

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

July 18, 2005

The Board of Supervisors met in regular session on July 18, 2005, in Cottonwood, Arizona, at 9:00 a.m.

Present: Carol Springer, Chairman; Thomas Thurman, Vice Chairman; Chip Davis, 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.

**CONSENT AGENDA** Upon a motion by Supervisor Thurman, seconded by Supervisor Davis, the Board voted unanimously to approve all items on the Consent Agenda with the exception of items C5., C6., C8, and C15, which were approved following discussion. Please see Consent Agenda for detail. No comments from the public.

**C – BOARD OF SUPERVISORS**

- C1. Minutes of meeting of July 5, 2005, and of special meeting of June 28, 2005.
- C2. Liquor licenses for which there are no protests: (a) Series 12 Original Restaurant, Luney Tunes Café, McGuireville area, Carol Dean Anderson; (b) Series 6 Person Transfer, The Place, Yarnell area, Barbara Ann Hamilton.
- C3. Clarify that action taken on June 20, 2005, to provide a 4.2% salary adjustment for County employees also included the same adjustment for department heads and ratify action taken by staff to ensure that the adjustment for department heads was effective for the first full pay period in July, as it was for other County employees.
- C4. Sell surplus miscellaneous office furniture to the Beaver Creek Community Center for \$12 (1 desk at \$10 and one chair at \$2).
- C5. Legislative proposals for 2006 for submission to the County Supervisors Association, to include authorizing staff to make adjustments in language as needed as long as it conforms to the original intent of the proposal. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Thurman. No comments from the public.

Supervisor Thurman said he wanted to discuss the legislative proposal regarding splits on parcels of 40 acres or less. He said he had talked with some members of the public who wondered if there should be a minimum of acreage for the splits. He said the concern was that someone could do four two-acre splits and then have a 30-acre piece that they would want to split later. Chairman Springer said that currently a property owner can divide a parcel five times and that the resulting parcels could be split again. She said she believed that this practice had gotten out of hand because of speculators who were buying land. She said that many people were concerned about the number of wells and septic tanks that would be created as a result of splits. Chairman Springer said what was being proposed was just to say that a person who owns 40 acres or less can divide the parcel up to five times but that no further splits would be allowed. She said the County Assessor would be required to put a designation on the parcel numbers created from the first split to identify them as parcels that could not be further split. Chairman Springer said this would provide for a 60% reduction in the number of parcels that could be created. She said she did not believe it would hurt people who are dividing their land for some use, but that she did believe it would discourage speculation and that it would cut down on the number of wells and septic tanks. She told Supervisor Thurman that she did not think it was necessary to place a minimum size on the splits because a property owner could split the original parcel into any configuration desired. Supervisor Thurman said the people he had spoken with thought it would be opening the door to a hardship for someone in the future. He said he was not suggesting that the Board change the proposal to provide for five-acre minimums on the splits because there were people who had already purchased property. Supervisor Thurman said he was in favor of the legislative proposal and that he would back it wholeheartedly. Chairman Springer pointed out that the proposal provided that if someone wanted to further split a parcel following the original split it would be possible to do so by going through the subdivision process. Supervisor Davis said he agreed. He referred to proposed changes in A.R.S. §11-806.01, saying that the proposed language made it clear that further splits could be done as long as it went through the subdivision process. Supervisor Thurman said this was the first time that something had come forward at the County level to try to push the legislature to slow down growth.

- C6. Change Order #4 with Straightline Builders, Inc., for the Verde Valley Senior Center CDBG project, in the additional

amount of \$12,266.55. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Thurman. No comments from the public.

Supervisor Davis asked about the process for ensuring that change order amounts would be reimbursed. Mr. Hunt said the agreement called for presentation of the latent defect claims at the time they are put through the County's process for payment. He said the claims are sent to the bonding company for approval and that if the claim is below \$2,500 there was a person at the bonding company who could simply approve the claim. He said that claims over that amount had to be reviewed and that there was a reasonable amount of time allowed for the bonding company to respond. Mr. Hunt said that staff was doing what was necessary to keep the projecting moving and that disputes would have to be resolved later. Supervisor Davis asked that acceptance of payment on claims also be placed on the Board's agenda so that the Board would be aware of what was happening.

- C7. Resolution approving the issuance of \$110,000,000 Educational Facilities Revenue and Revenue Refunding Bonds (Embry-Riddle Aeronautical University Project) Series 2005, of The Volusia County Educational Facilities Authority (of Volusia County, Florida) and certain matters related thereto, as recommended by the Industrial Development Authority of the County of Yavapai. Resolution No. 1587.
- C8 Needs assessment and master planning study project scope and fee proposal with Durrant for Pioneer Park County Complex, Prescott, and existing Cottonwood County Complex, in the amount of \$90,465 to be paid from Capital Improvements miscellaneous projects. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Thurman. No comments from the public.

Mr. Holst briefly reviewed with the Board some changes to the contract. Supervisor Davis asked if it could also include a recommendation for "green" types of buildings. Supervisor Thurman said he had a long discussion with Durrant about that subject and that they knew he would be pushing for those types of buildings. Mr. Holst said reference to "green" buildings could be added to the contract. Chairman Springer said she did not think that needed to be added to the contract because each of the Board members had made it clear to Durrant that they wanted "green" buildings.

- C9. Approve vouchers.

