

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 26, 2005

The Board of Supervisors met in special session on January 26, 2005, at 9:00 a.m., in Cottonwood, Arizona.

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

Also present: Development Services Director Ken Spedding; Development Services Assistant Director Enalo Lockard; Development Services Planning Manager Elise Link; Development Services Land Use Division Supervisor Steven Mauk; Development Services Planners Ryan Smith and Connie Dedrick; and Deputy County Attorney Randy Schurr.

Members of the Yavapai County Planning & Zoning Commission present: Gene Kerkman (Chairman of the Commission); Walter Burcham; Joan McClelland; Curtis Lindner; Jon Barnert; Jim Stewart; Linda Bitner; and Curt Garner.

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.

STUDY SESSIONS

S – BOARD OF SUPERVISORS IN JOINT SESSION WITH THE YAVAPAI COUNTY PLANNING & ZONING COMMISSION

S1. Overview of new Tiered Subdivision Regulations.

Mr. Spedding said that in developing these new regulations staff had attempted to focus on how much time it takes to process subdivision applications and the cost of infrastructure, as opposed to the previous "one size fits all" regulations that did not allow for much flexibility. Mr. Lockard said staff had worked for nearly two years to create these regulations, utilizing a subdivision regulations review group comprised of members of the community, as well as working with County departments such as Public Works. He said the idea was to encourage property owners to pursue doing subdivisions instead of lot splits, and that the new regulations included such options as using a double chip seal on roads in subdivisions of two acres or more instead of using asphaltic concrete. He said that things like road widths were also considered, adding that subdivisions with small lots would still have to comply with more stringent regulations but that there were fewer regulations as lot sizes increased. Mr. Lockard said another advantage was that if an applicant met the subdivision regulations he could go directly to the Board for approval. Mr. Spedding clarified that if an applicant met the regulations but also needed a rezoning, the applicant would still have to go through the Commission first. Mr. Lockard said the new regulations went into effect in July of 2004 and that since that time staff had heard positive comments about them but that he could not say that the new regulations were actually encouraging people to come in and do subdivisions instead of lot splits. He noted that copies of the regulations were for sale at the Development Services office, and that they were also available on the County website and would soon be available on CD. Supervisor Davis asked Mr. Lockard if he was saying that no subdivision applications had been processed since the new regulations went into effect. Mr. Lockard said there had been applications, but none from any individuals just starting out. Supervisor Davis asked if someone who applied prior to July 2004 would have to comply with the old regulations. Mr. Lockard said the answer was yes if they had already done infrastructure work, but that there had been a few applications that staff had been able to take through the new process and that it was a real benefit to the applicants. Chairman Springer asked whether, with the larger lot subdivisions, there was any sort of limit to restrict people from further splitting parcels. Mr. Lockard said that over the last two years staff had required applicants to put a statement on the plat saying the lots will not be divided further. Chairman Springer said she understood that one of the reasons for new fast-track system was to help eliminate some of the lot splits, but that she did not know that it would work because the type of people who were willing to put money down on the front end of a development were generally not the kind of people who would be splitting lots anyhow. She said she did see the benefits of having a fast-track program for developers who were interested in providing a better product. Mr. Spedding said he thought what Chairman Springer said was true. He said that in his time with the County the two things he had heard from developers was "time frame" and "infrastructure costs" and that he thought that was the primary focus with regard to the new subdivision regulations. Supervisor Davis said that for a long time the Board had wrestled with lot splits but had not done anything about them, and that part of the idea behind the new subdivision regulations was to say that lot splits are not necessarily bad if things like access and utility issues could be addressed. He said the other thing was to try to provide a way for small local developers to be able to have a better development. Chairman Springer asked what Development Services was doing to try to get the word out to

