months. Ms. Link said she believed the intent was that the applicant would not apply for a building permit prior to the end of 12 months. She said she believed that part of the reason for this had to do with a required traffic study that would likely take that long to complete. Mr. Riviere said the application for the rezoning was completed, that there was support from property owners within 300 feet of the applicant's property, and that the project was compatible with and buffered from surrounding properties. He said the applicant saw this as a land use issue that should be judged on the merits of the application, and he asked the Board to approve the application. In response to a question from Chairman Springer regarding the change in stipulation #3, Mr. Riviere said the applicant was asking for additional time up front because the traffic study and drainage studies would take time to complete, as would the construction plans. Chairman Springer asked Mr. Riviere if he wanted to pull the building permit in not less than 12 months or if he was looking at some other specific time frame. Mr. Riviere responded that the applicant planned to pull the permit after 12 months. Chairman Springer said she was reluctant to approve something open-ended. Mr. Riviere suggested 18 months. Supervisor Thurman noted that the applicant would have six months to start construction once the building permit was obtained. Mr. Riviere said he believed the applicant would be ready to obtain the building permit at 12 months and break ground within 18 months. Supervisor Thurman asked what would happen if the people in Williamson Valley were able to develop a community plan prior to the time the applicant breaks ground, and whether the applicant would listen to them if they had some small requests. Mr. Riviere said the applicant would listen to what people wanted. Chairman Springer opened the floor for public comment, saying she wanted to remind people that the Board members had all read the minutes of the Planning & Zoning Commission meeting. She said the Board appreciated the efforts of people in the Williamson Valley area to reduce the number of speakers for this issue on this day. Mr. Buchanan said that Mr. Hunt had been his friend since childhood and that he respected Mr. Hunt's right to develop his property, but that the property was zoned residential. He said a community plan was needed and that spot zoning in this case would lead to more spot zoning. Mr. Buchanan said that years ago the people in Williamson Valley had started a community plan and that it was the County that stopped it because of the demands of Growing Smarter. He said that the crime issue had not been addressed, and he asked the Board to deny the application. Mr. d'Heilly said he lived ten miles away from the proposed store and that it would be very convenient to have gas available in that location. He said he did not believe the proposed store would threaten the rural lifestyle and that he was in favor of the application. Mr. Clark provided the Board with written materials, saying the proposed store was not