#### C – DEVELOPMENT SERVICES

- C10. Use permit to allow construction of 10 RV rental spaces and waiver of 50-foot required setback along southern boundary of property, Rimrock RV Park, 405-24-019A, Rimrock area, Chuck Riley, #H5100. Consideration of a Use Permit in a C1-3 (Commercial, Neighborhood Sales and Service, 7,500 sq. ft. minimum parcel, 3,000 sq. ft. minimum area per dwelling) zoning district and R1-18 (Residential; Single Family; 18,000 sq. ft. minimum parcel) to allow for the construction of ten RV rental spaces located on 1.01 acres at 3375 East Beaver Creek Road in the Rimrock area. A waiver of the 50-foot required setback along the Southern boundary is also requested. S35 TWN 15N R 5E G&SRB&M. The Planning and Zoning Commission recommended approval of the Use Permit, HA# H5100, with the following stipulations: 1). 1. Use Permit to be approved on a permanent, transferable basis subject to the site plan dated September 2, 2003 (Called out on map as "Private Grading, Drainage & Utility Plan") and letter of intent dated May 2, 2005; 2). Review and approval by Flood Control District prior to issuance of construction permits; 3). Approval of setback waiver request to allow a 20 foot setback along the southern boundary. Six foot block wall screening to be installed along the rear boundary of the lots 3-7; 4). Vegetative screening plan to be reviewed and approved by staff prior to issuance of construction permits. Vegetative screening to be installed in the 20 foot setback of the property prior to initiation of use; 5). Review and approval by Public Works of construction plans for paving the driveway entrance within the right of way. Construction to be completed prior to initiation of use; 6). Development to be in conformance with Section 555 of the County Zoning Ordinance and all other applicable local, state and federal regulations; 7). Certificate of Compliance to be issued within one year. If no development has commenced by then, the Use Permit to be null and void.
- C11. Final plat, The Aerie I and II, Red Rock Aerie, LLC, 408-23-001, 004, 004A, 005, 006 and 006B, Sedona area, #H5120. Consideration of a Final Plat for the Aerie I, which is 41 custom homesite lots, located on 100.7 acres 0.5 miles South of Boynton Pass Road and the Aerie II, which is 33 custom homesite lots located on 76.9 acres 1.5 miles South of Boynton Pass Road. Both are in the Red Rock Dry Creek area and are zoned RCU-2A (Residential, Rural, two-acre minimum parcel). S5 T17N R5E G&SRB&M.

#### C – FINANCE

- C12. Renewal of cooperative purchasing agreement with the State of Arizona for the 2005-2006 fiscal year.

#### C – PUBLIC DEFENDER

- C13. Indigent Services Contract (Dependency) with Hoang V. Huynh in the amount of \$30,000 to be paid from Services-

Legal/Indigent Attorney account.

- C14. Indigent Services Contract (Dependency) with Daniella Ferari in the amount of \$41,250, to commence August 1, 2005, to be paid from Services-Legal/Indigent Attorney account.
- C15. Hire John Barelli for Camp Verde Attorney Journey position, \$62,343.01 to be paid from Regular Wages. Public Defender Janet Lincoln participated via video conference from Prescott. Approved by unanimous vote. Motion by Supervisor Thurman, second by Supervisor Davis. No comments from the public.

Supervisor Thurman asked if this position had been authorized. Ms. Lincoln said yes. Supervisor Davis asked if Mr. Barelli would be moving to Yavapai County. Ms. Lincoln said yes, and that although she was not asking contract attorneys to move to Yavapai County she was asking anyone who would be a regular employee to do that.

#### C – PUBLIC WORKS

- C16. Extend Black Canyon City Transfer Station hours one additional day per week for one month due to fire emergency, at a cost of \$960 to be paid from Solid Waste Regular Salaries.
- C17. Intergovernmental agreements with the following entities for unified emergency management for 2005-2006: Town of Prescott Valley; City of Sedona; Town of Camp Verde; Town of Chino Valley; Town of Jerome; Yavapai Prescott Indian Tribe.
- C18. Bids received for Annual Contract for Pavement Marking in Yavapai County, AZ, Contract #2513843. Bids opened July 5, 2005, with bids received from Traffic Safety, Inc. and Pavement Marking, Inc. Recommend awarding to Traffic Safety, Inc. for \$287,998.16 for main line items and at various unit prices bid for miscellaneous items. To be paid from HURF.

#### C – SHERIFF

- C19. Intergovernmental agreement with the Verde Valley Humane Society for animal shelter services for the 2005-2006 fiscal year in the amount of \$34,600 to be paid from Support Services-Outside Services.

#### ACTION ITEMS

#### A – BOARD OF SUPERVISORS

- A1. Echo Miranda, Health Department, as Employee of the Month for March, 2005. Joe Huot, Merit Award Board Chairman. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Thurman.
- A2. Intergovernmental Agreement with the City of Cottonwood for an Equestrian Facility. Supervisor Chip Davis. Cottonwood City Manager Brian Mickelsen participated in discussion. Approved by unanimous vote. Motion by Supervisor Thurman, second by Supervisor Davis.

Supervisor Davis explained that the City of Cottonwood was developing an equestrian facility that could be used by both city residents and residents of the unincorporated areas and that the facility would be located on property leased from the Verde Valley Fair Association. He said he had been working with the proponents of this facility and that he wanted to use District 3 parks funds to assist with funding the installation of portable corrals, seating and other equipment. Mr. Mickelsen said this proposal was started about six months ago and that there were two agreements the City of Cottonwood would have; one with the County to provide some up-front capital and the other with the Verde Valley Fair Association for the lease of land. He said the City of Cottonwood would be the operator for the facility and that there was no cost to lease the land but instead the agreement provided for the Verde Valley Fair Association to have six priority events each year.

- A3. Forest Project funding applications. Dave Hunt, Board Attorney/Assistant County Administrator. University of Arizona Cooperative Extension Director Jeff Schalaus participated in discussion. Upon a motion by Supervisor Davis, seconded by Supervisor Thurman, the Board voted unanimously to approve the following applications: Arizona Wildfire Academy, \$10,000; Yavapai County Sheriff's Office, \$31,000 for the Verde Valley Mobile Command Post and \$76,725 for the Forest Patrol; Prescott Area Wildland Urban Interface Commission, \$15,370 for After School High School Forestry Club; Dead Horse Ranch Trails Coalition, \$8,000 for Zalesky Road to Cornville Trail Easement; Groom Creek Fire District, \$25,871 for the Groom Creek Firewise Planning and Prevention Project; and the Highlands Center for Natural History, \$27,000 for the Highlands Center Lynx Creek Site – Phase III.