the development community that the new regulations were available. Mr. Lockard said that in the process of compiling the regulations notices had been sent out to real estate groups and builders and the like, and that there was also a public hearing. He added that information is made available to people when they come into the office. Mr. Spedding noted that Mr. Mauk was doing a great deal to provide information about the new program as part of his outreach efforts in the community. Mr. Lindner said he had talked about the new regulations with some developers in the Verde Valley and that he thought the County was going in the right direction but that he hoped it would be possible to continue revising the regulations. He said he saw the new regulations as a first step, and that one of the things that could affect the direction the County ultimately takes is what direction the state takes with regard to enforcement. Mr. Lindner asked what allowing a developer to use double chip seal instead of asphaltic concrete would mean to the County in terms of cost. Mr. Schurr said that double chip seal was a lesser standard and would require more maintenance. Supervisor Thurman that with regard to roads leading into a subdivision the regulations provide for approval by the County Engineer, but that in some cases the road leading into a subdivision may not be a County-approved road. Mr. Schurr said the County would require adequate primary access to the subdivision that would include improvement of such a road. Supervisor Thurman said he understood that if he was doing a subdivision with 30 lots there should be a good road leading to the subdivision, and he asked whether the County Engineer would still have to approve an entrance road if the subdivision had only 8 lots. Mr. Spedding said yes, but that an applicant could appeal the decision of the County Engineer. Chairman Springer said there would be two joint sessions with the Commission in 2005, with the next meeting coming in October, and she suggested that this item might go back on the agenda for that meeting to discuss which areas of the new regulations might need some adjustment.

S2. Community Plan/Regional Plan updates: McGuireville resident Roger Korn participated in discussion of these items.

Mr. Spedding noted that Mr. Smith was the long-range planner working on the Paulden and Cornville community plans, while Mr. Lockard was working on the Verde Valley Regional Plan.

a. Paulden Community Plan.

Mr. Spedding said that staff had met with the Paulden group yesterday. He said there was a focus group with subcommittees for different tasks, that the subcommittees had all met and had been working on individual components of the community plan. He said the group hoped to bring the plan to County staff sometime in the spring, at which time staff would look at the plan, tweak it a bit and send it back to the group for review, and then agency review. Mr. Spedding said the group was looking at fall or early winter as a target for bringing the community plan to the Board. He said that what was in the County General Plan was an outline of what staff would like to see community plans meet, at a minimum. He added that the County had been awarded a grant to help pay for the community plans, but that he had been notified by the Arizona Department of Commerce that no more funding was available and that the County's grant was no longer valid.

b. Cornville Community Plan.

Mr. Smith said the Cornville group had done a good job of putting together its community plan, and that the plan was now out for review. He said that Judy Miller had kept the 14-member committee focused, and that he was looking at bringing the plan to the Board for approval in May of 2005. Chairman Springer said she thought the Cornville plan was a great document and that the group had done a very good job. She noted that Cornville Road was the main road through the community, including the commercial areas, and said that the plan called for it to remain a two-lane road. She asked if there was input from Public Works or from Supervisor Davis regarding whether it was reasonable to keep the road to two lanes. Mr. Smith said the Cornville group was aware that it might have to have a four-lane road, but that it was trying to avoid it. Mr. Spedding said staff had met with the group and that the group did understand that there would need to be some safety types of improvements, such as wider turn lanes. Supervisor Davis agreed that the group recognized the need for turn lanes, adding that community plan documents were really just guidelines and not etched in stone. Chairman Springer said her only concern was that when something is put in writing and approved by the community and the Board, the public tends to look at it as being inflexible. She said she thought everyone needed to keep in mind when doing community plans that the public will expect that the Board will use the plan. Mr. Smith said the Cornville group was aware that the Board might make some changes to the plan. Chairman Springer said that on the whole, she thought the Cornville plan was a wonderful document and that she had enjoyed reading it. Supervisor Davis said that in the past the County had hired consultants to do community plans and that it had cost a great deal of money. He said the new