centrally located. He said he would like to ask the applicant if traffic studies had been done on the corner of Williamson Valley Road and Outer Loop Road. Ms. Schepler said she lived in Mint Creek Ranch and that she knew when she moved into that area that she would have to drive for gas and other conveniences. She said she would be able to see the store from every room in her house, and that many people in the area were opposed to the store because it seemed to be inconsistent with the tone of the community. Ms. Schepler said that rezoning on a property-by-property basis would open a Pandora 's Box, and that many people felt the Planning & Zoning Commission was in favor of the application long before the hearing on it even began. Mr. Haywood said he had lived in Prescott for 45 years and that the Williamson Valley area was one of the fastest growing areas in the County. He said he believed that any planner who looked at a map of Outer Loop Road and Williamson Valley Road would agree that this was a good location for commercial activity, and that he, himself, thought it was a good idea to have a store at that location. Mr. Cheek said that, for a developer, approval of this application would mean a foot in the door. He said there should be no consideration given to the recommendation of the Planning & Zoning Commission because there was a clear bias at that hearing. Mr. Cheek said he believed there needed to be a development plan for area surrounding the proposed store or perhaps for the entire Williamson Valley area. Mr. Bleeker said he had heard rumors of other commercial developers in the Williamson Valley area, that spot zoning would not be good for the community, and that approval of this application would set a precedent. Mr. Smith said that to this day a large part of the United States remained rural, but that the Williamson Valley area was not rural and that its days of being rural were long gone. He said one could not preserve that which one does not have, and he encouraged the Board to approve Mr. Hunt's application. He also encouraged the Board to eliminate stipulation #6 regarding a traffic study and just "bite the bullet" and make Williamson Valley Road into a four-lane road. Mr. Sparks said his family owned property a half-mile from the proposed store. He said that Mr. Hunt had submitted a proposal that went above and beyond to address the concerns of most people in the area. He said he was concerned about the people who were opposed to the application because they seemed to be focused on "maybe" and "what if" and that it was all speculation and that many of their comments had been very unfair. Ms. Lopez said she supported the application and that the right to request a rezoning was guaranteed to property owners. She said she also did not agree with the argument that there was no community plan because the County General Plan was in place and people had been given ample opportunity to provide input for that plan. Mr. Meredith said what he had seen with special interest groups in the Williamson Valley area was more of a reactive stance. He said it was not possible to get away from growth and development but that it was possible to work with it and make it work well. He said Mr. Hunt had gone beyond what was required and that he supported the application. Mr. Bassett said he lived next door to the proposed store. He said the Williamson Valley area was not rural anymore and that there were houses everywhere, a golf course and a fire station. He said he believed that when people talked about the area being rural they were trying to sail a ship with yesterday's wind. Mr. Bassett said that Mr. Hunt had bent over backwards to make a good proposal, and that he would like to see Mr. Hunt get his store. Mr. Glinski said the subject property was located at the intersection of two main roads and that there was already a fire station at the same location that was pretty much a commercial use and had already set the tone for that area. He said he believed the store would benefit the community. Chairman Springer closed the floor to public comment. Supervisor Thurman said the ranches on the north end of Williamson Valley Road would eventually be subdivided and that was why four to five lanes were needed on Williamson Valley Road. He said that at one point he had spoken with Ms. Lopez and told her that if the different groups in the Williamson Valley area could come together he would move to delay action on this application, and that no matter what his desires were if a majority of people were opposed to it then they should have their way, or vice-versa. Supervisor Thurman said that at best it appeared to be a 50-50 split on opinion, and that he had come to the point where he was in favor of the application. He said that approval of the application would not constitute spot zoning and that the existence of a community plan did not mean it was written in stone. He said the applicant's plan called for the nicest looking convenience store he had ever seen. Supervisor Davis said he believed there had been many concessions made all around, and that the applicant's offer to provide a community meeting room at his facility was a first in his experience. Supervisor Davis said that one of the things that makes a community is not just a bunch of houses but a place where people can meet and where people have the ability to obtain goods and the like. He said that if people wanted to reduce traffic one way to do it was to make facilities available closer to where people live. Supervisor Davis said he did want to say that this was a public hearing, that the people involved were not actors and that he would appreciate it if people in the audience would hold their applause. He said he hoped that everyone would move forward with a good plan not just for the corner of Williamson Valley Road and Outer Loop Road but also for the entire Williamson Valley corridor. Chairman Springer said because the proposed store was in her district and she wanted to start out on the right foot with her constituents, she was going to clarify her position. She said that, first, she believed the applicant had gone above and beyond to comply with the County's requirements. She said that on the most extreme

side of the issue there seemed to be a perception that it was possible to stop growth in Williamson Valley, and that this was an unrealistic expectation. She said that growth would take place and that if there was nothing in place to guide the Board it would use the County General Plan as a guide. Chairman Springer said that with regard to developing a community plan there seemed to be a feeling that if such a plan had been in place it would have eliminated the type of application being considered on this day, or perhaps have been a tool to defeat the application. She said that a true community plan would represent the wishes of the whole community, and that it was a tool to use in the event of new applications for rezoning as a way for the Commission or Board to determine how the growth will take place. Chairman Springer said the reason she was reluctant to specifically tell County departments to work with people in Williamson Valley because there was no one to work with. She said there were different groups in the area and that the County needed one group that it could work with to help develop a community plan. She said that, at this moment in time, she did not think there was such a group in place and that she wanted any group that was organized for this purpose to be representative of all of the people along the Williamson Valley corridor. Chairman Springer said that once the Board was comfortable that a group representing everyone had been organized, the County would be happy to expend County funds to develop a plan for the area. Chairman Springer said she was still concerned about the changes to stipulation #3, and she asked Mr. Riviere if he was comfortable with the idea that the applicant could apply for a building permit at the end of 12 months and then begin construction within six months after that date. Mr. Riviere said he believed the necessary studies and other issues involved with the proposal could be handled in that time frame. Supervisor Davis asked if the stipulation should read within 12 months instead of no sooner than 12 months. Chairman Springer said her concern was whether the applicant felt comfortable that after he pulls the building permit he can begin construction within six months.