Chairman Springer apologized to members of the public who were present on this day for what she said would be a lengthy discussion. She said that because of the open meeting law, there was no way for Board members to discuss these funding applications except to do it in open session. Mr. Hunt said that this program was an outgrowth of federal legislation intended to return more forest fees money to counties. He said that for a number of years the fees had dropped but that beginning in 2002, they had increased and

that the County was now receiving about \$800,000 per year in forest fees. He said the plan was to take 15% to 20% of the funds and allocate them for projects tied to activities on federal lands and that once the Board had tentatively identified projects it would be necessary to publish notice of the projects and allow a 45-day comment period. Mr. Hunt said that with regard to the projects up for consideration by the Board on this day, there were more requests than what was available in funding. He told the Board that if it wanted to, it could approve all of the projects for purposes of publication or that it could make a final decision on this day. He said he had made a determination regarding project eligibility and that there were two requests that were not eligible for funding, the first of which was a request for \$10,000 from the Verde Search & Rescue Posse, Inc. for the Swiftwater and Technical Rescue Team Foundation, and a request from the Yavapai County Trails Committee for the Cornville Trail. Chairman Springer noted that there were 11 applications and that one of them, for \$10,000 from the Arizona Wildfire Academy, had already been funded while two were determined to not be eligible. She said the 2004-2005 allocation plus interest was \$182,032 and that there was a carryover from 2003-2004 of \$11,934 for a total of \$193,966 in available funding. Chairman Springer said that of the eight projects left on the list some of them needed full funding in order to go forward. She reviewed her choices for funding as follows: \$10,000 for the Arizona Wildfire Academy; no funding for the Dead Horse Ranch Trails Coalition because it was not a critical need; \$25,871 for the Groom Creek Fire District Firewise Planning and Prevention project; \$35,000 for the Highlands Center for Natural History; no funding for the Northern Arizona University Watershed Research and Education program; \$15,370 for the Prescott Area Wildland Urban Interface Commission High School Forestry Club; no funding for the University of Arizona Cooperative Extension program for wildfire risk reduction because PAWUIC was also doing this and it was a duplication of effort; \$31,000 for the Sheriff to refurbish the Verde Valley Mobile Command Post; and \$76,725 for the Sheriff to provide partial funding for deputies assigned to the Forest Patrol. Supervisor Davis asked why the Swiftwater and Technical Rescue Team Foundation and the Cornville Trail were not eligible. Mr. Hunt said there was no connection to Yavapai County government with regard to the rescue group and that the request for the Cornville Trail had to do with a NEPA study for trail access and that it did not fit into the category for this type of funding. Supervisor Davis said he had tried to look at things that would be of benefit on a County-wide basis. He said he saw the \$76,725 for the Sheriff's Forest Patrol as a tax reduction and that he agreed with funding for that program. He said that the Verde Valley Mobile Command Post had been very successful and that he also agreed with funding that application in the amount of \$31,000. Supervisor Davis said the University of Arizona Cooperative Extension program was an outreach program County-wide and that he had included that program for funding in the amount of \$27,897 and that he had also included the Dead Horse Ranch Trails Coalition in the amount of \$8,000. He said he would consider giving the NAU program some funding, but not the \$50,000 it had requested. Supervisor Davis said the Verde Valley Mobile Command Post, Dead Horse Ranch Trails Coalition, University of Arizona Cooperative Extension wildfire risk reduction program and the Sheriff's Forest Patrol were his priorities, but that he also thought the Prescott Area Wildland Urban Interface Commission (PAWUIC) was a good organization and that funding that program would be appropriate. Supervisor Thurman reviewed his choices for funding as follows: Arizona Wildfire Academy, \$10,000; Dead Horse Ranch Trails Coalition, \$8,000; Groom Creek Fire District, \$23,750; Highlands Center for Natural History, \$35,000; NAU watershed program, no funding; PAWUIC, \$15,370; University of Arizona Cooperative Extension wildfire risk reduction program, no funding because it was a duplication of efforts by PAWUIC; and funding to the Sheriff in the amount of \$31,000 and \$76,725 for the Verde Valley Mobile Command Post and Forest Patrol, respectively. He said if there was a little money left over he would like to see it go to Groom Creek Fire District. Chairman Springer noted that both Supervisor Davis and Supervisor Thurman agreed on funding for the Dead Horse Ranch Trails Coalition. She said she had looked at applications that had more need, such as applications related to fire issues. She asked Supervisor Davis and Supervisor Thurman if they both still agreed that \$8,000 should go to the Trails Coalition. Supervisor Davis and Supervisor Thurman said they did. Further brief discussion resulted in agreement to fund Groom Creek Fire District in the amount of \$25,871 and PAWUIC in the amount of \$15,370. Discussion turned to the University of Arizona Cooperative Extension request, with Supervisor Davis saying his feeling was that any wildfire reduction efforts were good. Mr. Schalau told the Board that this was a continuing program and that he had someone on board who was a forester and horticulturist and that the person had provided services to many citizens and also to fire districts. He told the Board that PAWUIC was supportive of his request, and that the program was beginning to develop impacts. Mr. Schalau said he had also submitted a letter of support from Emergency Management Coordinator Nick Angiolillo. He said he felt the Cooperative Extension program was a very strong compliment to other wildfire programs. Supervisor Thurman said that during the past year the Cooperative Extension wildfire risk reduction program had hit a lot of areas, but that those areas now had the message. He said many communities had already heard what the program had to offer, and that maybe the program should take a year off. Mr. Schalau said it was very difficult to stop and start a program like this, and that he thought the current fire season was providing impetus for the

program. Supervisor Thurman said that fire districts were also promoting the same information. He said he agreed with Supervisor Davis that there could not be too much redundancy when it came to wildfire programs but that there was only so much money to give away and that he had to look at priorities and that all of the fire districts and PAWUIC were already promoting defensible space. Mr. Schalau said that if he lost funding the program would end in December of this year. Supervisor Thurman noted that Mr. Schalau had stated on his application that he needed full funding. He asked if it would be possible to continue the program with less than full funding. Mr. Schalau said he would be willing to accept less than full funding if necessary, and that the program was very important to County citizens. He said the program shared with people not only the wildfire perspective but also maintenance of landscaping and that to have an impact continuous funding was necessary. Mr. Hunt said that the Board might want to consider criteria for how this type of funding would be handled in the future. He noted that the money is received in November or December and that the Board could set up procedures to handle the process earlier than had been done in the past. Chairman Springer said she agreed and that she would like to be advised ahead of time so that potential applicants could be notified earlier. She said that Mr. Schalau's request was for a half-time position and that if it could not be funded now perhaps it could be funded in December. Supervisor Thurman said he agreed, but wanted to be sure this issue came back to the Board in November. Chairman Springer noted that the agreed upon requests totaled approximately \$201,000 which was more than the available funding. Following additional brief discussion, it was agreed to adjust the funding to the Highlands Center from \$35,000 to \$27,000.