process for community plans was driven largely by the citizens and that he thought that was a key piece of the process as the Board looked at doing community plans elsewhere in the County. He said that staff could act as a sounding board for the plan groups, but that it would cost less than using consultants. Chairman Springer said she would say that was a good reason to not ever hire consultants for something like this. She said the Cornville document contained a great deal of research and historical information that might not have been included if a consultant had been involved. Mr. Spedding said he wanted to be sure that when a community plan comes to the Commission and the Board that the community knows about it and that it is not just the few people in the community who have worked on the plan and are okay with it. Supervisor Davis said the end product on community plans with the new process was much better. He said that consultants wanted to minimize the number of meetings and avoid conflicts. Mr. Korn said he had experience in Oregon with community plans and that his experience was that if community groups were involved there was a much greater sense of ownership than if a consultant had put the plan together. Supervisor Thurman said community plans were living documents that could be changed. Mr. Lockard said that was true, and that if an applicant proposed something that was in conflict with a community plan the plan could be changed but the applicant would have to justify the change. Mr. Schurr said that current statute prohibits approving a rezoning if it conflicts with the County General Plan. He said that as the Board adopts community plans, they become part of the General Plan and that the Board could not approve a rezoning unless there is also an amendment to the community plan. He said the statute did not define what is a minor amendment or what is a major amendment, and that the County had provided that definition as part of its General Plan. He added that adoption of community plan was not considered to be a major amendment to the General Plan. Supervisor Davis said the Growing Smarter legislation had required the County to develop a process for amendments. Mr. Schurr said that was true, and that minor amendments could be done at any time while major amendments could be done only once a year. Mr. Spedding said the focus with regard to major amendments was on changes involving 100 acres or more or changes in density. Chairman Springer noted that the Williamson Valley corridor group would begin work on a community plan for that area sometime in the next few weeks, and that Mr. Burcham would be chairing that committee. Mr. Spedding said he believed there was also interest in the McGuireville/Beaver Creek area to update existing plans, and that at budget time the Board would need to look at the direction it wants the department to take because currently the department was using its budget to assist groups with things like copying and mailing. Supervisor Davis said he would like staff to put together a list of potential community plans for the next four years.

c. Verde Valley Regional Plan.

Mr. Spedding said he believed this would be an exceptional effort to bring together the community plans for the cities, towns and unincorporated communities in the Verde. He said because of the scope of this effort, he was looking at bringing in a consultant. Mr. Lockard said the intent was to pull together the plans of the five incorporated areas, five unincorporated communities, the Yavapai-Apache Nation, the Forest Service and other agencies into one regional plan. He said that part of the problem was that staff simply did not have time to consolidate the plans, but that there was a group that had been meeting to develop an RFP for a consultant to do that work. Mr. Lockard said that the different groups agreed on the concept of having a regional plan but that they want to see what it would cost to develop such a plan. Chairman Springer asked whether any money had been contributed at this point by any of the other entities. Mr. Lockard said no. Mr. Spedding said the RFP was due back in February and that once he knew what the cost would be it would be up to each of the entities involved to decide whether or not to budget money for the project. Mr. Lockard said this was something very new, and that it would involve between 12 and 14 different entities. Supervisor Davis said that District 3 was unique with regard to supervisor districts because although it was geographically small it contained five incorporated communities and five unincorporated but very well organized communities, and that all of the communities were dependent upon each other. He said that as a region, the Verde had a lot of attractions and that the communities in the Verde wanted to plan as a region. He said people had been working on this idea for about seven years and that, hopefully, the cities and towns would joint in and commit financially. Mr. Barnert said there had been a similar effort in Gila County.

S3. Discussion of "Open Space" definition. Roger Korn, Julie Currence, and Richard Clark participated in discussion of this item.

Mr. Spedding noted that Ms. Link had researched other counties to find out their definitions of open space and that the information was included in the back-up for this day's meeting. Chairman Springer said that, having served in the state legislature and worked on legislation related to this type of issue and then having observed for the last year some of the applicants who had come before the Board, over and over she had