CLAIMS AGAINST YAVAPAI COUNTY

<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
General Fund	1,909,288.66	Forest Projects	4,000.00
Jail District	312,180.89	District 1 Park Fund	1,263.48
District 2 Park Fund	8,606.39	District 3 Park Fund	6,108.52
WMD Planner	415.81	HS 2003 Primary	1,173.49
AZ Coop Purchas. Net	7,276.20	Adult Prob Fees – 40	547.95
Environmental Health	10,380.23	Susan Komen Breast H.	576.85
Medical Reserve Corps	759.92	Resep Radiation Exp.	624.46
Comm. Health Center	15,311.33	AMPPHI	1,794.57
Family Planning	4,983.43	MCH Programs	50.34
Health Promotion	2,611.40	Cost Allocation	426.96
Nutrition	1,390.10	T.B. Control	58.31
WIC Program	16,342.21	Title X Family Plann.	2,196.58
Jail Enhancement	1,487.03	Juvenile Delinq. Reduct	9,403.96
Juvenile IPS	16,136.46	Juvenile Food Prog	2,349.97
Community Advisory Bd	2.52	Probation Serv	4,499.29
Adult IPS	31,819.13	Adult Probation Fees	11,400.88
Prob Enhance	39,522.68	Recorder's Surcharge	1,954.39
Indigent Def/Dg	4,071.60	Crim Just/Atty	1,098.19
Bad Check Prog	3,036.58	Juv Prob Svs	986.07
Commodity Fd	907.30	Hi Risk Chld HI	6,718.26
HIV Counsel & Test	1,509.23	Atty Anti-Racket	59,569.95
PANT	8,278.19	Law Library	3,812.15
CASA	4,412.58	Case Processing	5,670.29
Prim. Care – V.V.	3,233.64	Victim Witness Prog	9,388.36
Court Enhancement	2,600.36	Council Court	5,050.25
Inmate Health Svs	250.48	Drug Enforce. Fund	4,244.59
Probate Fund	1,337.06	Primary Care Services	11,817.69
PC Fees VV	495.16	Local ADR	765.77
Victims Rights Impl	3,463.34	JAIBG Juv Acct P-II	1,682.73
Yav. Indian Agree.	1,507.33	Dietetic Intern	587.02
Immuniz Service	3,050.49	Personal Care Svs	3,304.73
Idea-Preschool	1,203.27	Subs Abuse/DARE	386.47
Chem Abuse	606.02	Family Drug Court	746.51

Juv Det/PACE	5,068.82	Collab. Comp Rev Gr	968.36
Special Program	22,987.64	Sm Schools Ecia	629.10
Sm Schools Beha	14,359.93	Fill the Gap – Courts	5,670.39
Hurf Road Funds	410,447.67	Assessor Surcharge	5,939.87
Assessor App Dev	8,289.86	Health Fund	61,661.78
Jail Commissary	18,881.70	Landfill Administ.	30,918.63
Judge Pro Tem Div B	10,160.64	Water Advisory Comm	3,356.62
Tire Recycle	9,446.01	Safe School Pro	8,206.28
Adhs-Svs Coord	2,448.02	Local Incentive Awards	1,586.00
Fill the Gap – Attorney	10,632.31	Family Law Commiss.	7,338.41
Comm Punish Pro	6,172.50	Juven. Detent Ed Pro	1,999.88
Regnl Road Project	35,043.72	Library Auto Consor	179.12
Health Start	3,055.63	Victim Compens. ACJC	7,071.11
DUI Comm. Gov Office	499.00	Interstate Compact Pro	2,268.21
Ryan White II	3,933.84	Prepared. Bioterror	10,799.26
St Grant in Aid	866.70	Primary Care Fees	12,905.78
Perinatal Block	3,029.99	Well Woman Health	5,255.46
Tobacco Educ	9,397.44	St Imple. Grant	95.89
School Reso. – Mayer	928.16	Az Region Support	56.83
Direct Treatment Fund	2,606.39	Mental HealthRWJF	2,700.98
Mental Health Part.	2,701.10	Field Trainer	2,293.81
Attendant Care	23,981.01	HIV/CT	28.51
Ash Fork Bldg Rehab	397.93	Access & Visitation	121.03
Childrens Justice	475.72	Child Sup & Vis	888.49
Domestic Relations Ed	339.46	Self Service	416.93
VOCA	8,348.71	JTSF Treatment	5,535.97
Diversion Conseq.	1,400.02	Jail Construction	520.00
ALTCS	677,334.59		

In addition, payroll was issued on December 24 for the pay period ending December 18; warrant numbers 2449078 through 2449439, in the amount of \$298,767.33. Jury certificates issued during this time; 6868460 through 6868661. Warrants issued for January 3 Board day, 4233449 through 4233866; 4233867 through 4234134.

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

ATTEST:

_____ Clerk _____ Chairman