#### A – HUMAN RESOURCES

- A4. Change vacant Appraiser position, Range 59 (\$29,083-\$39,591) to a new System Manager position, Range 67 (\$62,343 - \$84,869) in the Assessor's Office with additional \$40,417 cost to be paid from the Assessor's Surcharge fund. Julie Ayers, Human Resources Director. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Thurman. No comments from the public.

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#### A – PUBLIC WORKS

- A5. Bids received for Williamson Valley Road Rubberized Chip Seal in Yavapai County, AZ, #2512862. Bids opened July 5, 2005, with bids received as follows: International Surfacing Systems, \$348,200; and Cactus Transport, \$363,555. Recommend awarding to International Surfacing Systems, \$348,200. Half-cent sales tax project. Phil Bourdon, Assistant Public Works Director. Approved by unanimous vote. Motion by Supervisor Thurman, second by Supervisor Davis. No comments from the public.
- A6. Authorization of Services #2513844 with URS Corporation for Design Services to Implement Landfill Gas Remedies in the Prescott Valley Landfill, Yavapai County, Arizona, in an amount not to exceed \$39,357.50 to be paid from Solid Waste Landfill Post Closure (Prescott Valley). Phil Bourdon, Assistant Public Works Director. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Thurman. No comments from the public.

#### HEARINGS

H – DEVELOPMENT SERVICES Assistant Development Services Director Enalo Lockard presented each item. Development Services Director Ken Spedding and Deputy County Attorney Randy Schurr participated via video conference from Prescott. Planning & Zoning Commission member Joan McClelland was present to represent the Commission. Senior Land Use Specialist Boyce MacDonald participated in discussion.

- H1. Zoning Ordinance amendment, fences and walls, Development Services staff, #H5070. Consideration of a Zoning Ordinance Amendment to add to Chapter 3, Section 301 (Definitions) definitions of "Fence" and "Wall." Also add language to the definition of "Dwelling Unit" to allow more than one accommodation for preparation of meals. Chapter 5, Section 540 (Height Limits) B. (Fences and Free Standing Walls) 2.a. regarding height limits on fences. The Planning and Zoning Commission recommended approval of the Zoning Ordinance Amendment, Definitions, Village of Oak Creek residents Ruth Kane, Joanne Johnson and Carolyn Fisher expressed concern about the number of kitchens that would be allowed in a dwelling unit. Supervisor Davis moved to approve the recommendation of the Planning & Zoning Commission, with the following changes to be added to Chapter 3, Section 301, Definitions: "Fence: A barrier constructed of materials such as solid wood slats, barbed wire, pipe and chain link. Barriers constructed with materials not designed for fencing are not applicable to this definition"; "Wall: A barrier constructed of materials such as solid block, native stone and rock or wood stucco. Barriers constructed with materials not designed for walls are not applicable to this definition"; and add to the existing definition of dwelling unit the work "interior" as it relates to accommodation for preparation of meals. Supervisor Thurman seconded the motion, which carried by unanimous vote.

Mr. Lockard said this amendment was related to enforcement and to keeping fencing to industry standards. He said there was some concern at the Commission hearing that this might preclude people from putting up