heard the same thing: "So and so wants to count that as open space, but it shouldn't be because....." She said she believed the Commission and Board needed to come to a clear definition of what open space is, and that her own thinking on it was that there were two kinds of open space. She said that one was the development definition, which she called common open space. Chairman Springer said that if she asked everyone in the room for their definition of open space, everyone would have a different answer and that she hoped the Board and Commission could come up with a very clear definition of open space for use with the subdivision regulations. She said the other type of open space was public open space that might include things like Forest Service land, a lake or things that would be considered of wider public appeal. Mr. Schurr said he agreed with Chairman Springer 100%, but that it was important to be careful not to mix terms. He said the County had a zoning classification called OS that was used for older subdivisions that have golf courses. He said that with regard to PAD zoning, a developer could actually cluster housing, which would be more economical, but that the trade-off for that was to provide open space that he would refer to as common open space. Ms. Link said she thought Chairman Springer was on the right track and that she agreed with her, and that the problem lay with the definition of open space in developments. She said what she had found in her research was that the definition of open space was all over the map, and that some people see golf courses as being open space while others see them as being commercial uses. Chairman Springer said that in terms of process, what was being discussed on this day was something that would need to be referred to staff and the Commission for further discussion, but that she thought this day's meeting provided a good opportunity to talk about some ideas. She said that when one talks about subdivision development, the discussion is about a finite piece of land. She said that PAD zoning required 25% open space and that the dispute was about how one counts that 25%. Chairman Springer said she would define common open space as land not occupied by structures, buildings, roads, rights-of-way and parking lots. She said that everything else, including washes, landscaped areas, space between buildings, and golf courses could be interpreted as open space. Ms. McClelland said she thought the PAD ordinance was the most perfect ordinance the County had, but that she thought the County had allowed some things to be called open space that should not be, such as the space between buildings. She said she believed that open space should be usable and safe, and that she did not think things like septic fields were open space because they could fail. Mr. Burcham said the Commission had recently dealt with this issue with regard to a specific applicant and that one of the questions was how the space between buildings could be called open space when it did not really go anywhere. He said a golf course was something people could look at, that it did provide separation, but he asked whether someone could go have a picnic on one. Mr. Kerkman said he thought what confused the issue was the term "usable" in the PAD zoning, and that he was glad that term was no longer in the Ordinance because it was a very subjective term. He added that if he could walk on water a lake could be considered usable open space. Mr. Garner said "open space" was a subjective opinion and that the definition of it varied by regional. He said it was a visual perception, that its use in PADs varied from one to another, and that it needed to be considered on a case-by-case basis. He said he felt the Ordinance was strong, and that it was just a matter of interpretation. Mr. Schurr said that the 25% requirement for open space in a PAD was not locked in, and that the Board could change that number. He said a lake could be usable open space if it had piers that a boat could be tied to, and that he liked the definition of open space that Ms. Link had proposed. Ms. Link read her definition, as follows: "An area not less than 25% of the total gross site area, that is intended to provide light and air, and is designated and designed for resource protection, buffers, drainage ways, environmental, scenic, or recreational purposes. Common open space lands shall be clearly designated on the plan to include the character of use and development, and may be public or private or some combination of both, and shall not include private residences/structures, required yards, driveways, parking lots, streets, alleys, public rights-of-ways or other surfaces intended or designed for vehicles." Ms. Link said that Chairman Springer's definition had excluded "structures" as open space and that in some cases a structure could be used for common recreation. Ms. McClelland asked whether, in a PAD designed for tennis buffs, the tennis courts could be considered open space. Ms. Link said she would think so, and that staff tried to keep the Ordinance somewhat flexible. She said she did not know that every single type of open space had to be identified. Mr. Spedding said that what had been included in the subdivision regulations was the County's first attempt to try to preserve hillsides and ridges. He said staff would like to get the PAD Ordinance revised within the next three or four months. Chairman Springer said the biggest complaint about County government was along the lines of "I thought I was doing what they wanted me to do, and now I find out it's different." She said she believed the County had an obligation to make things as simple as possible, and that the clearer and more simple they were, the easier it would be for people to understand. She said she also thought that making things more simple would provide more flexibility with regard to applying the concepts, and that adding more words was like trying to plug holes in a dike because everyone would have a different interpretation. Chairman Springer said the County's goal should not be to express a particular view on what constitutes open space but to determine which portions of a subdivision were not going to be

used. She said that if the Commission did not feel that 25% open space was adequate for a PAD, it should discuss that issue as well. Mr. Lindner said he thought that open space was becoming more of a market-driven issue, particularly in the southern part of the state, and that the open space in new developments was often more than 25%. He said there were fewer golf courses being proposed and more developments being planned around open space. He said he did not think that 25% should be cast in stone. Supervisor Thurman said he thought the amount of open space should be site specific because every subdivision was different and there was not one cure-all for every subdivision. He said he would love to see a cure-all, but that this was not Phoenix where everything was flat, and that he thought things pretty much had to be considered on a case-by-case basis. Mr. Korn characterized "open space" as being similar to trying to nail jelly to a tree, saying it just never quite worked out. Ms. Currence and Mr. Clark said they liked Ms. Link's definition of open space.

S4. Proposed technical and/or administrative Ordinance Amendments. Richard Clark and Julie Currence participated in discussion of these items.