fences, but that staff would work with people and that people could also request a variance to the Ordinance. He said the amendment also dealt with the height of fences and that a third item provided for at least one food preparation area per dwelling unit. Chairman Springer said she had reviewed the minutes of the Commission hearing and that she had some definite problems with both the fence and wall definition. She said there was reference to industry standards but apparently there were no industry standards and she asked Mr. Lockard if that was correct. Mr. Lockard said staff would set something up that would be similar to what a person would get from a typical fence company. Chairman Springer said she had a real problem with putting in an ordinance language that refers to a standard that does not exist. She said she would be okay with it if the types of materials that could be used were listed, but that terminology regarding meeting industry standards should be removed until such time as there was a recognized industry standard. She said the same situation existed with regard to walls. Mr. Lockard said that people could always apply to the Board of Adjustment and Appeals for a variance, and that the idea was to eliminate the use of car hoods and the like for fences. Supervisor Davis asked why fences and walls were included with the definition of dwelling units. Mr. Lockard said the changes were all seen as housekeeping measures when they were first developed. Supervisor Davis said he had also read through the Commission minutes and that he could see the concern about whether the proposed changes amounted to the County dictating too much. He said his problem was with the dwelling unit and a second kitchen. He said that on a 10,000-square-foot parcel a person could have a guest house and that he felt the County should stick with that and not allow a second kitchen in a home. Mr. Lockard said it was necessary to have 35,000 square feet for a guest house. Chairman Springer said the definition of dwelling unit said it could contain at least one accommodation for preparation of meals and that it seemed to her that it would be less confusing to say there could be not more than two. She said she felt that would limit the number of kitchens allowed more effectively than saying "at least one." Mr. Lockard said he was just looking at the simplest way to make changes without adding volumes to the Ordinance. Chairman Springer said it could also say no more than two interior kitchens, but that she was uncomfortable with leaving it open by saying "at least one." Ms. Kane said she agreed with Chairman Springer's comments. She said there were many speculators who were building houses with two kitchens inside and another one outside and that those houses would probably end up being unpermitted bed and breakfast facilities. Ms. Kane said there were already too many of these types of businesses that the County was not aware of and that the proposed changes would just open the door to more of the same. Chairman Springer noted that Carolyn Fisher and Carol Agers had submitted forms indicating their opposition to this application, but that they did not wish to speak. Ms. Johnson said she was a member of the planning and zoning committee of the Big Park Regional Coordinating Council and that she also was opposed to the use of "at least one" as it related to kitchens in a dwelling unit. She said she believed that allowing that language would result in multi-family situations that would be difficult to control. Ms. Johnson said she also thought a reference should be made to bed and breakfast facilities to that a person would not have a second kitchen in order to use their home as a bed and breakfast. Supervisor Davis said he did not know why people needed more than one kitchen in a house. Supervisor Thurman said the only time he could see a need for a second kitchen was if there were mother-in-law quarters in the basement, but that in such cases a person could come in for a variance. Mr. Lockard said that was true, and that staff was just trying to help some people be legal. Supervisor Thurman said there were also a lot of two-story homes where there might be a billiards room with a refrigerator in it. He said if the County allowed a maximum of one kitchen in a dwelling unit, a person could still apply for a variance. Mr. Lockard said the current Ordinance referred to just one place for preparation of meals. Ms. McClelland said that the concern brought up at the Commission meeting was mainly directed at the bed and breakfast issue, but that after listening to the Board on this day she liked the direction the Board appeared to be taking. Mr. MacDonald said there was a variance for medical for a secondary dwelling. Supervisor Thurman said if a person did have a separate guest house he could have a kitchen in that unit. Chairman Springer said allowing just one kitchen on the inside would still allow people to have an outdoor type of kitchen. Ms. Fisher asked if variance granted for a mother-in-law quarters would go with the house if the house was sold. Mr. Schurr said it would be necessary for a person to obtain a use permit for a second kitchen and that there was no variance procedure that applied to this situation. He said he thought an extra kitchen that was located outside as part of a barbecue area would be allowed as an accessory use to a dwelling. Chairman Springer said it was her understanding that part of the reason for this change was because more people were going to outdoor types of kitchens. There was general agreement among the Board members that one interior kitchen was appropriate. Discussion returned to the definitions of fences and walls, with Mr. Lockard suggesting the phrase "common fencing" instead of industry standards. Chairman Springer said she thought it would be better to list the types of materials that could be used.

- H2. Zoning Ordinance amendment, agricultural exemptions, Development Services staff, #H5071. Consideration of a Zoning Ordinance Amendment to add to Chapter 5 (General Provisions) "Section 590 Agricultural Exemptions." The Planning and

Zoning Commission recommended approval of the Zoning Ordinance Amendment, Agricultural Exemptions. The Board voted unanimously to approve the recommendation of the Planning & Zoning Commission with the following change: Add to Section 505, Agricultural Exemptions, 1.a., at the end of that sentence, (A commercial acre is 35,000 square feet). Motion by Supervisor Thurman, second by Supervisor Davis. No comments from the public.

Mr. Lockard characterized this amendment as one meant to clarify and to work with the statutes and with the Assessor's Office. Chairman Springer asked if statutes also referred to five commercial acres. Mr. Lockard said he believed that was the case. Chairman Springer said she thought "commercial acre" was almost a non-issue anymore. Mr. Lockard said the County's Ordinance did not define a commercial acre. Chairman Springer asked if reference to commercial acre could just be removed. Mr. Schurr said that a commercial acre was 35,000 square feet and that the County was bound by state statute with regard to the language in this case. Chairman Springer said if that was the case the Ordinance should define a commercial acre and that it should not be up to the public to have to figure out what the term meant. Supervisor Thurman asked if the definition of commercial acre could just be added in parentheses following the sentence stating that a property would have to be at least five contiguous commercial acres in size. Mr. Schurr said that would be fine. Supervisor Davis asked about smaller parcels with last land and whether something smaller than five acres could still be considered for an agricultural exemption. Chairman Springer said she thought statutes provided a minimum amount of land for such an exemption. Mr. Schurr said the statutes did not distinguish that, but instead said a person must have at least five acres. Supervisor Davis asked if most of the people who apply for agricultural exemptions were really using the property for agricultural purposes or whether they were people who just had five acres with a home on it. Mr. MacDonald said there were a number of things like vineyards and the like, and that staff worked with the Assessor's Office on this issue. He said that most of the applications for agricultural exemption were bona fide.

- H3. Zoning Ordinance amendment, street naming and addressing, Planning & Zoning Commission, #H5088. Consideration of an amendment to Section 604 (Street Naming and Addressing) of the Yavapai County Zoning Ordinance to include issues regarding temporary addresses, enforcement of installation of street signage, proper names used for street names, clarification of street name suffix abbreviations, guidelines for private street signage and modifying criteria for changing a street name. The Planning and Zoning Commission recommended approval of the Zoning Ordinance Amendment, (Street Naming and Addressing). Upon a motion by Supervisor Davis, seconded by Supervisor Thurman, the Board voted unanimously to approve the recommendation of the Planning & Zoning Commission. No comments from the public.
- H4. Use permit to allow a studio/garage to be used as a guest home in an R1-10 zoning district, Ross Home, 405-33-121, Village of Oak Creek area, Anthony Ross, #H5057. Consideration of a Use Permit to allow a 22' x 24' studio/garage to be used as a guest home for up to sixty (60) days per year in a R1 10 (Residential: Single Family; 10,000 sq. ft. parcel) zoning district on a 6,949 square foot parcel. Located on lot 88 within Pine Creek subdivision off Octillo Road approximately 150 feet south of its intersection with Jack's Canyon Road in the Village of Oak Creek. SEC18 T16N R6E G&SRB&M. The Planning and Zoning Commission sent Use Permit, to the Board of Supervisors with a neutral recommendation. Participating in discussion of this item were Robert Pat McClintock, Shayne Watts, and Joanne Johnson, all of whom expressed opposition to the application. Chairman Springer noted that Carol Agers, Dorothy O'Brien and Carolyn Fisher also were opposed, although they declined to speak. Supervisor Davis moved to deny the application, and then withdrew his motion. Supervisor Thurman moved to approve the recommendation of the Planning & Zoning Commission with the addition of a stipulation requiring that the range be removed in 60 days. Chairman Springer seconded the motion, which carried by a 2-to-1 vote with Chairman Springer and Supervisor Thurman voting "yes" and Supervisor Davis voting "no."

Mr. Lockard said the subject property was less than 7,000 square feet in size and that the applicant had done some remodeling on the inside to put in a kitchen and bathroom without first obtaining a permit. He said the applicant visited the property from time to time and stayed in what he called the guest house. Mr. Lockard said the applicant had said that he called the County and was told it was okay to have the guest house but that there was no documentation of that call. He said the Ordinance required a use permit to be in place before this type of remodeling could occur. Supervisor Thurman asked what language the County had to define a studio. Mr. Lockard said it was similar to a workshop. Supervisor Thurman asked if that meant it was not a studio apartment. Mr. Lockard said that was correct. Mr. McClintock said he was the inspector for the Village of Oak Creek Homeowners Association. He said that after he found that the studio was being used as a second residence the applicant, Mr. Ross, was informed that he would have to remove certain things. He said Mr. Ross had stated that he purchased the property with the guest house, but that this was not allowed and that this issue had been going back and forth for about nine months. He said the structure could only be used as a studio/garage. Mr. Watts described the situation as a moving target. He said that Mr. Ross had bypassed the Big Park Regional Coordinating Council planning and zoning committee and instead had gone straight to the County. He read an email he said Mr. Ross had sent him on

June 23, 2005, in which Mr. Ross had stated he would remove the stove and would not rent out the structure. Mr. Watts said the structure was still being used as a guest house. Supervisor Thurman asked if this was related to the CCRs and whether the HOA had conferred with private counsel. Ms. Johnson said she was a member of the Big Park Regional Coordinating Council planning and zoning committee and that she was also the planning and zoning chairman for the Village of Oak Creek Association. She asked the Board to reject the application, saying the lot was too small and that guest houses, whether legal or not, were hard to enforce. She said she supported the VOCA CCRs and that the CCRs were very important. Mr. Ross told the Board he was present in an effort to straighten out a situation that started about seven years ago when he purchased the property. He said he had nothing to do with the initial conversion of the facility into a guest house and that when he bought the property it was already a guest house. Mr. Ross said he wanted that to be clear. He said he was a little surprised by Mr. Watts reading the email, and that he had asked that a decision on this matter be deferred on June 20, when it first appeared on the Board's agenda, because he wanted more time to work something out with VOCA but that VOCA had not been available to him. Mr. Ross said that the language in the email was what Mr. Watts had suggested. He told the Board that when he purchased the property he had asked the realtor for the phone number of the County and for the phone number of VOCA. He said he had called both the County and VOCA and that he had asked the right questions. Mr. Ross said he thought the Commission had locked up on his application because on the one hand they saw what the rules were but on the other hand they also saw what had actually happened. He said his intent in purchasing the property was to rent out the mobile home and then stay in the guest house four or five times a year. Mr. Ross said that Ron Brown, who was the inspector for VOCA prior to Mr. McClintock taking the job, had sat in the guest house talking to him about a landscaping problem and that nothing was said about the fact that it was a guest house. He told the Board he had put \$25,000 to \$35,000 into the property and that he never had any intention of going around the homeowners association. Chairman Springer asked Mr. Ross if the guest house and mobile home were already on the property when he purchased it. He said they were. Chairman Springer asked Mr. Ross if one of the units was being rented at the time. Mr. Ross said no, that he believed a couple was living in the mobile home and their teenaged son was in the guest house. He said one of things he had asked was whether he could rent out the mobile home and then come and stay in the guest house a few times and that he was told he could. Chairman Springer said it appeared that the kitchen was added sometime between 1978 and 1998, and she asked Mr. Ross if he knew when that had happened. Mr. MacDonald said there was a permit in 1996 to enclose the studio into a garage, with the work to be done in 1997. Mr. Ross said he thought he had done everything properly. Chairman Springer asked Mr. Ross if he had received any notification from the homeowners association prior to March 2005 that he was in violation of the CCRs. Mr. Ross said no. He said there were a couple of trees on his property that died and that his neighbor could not reach him so she called VOCA to let them know and that she also told them to just call him. He said that had caused Mr. McClintock to come out to the property and that subsequently he was written up for the trees, the studio and for having a white roof. Chairman Springer asked whether the County had noticed him first, or when VOCA had provided notice first. Mr. Ross said it was VOCA. He said he did not live in the guest house but that he liked to come down sometimes on weekends and just work on updating the place. Supervisor Thurman asked if there was a full kitchen in the studio. Mr. Ross said that about a year ago he brought down a 24-inch range and installed it, but that he was more than happy to remove it. He said he had a microwave and that there was also a dishwasher, so he guessed that meant he had a full kitchen. Supervisor Thurman asked if the studio would be okay if it was just considered another bedroom. Mr. Lockard said no, that it would have to meet setbacks. Supervisor Thurman said that if Mr. Ross had known of the problem within a year of purchasing the property he could have gone back on the realtor. Supervisor Davis said it seemed clear to him that there were no permits, that the studio did not meet setbacks, and that the applicant should have taken VOCA up on its offer to work with him. Mr. Ross said he had called VOCA a number of times trying to work things out and that the entire reason for his request of deferral at the June 20 meeting was so he could have more time to work with VOCA. Supervisor Davis asked Mr. Ross if he was okay with the wording in the email that Mr. Watts had read. Mr. Ross said it basically said he could come down and spend the night in the studio, but that he was concerned about the County's issue. Chairman Springer said it was not up to the County to enforce the CCRs of a homeowners association, but that a violation of the County's Ordinance was within the Board's purview no matter where it came from. She said what she was struggling with was that when Mr. Ross bought the property he believed he had two livable units and that he was misled, but that beyond that he had used the property for a good length of time without having action taken against him. She asked Mr. Ross when he had rented out the mobile home. Mr. Ross said he had it rented out from the beginning. Chairman Springer said she had a problem with Mr. Ross being allowed to continue using the property as he had for such a long period of time, and that perhaps the County was also derelict for not having found the improper use. She said it seemed to her that in a sense, Mr. Ross was the victim in this case. She said she did not encourage this type of violation, but that in this case, it was not the applicant's fault. Supervisor



Thurman noted that earlier on this day the Board had approved an Ordinance amendment allowing for only one interior kitchen. He asked if Mr. Ross should get rid of the kitchen but be allowed to sleep in the studio. Chairman Springer suggested just removing the stove, saying it was the presence of a stove that made it a kitchen. Mr. Ross said he would be happy to take the stove out. In making the motion to approve the application with the addition of a stipulation requiring removal of the stove, Supervisor Thurman said that if VOCA did not believe that was sufficient it could sue Mr. Ross. Supervisor Davis said he would not second the motion because he believed the applicant should have worked things out before the application came to the Board.