Mr. Spedding said he sometimes felt like his department was the "land police" and that he did not know if that was really the department's job. He said the hardest thing he had seen was trying to balance the County's requirements to take into consideration the different types of communities. He said that sometimes what it came down to was one neighbor just not liking another neighbor, and that what was on this day's agenda with regard to potential Ordinance amendments was just a handful that staff had worked on over the last six to eight months. He said what he was looking for was direction on whether to move some of these proposals forward to the Commission.

a. Aisle width reduction in self-storage development.

Mr. Lockard said that most of the developers of new self-storage facilities ended up at the Board of Adjustment and Appeals to request a reduction in aisle widths. He said fire districts did not seem to have a problem with narrower aisles, and that it just made sense to change the Ordinance and save the BOAA the trouble of having to hear variance requests for this issue. There was general agreement that this should be moved forward to the Commission for consideration.

b. Temporary Sales Office – time frame.

Mr. Lockard said the Ordinance currently allows such offices to exist for three years, but that developers were coming back to the County to say they needed more than three years. He said he considered this to be a house-keeping measure. Supervisor Davis asked if it would be possible to having some sort of a sliding scale based on the number of lots for sale. He said he had found that with one subdivision in the Big Park area the developer wanted to keep the sales office open because he was selling to speculators who were then putting those properties up for sale. There appeared to be general agreement that when a certain percentage of the original lots had been sold, the sales office should cease to exist. Ms. Dedrick asked how staff would monitor that. Supervisor Thurman said it would be complaint-driven. Chairman Springer asked if there was any wording to indicate that the sales office was only for the sale of original lots. Mr. Schurr said there was no such restriction in the current language of the Ordinance.

c. Definition of farm animals.

Mr. Spedding said that what staff had been looking at was going to an animal unit basis. Mr. Lockard said that the current Ordinance was very specific, such as allowing two horses, and so on. He said that other jurisdictions around the country used nationally-recognized USDA standards based on how much manure an animal produces, and that the idea was to establish the total number of animals that could be housed. Mr. Garner said that, given the USDA information, that would not be a good situation where chickens were concerned because a person could conceivably have 500 chickens on their property. Mr. Kerkman said one of the concerns he had was that many of the CCRs in areas throughout the County were patterned after the County's Ordinance and that if the County changed it with regard to this issue there would be an uproar in the more upscale communities. Supervisor Thurman said when he was involved in the Prescott Ridge homeowners' association that group had used a standard more stringent than the County's Ordinance, allowing only one horse per acre. He said that what staff was proposing would allow someone with 10 acres to have 25 horses. Mr. Mauk said this was an enforcement nightmare, and that he thought there needed to be a way to accommodate smaller animals. He said he was just asking for some help from an enforcement standpoint. Mr. Spedding said staff could take another look at this issue. Ms. McClelland asked

how many chickens a person could have now if they had two acres. Mr. Spedding said the person could have four chickens, and Mr. Mauk added that they could not also have a horse if they had four chickens. Mr. Clark asked if there was a difference between farm animals and pets. Mr. Burcham said there were people who considered certain types of farm animals to be pets. Mr. Barnet said he thought staff was moving in the right direction, and he suggested asking the Cooperative Extension Service for input. Ms. Currence said she hoped this issue would open for public comment, and that she hoped the County would not restrict the animal rights of people who do have enough land for animals. Mr. Lockard noted that there was an exemption for 4-H animals and for agricultural uses. Chairman Springer said it appeared that this was an issue that people would feel strongly about. Supervisor Davis asked that staff share whatever definition is developed with the Commission and the Board before they put it out for public comment. He added that he hoped the definition would be realistic and make common sense.

d. Planned Area Developments.

Ms. Link noted that the open space aspect of PADs had already been discussed. She said her main goal with regard to this issue was to make it more user friendly and at the same time try to encourage developers to use it as a tool for development. She said that in her experience over the last 15 years the reason developers did not use the PAD had to do with development standards, open space and processing. She said she had gone through the Ordinance and tried to address those issues, and she asked the Board and Commission to please keep in mind that the proposal was not yet finished. Ms. Link said that with regard to open space, she left in the 25% requirement because her experience had been that developers really did not seem to have a problem with it and that in many cases they actually provided more than 25% open space. She said that with regard to development standards she had not really changed them but instead had consolidated them and tried to simplify them. Ms. Link said that with regard to process, she had waited on this item until after the new subdivision regulations were done, and that she thought it would be possible to cut in half the time needed to process a PAD. She reiterated that the changes were just a draft and that she would like to continue refining it and also put it out for review by County departments. Supervisor Thurman said Ms. Link knew more about this particular issue than anyone else. There was general agreement that the changes proposed were a step in the right direction.

e. Outdoor lighting – mercury vapor language.

Mr. Lockard said that as of January 2005 mercury vapor lights were no longer allowed in Yavapai County and that they would no longer be allowed anywhere in the state after 2011. He said this proposed amendment was just to add a statement indicating that existing mercury vapor lights would not be grandfathered. Mr. Burcham asked if existing lights would be allowed to remain until they burn out. Mr. Schurr said yes. Mr. Lockard explained that this type of light is not shielded and that this was strictly a dark sky issue. Mr. Clark said that if the ordinance was not going to be enforceable, why have it. Mr. Lockard said the lights had been outlawed by the state and that eventually they would not even be available in the state. He said staff could put notices out to the various developers and to places that sell mercury vapor lights.

f. Eliminate use permit for three-story houses.

Mr. Lockard said that for purposes of enforcement a use permit for three-story houses would be eliminated, but that height would still be regulated.

S5. Function of the Planning & Zoning Commission and community organizations. Pat and Gary Acosta participated in discussion of these items.

Mr. Spedding said that community organizations were a hot topic, and that sometimes someone from the public will stand up in a meeting and say they represent a certain community organization and then 50 other people stand up and say they never heard of that organization. Supervisor Davis said he did not believe it was the role of the Commission to poll the audience to see what is most popular. He said he felt that all Commission members had a responsibility to do what was in the best interest of Yavapai County, and that issues should not become a popularity contest. He said that if the Commission knew something was not in the best interest of the County then it needed to take a stand. Supervisor Davis said that how the Commission delivers its decision to the public can, hopefully, be educational. He said that sometimes community organizations take a position that is really not in the best interest of the County and that both the Commission and the Board needed to do their jobs in such cases. He said that people purchase property