- H5. Final site plan, Beaver Creek Golf Club, 405-01-020C, 020P, 022D, and 405-01-194, Lake Montezuma area, Art Beckwith, Shepard-Wesnitzer, Inc., agent for Beaver Creek Land and Water, #H5102. Consideration of a Final Site Plan in a PAD (Planned Area Development) zoning district to allow for the construction of 137 residential units on 122 acres (including the golf course) on 10 tracts for the project known as the Beaver Creek Golf Club. Located along the west side of Monetzuma Avenue in the Lake Montezuma area. S1&2 TWN 14N R 5E G&SRB&M. The Planning and Zoning Commission recommended approval of the Final Site Plan, with the following stipulations: 1). The Planned Area Development shall be in conformance with all prior approvals, the Final Site Plan dated April, 05 and revised letter of intent dated May 2, 2005; 2). Applicant shall follow Conclusions and Recommendations as outlined in the Traffic Impact Analysis; 3). Final Plat for this phase of development must be submitted two (2) years from the date of approval of this Final Site Plan review and be in conformance with all prior approvals. Rimrock resident Sharon Brooks spoke in favor of this application and attorney William Ring was present to represent the applicant. Upon a motion by Supervisor Davis, seconded by Supervisor Thurman, the Board voted unanimously to approve the recommendation of the Planning & Zoning Commission.

Mr. Lockard noted that this would provide for 137 residential units, adding that the applicant would still have to pursue a final plat. Supervisor Davis said he believed the only thing the Board could discuss was the size of the lake because the density was already approved. He said he believed that at the same meeting the Board approved the density it had also discussed the depth of the lake and the quality of the water in the lake, but not the acreage of the lake. Mr. Lockard said that was correct, and that the applicant had not changed the volume of the lake. Supervisor Davis said it would be unfair for the Board to revisit those issues. Ms. Brooks said she believed that a great deal of progress had been made. She said residents wanted to be sure the golf course and lake were maintained, and that this had been accomplished. Ms. Brooks said the property owners had been very available to the community, and that while the community did not get everything it wanted neither did the owners. Mr. Ring said the property owners had enjoyed the time they had to work with the community. He said there were two meetings and that some good ideas came out of them. He said the applicant agreed with the staff report and recommendations. Mr. Ring said that more than 900 notices were sent out for the community meeting and that in addition to receiving a number of responses, 54 people had attended the meeting. He told the Board that one suggestion from the community was that the applicant not limit itself to one type of architecture. He said another idea had to do with traffic calming devices, but that this was something the County would need to bring forward and that it had not done so at this point. He said if the County wanted the applicant to provide such devices, that was agreeable to the applicant. Supervisor Davis referred to the deletion of stipulations, asking when that had occurred. Mr. Lockard said he believed that happened when the application was brought forward to the Planning & Zoning Commission. He added that the applicant would still have to come back with another site plan.

#### EXECUTIVE SESSIONS: ACTION ITEMS RELATED TO EXECUTIVE SESSION

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#### E – BOARD OF SUPERVISORS

- E1. Pursuant to A.R.S. §38-431.03(A)(3) and (A)(4) for legal advice, consultation and instruction regarding Big Chino Road. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Thurman. (Clerk's note: Because of a scheduling conflict for the attorney in this matter, this executive session was conducted following item H1 under "Hearings.")
- E2. Pursuant to A.R.S. §38-431.03(A)(1), for a personnel matter, to discuss applicant for the position of Water Advisory Committee Coordinator. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Thurman.
- E3. Pursuant to A.R.S. §38-431.03(A)(3) and (A)(4) for legal advice, consultation and instruction regarding wastewater treatment services for the Camp Verde Justice Facility. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Thurman.

#### EA – BOARD OF SUPERVISORS (The Board reconvened in open session.)

- EA1. Action as required regarding Big Chino Road. The Board took no action on this item.
- EA2. Action as required regarding appointment of a Water Advisory Committee Coordinator. Supervisor Davis moved to re-

advertise this position, with the advertisement to be spread to the southwestern states. Supervisor Thurman seconded the motion, which carried by unanimous vote. No comments from the public.

- EA3. Action as required regarding wastewater treatment services for the Camp Verde Justice Facility, which may include approval of an intergovernmental agreement with the Yavapai-Apache Nation or award of a bid for construction of a wastewater treatment plant. Supervisor Davis moved to approve the intergovernmental agreement, to be signed by the Yavapai-Apache Nation prior to August 1, 2005, and to have an effective date of August 12, 2005. Supervisor Thurman said he wanted to amend the motion to reflect that if the Nation does not sign the IGA prior to August 1, the Board would award the bid to a private contractor and construct the wastewater treatment plant on County property. Supervisor Davis said he would hate to have that as part of the motion. Chairman Springer said she would second the motion with the amendment from Supervisor Thurman, noting that Supervisor Thurman had not seconded Supervisor Davis' motion but instead had made an amendment to it. She reiterated that she was seconding the amended motion. The vote carried unanimously. No comments from the public.

Supervisor Thurman said he was concerned about contractors who had spent time and money to bid on the wastewater treatment plant and that he wanted them to understand that they could still get the project. He said the Board was agreeing with the contract in front of it on this day, and that if the Nation did not agree with it that was it.