knowing how it is zoned but then think they have a God-given right to have the County change the zoning. Chairman Springer said that in her experience, most of the time the people who show up at a meeting are the people who are opposed to something and that it was hard not to be swayed in such cases. She said she knew it put a great deal of pressure on the Commission members, but that she thought what they had to keep in mind, and what the Board members also had to keep in mind, was that they represented the entire County and not just the people who happened to be in the audience. Chairman Springer said that if people were thinking about rejecting an applicant who has met all of the rules and criteria they should do some soul-searching. She said it was important to always keep in mind the broader County. Supervisor Davis said that at the Commission level he would like to see the Commission members take into account things like what the effects of an application would be on the transportation system or on an adjacent community, and that it was important to look at the overall picture. He said that as Board members, the Supervisors had to look at the best interest of the County and not just at the best interests of their individual districts. Mr. Clark said he wanted to commend the Board for the openness of the meeting on this day. Ms. Acosta said that one of the biggest problems was educating the community that things needed to be done in the best interest of the County. She said that the Board and staff needed to do the right thing with regard to keeping to the General Plan. Mr. Lindner said he agreed with what had been said, and that he would like to encourage public participation. He said that historically there had been a great deal of criticism of the County and that he agreed that everyone needed to do what was in the best interest of the County. He said he would also like some feedback from the Board regarding waivers because the Commission had been receiving a number of requests for waivers. He asked how the Commission members should consider that issue and whether each application should be considered separately or whether they should try to work within the regulations. Mr. Spedding said that whenever a waiver is requested his department tries to obtain a recommendation from the appropriate reviewing agency. Mr. Schurr said that Yavapai County was a large and diverse county and that it was hard to use the same standards all across the County. He said a recent example was the request for a waiver of paving with regard to a mini-storage facility. Mr. Garner said he thought when people tinker with industry standards it is a recipe for disaster and that he would hate to see standards that have been adopted nationwide discarded. Ms. McClelland said that with regard to community organizations they often work with developers to hammer out agreements before going to the Commission and the Board. She said the Commission hearing was a public hearing and that the Commission members were supposed to listen to everyone and that sometimes they would not agree with what a developer wanted to do. Mr. Kerkman said one of the more troubling issues for him was when the Board sent an item back to the Commission. He said maybe the Board was looking for the Commission to find a way to make the application more acceptable or perhaps it was being sent back because the applicant had changed the ground rules. He said the Commission was always trying to guess as to why the Board sent an application back. Supervisor Davis said he was glad that Mr. Kerkman had brought up this issue. He said that what had happened in the past was that an applicant would present the Commission with oranges, the Commission would decide it wanted something else, and then the applicant would present the Board with apples. He said the Board had decided it would send those types of applications back to the Commission, but that what he thought should happen in cases where things change with an application between the Commission hearing and the Board hearing is that the Board should deny the application. Mr. Spedding said that when staff presents an application to the Commission the applicant often picks up on what they need to do to make changes. He said that staff would be presenting the same information to the Board that it presents to the Commission and that while staff could not tell an applicant what to say or not say, staff would not bring new information forward. He said his opinion was that if an application had a lot of changes it was probably better to start over with a revised submittal. Chairman Springer said her concern was that the Board might approve something that was recommended for denial and that the Commission would never get the information as to why the Board overturned their decision. Mr. Spedding said that information was returned to the Commission by way of the Board's minutes. He said that staff also tried to show which stipulations were County requirements and which stipulations were included because of Commission concerns. Mr. Lindner said the Board's minutes were somewhat abbreviated and that he thought it would help to have more of the Supervisors' comments included. Mr. Spedding said perhaps he could ask the Commissioner who attends the Board meeting to give an update on what they saw. Mr. Lindner said he would like to see something from staff as to what each Supervisor's opinion was because that would help the Commission with future issues. Ms. Link said she could provide a summary of the Board's actions for the Commission. Supervisor Davis said he agreed with Mr. Lindner and that he thought being on the Commission was an educational process. He said that as Commission members experienced more things they would develop a better grasp of the issues. He said that, if, in a Commission meeting the Commission is presented with information and that information is checked and subsequently the Board makes a different decision then a precedent is established that allows applicants two shots at getting their application approved. Supervisor Davis said he thought the Board

needed to say to applicants that they must do all their negotiating with the Commission, and that he would like to take the position of saying "no new information." Mr. Spedding said that sometimes during the process the Commission indicates that it would like to see setbacks increased or some other change made before the applicant goes to the Board. Chairman Springer asked Supervisor Davis if he was suggested that if there are changes to an application after the Commission meeting the Board should send it back. Supervisor Davis said he almost hated to send applications back. He said that before the County had citizen participation requirements it was a free-for-all at Commission meetings and Board meetings, and that he thought if the Board took a hard stand people would understand that they have to go to the Commission and work things out. There was brief discussion about deferring applications that are incomplete or objectionable until issues can be resolved. Mr. Garner said that some years ago the Commission was adept at resolving issues but that it was no longer quite so adept. He said that applicants were also more prone to plow ahead to the Board because they think they can get the outcome they want. Mr. Garner said he also thought that staff needed to tell applicants up front if they see something they think could be a problem. Mr. Spedding said the County could not deny due process to applicants. Mr. Smith said that sometimes the public decides to oppose an application after it has been through the Commission process. Supervisor Davis said it should be a two-way street and that if the public does not show up at a Commission hearing they should not expect to come to a Board meeting and shoot something down. He said he thought the message needed to be sent that the Commission was the arena to work out issues related to applications. Mr. Acosta said he agreed with much of what had been said, but that if in the process it was determined that government regulations had not been followed the application should be sent back to the Commission. Ms. Dedrick said she thought that staff tried really hard to let applicants know that what they provide to staff is what will be presented at the Commission and at the Board. Mr. Spedding said he appreciated the input from those present on this day, and that staff would move forward with Ordinance changes. Chairman Springer asked if there would be meetings with the public with regard to the amendments to the Ordinance. Mr. Spedding said he tried to pass that kind of information along at contractors' meetings. Mr. Kerkman said he wanted to express to the Board his appreciation for this day's meeting. He said the Board's input was vital to the Commission's process.

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

ATTEST:

_____Clerk _____Chairman