## STUDY SESSION

### S – ADMINISTRATOR

S1. County Administrator's Report. Jim Holst, County Administrator.

Mr. Holst told the Board that Human Resources Director Julie Ayers had provided him with applications received for the Budget Analyst and Capital Improvements positions. The Board asked to be provided with copies of the applications. Supervisor Davis asked if the Capital Improvements position required an engineering degree, saying that the County was losing engineers who were being paid more than what the position was advertised at. Supervisor Thurman said he thought an engineering degree would do nothing for what the Board needed in this position, and that what was needed was someone with experience and the ability to work with people. Mr. Holst said he had met with the major taxpayers regarding the 2005-2006 fiscal year budget, and that nothing significant or negative had come out of that meeting. He noted that Mr. Hunt would begin preparing quarterly reports on lawsuits. Mr. Holst said he would start meeting with Scott Bohning of Durrant on the needs assessment issue. Supervisor Davis said there were some very good things being done with regard to "green" buildings, such as using solar panels in the construction of shade structures.

### CLAIMS AGAINST YAVAPAI COUNTY

<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
General Fund	2,388,166.74	Jail District	396,663.13
District 1 Park Fund	61.12	District 2 Park Fund	1,722.28
District 3 Park Fund	1,682.73	Volleyball Court	965.47
WMD Planner	977.59	Improvement of Ed	853.17
Reading Special. H&S	61.28	Adult Prob Fees – 40	339.93
Public Health Reserve	971.85	Environmental Health	10,779.24
Susan Komen Breast H.	748.89	Medical Reserve Corps	796.63
Resep Radiation Exp.	450.89	Comm. Health Center	18,695.27
AMPPHI	1,126.22	Family Planning	5,331.46
MCH Programs	895.19	Breast Feed. Couns.	864.69
Health Promotion	1,509.60	Cost Allocation	806.39
Nutrition	356.70	TB Control	1,441.72
WIC Program	15,312.89	Title X Family Plann.	1,316.32
Jail Enhancement	1,633.56	Juvenile Delinq. Reduct	11,794.88
Juvenile IPS	16,833.99	Family Counseling	1,485.00
Juvenile Food Prog	1,950.32	Comm Advisory Bd	12.08
Probation Serv	4,171.58	Adult IPS	33,269.80
Adult Probation Fees	11,175.08	Prob Enhance	45,668.68
Recorder's Surcharge	11,543.59	Indigent Def/Dg	4,330.60
Misc Small Grants	71.82	Crim Just/Atty	4,459.31

Bad Check Prog	2,589.84	Juv Prob Svs	845.53
Commodity Fd	799.42	Hi Risk Chld HI	6,674.64
Clerk's Storage	1,284.58	HIV Counsel & Test	1,550.74
Atty Anti-Racket	4,943.96	PANT	7,230.31
Law Library	66.94	CASA	4,177.49
Case Processing	5,894.30	Prim. Care – V.V.	3,419.07
Victim Witness Prog	9,886.50	Court Enhancement	1,594.64
Council Court	2,120.08	Enhance Drug Court	3,260.03
Inmate Health Svs	216.69	Drug Enforce. Fund	2,565.38
Probate Fund	975.39	Primary Care Services	12,064.07
PC Fees VV	512.63	Local ADR	854.74
Victims Rights Impl	3,493.61	JAIBG Juv Acct P-II	1,704.62
Yavapai Indian Agree	1,586.18	Dietetic Intern	594.49
Immuniz Service	2,504.82	Personal Care Svs	2,933.80
Idea-Preschool	380.94	Subs Abuse/DARE	36.90
Chem Abuse	42.77	Juv Det/PACE	6,179.75
Collab. Comp Rev Gr	8,463.46	Special Program	10,843.46
Sm Schools Ecia	58.01	Sm Schools Beha	2,964.18
Professional Develop	24,000.00	Mobile Command Cen	860.50
Fill the Gap – Courts	111,665.03	Hurf Road Funds	810,411.02
Assessor Surcharge	5,838.39	Assessor App Dev	7,162.23
Health Fund	62,353.92	Jail Commissary	6,580.25
Landfill Administ.	20,563.08	Judge Pro Tem Div B	10,687.70
Tire Recycle	8,758.37	Growing Smarter Plan	3,533.88
Safe School Pro	8,270.40	Adhs-Svs Coord	6,604.48
Local Incentive Awards	680.42	ELL Consortium 2003	985.66
Fill the Gap – Attorney	4,821.35	Family Law Commiss.	7,825.54
Comm Punish Pro	9,265.92	Juven. Detent Ed Pro	1,764.78
Regnl Road Project	7,866.57	Library Auto Consor	3,836.02
Health Start	3,473.86	Interstate Compact Pro	2,382.55
Ryan White II	4,592.98	Prepared. Bioterror	8,921.53
St Grant in Aid	402.00	Primary Care Fees	18,764.91
Perinatal Block	3,309.69	Well Woman Health	2,779.94
Tobacco Educ	9,426.19	School Reso. – Mayer	931.03
Direct Treatment Fund	5,913.07	Mental HealthRWJF	2,192.47
Mental Health Part.	2,192.57	Field Trainer	2,330.29
Attendant Care	21,461.17	HIV/CT	28.51
Childrens Justice	691.75	Child Sup & Vis	996.91
Domestic Relations Ed	344.09	Court Training	88.40
Self Service	191.67	VOCA	8,303.85
JTSF Treatment	12,124.16	Diversion Conseq.	1,843.24
Seligman Runway Air.	7,706.00	Sedona Airport	316,864.79
ALTCS	1,717,106.94	Help Debt Svs Loans	191,718.75

In addition, payroll was issued on July 8 for the pay period ending July 2; warrant numbers 2453942 through 2454263, in the amount of \$265,954.37. Jury certificates issued during this time; 6871282 through 6871380. Warrants issued for July 18 Board day, 4245821 through 4246239; 4246240 through 4246702.

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

ATTEST:

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Clerk \_\_\_\_\_Chairman