Sustainable Planning Meeting
June 13, 2008

Members Present:	Matt Ackerman, Chairman	Jim Wise
	Gene Kerkman	Jim Sullivan
	Elise Link	Dava Hoffman
	Chad Daines	Margie Bryan
	Jon Barnert	
Absent:	Bill Feldmeier	Tom Reilly

Mr. Ackerman opened the meeting by asking everyone to introduce themselves to Chad Daines, the new Development Services Assistant Director.

Mr. Ackerman made a motion to approve the minutes from May 16, 2008, Mr. Sullivan seconded the motion and the vote to approve was unanimous, with the right to amend at a later date if necessary. Mr. Ackerman asked Mr. Kerkman to give a summary of their recent meetings with the Supervisors.

Mr. Kerkman said that Supervisor Thurman, District 2, was very encouraging and said he was looking forward to the Committee's work on Step 2. The Supervisor from District 1 was encouraging, but she felt that they were confusing the public with the name of the Ordinance and suggested the Committee consider changing the name of the first step to something such as Open Space Preservation Subdivision, and name Step 2 Conservation Subdivision. He said they had a meeting scheduled with the District 3 Supervisor next week.

Mr. Ackerman said that the District 3 Supervisor was very interested in the Transfer of Development Rights as a tool to guide development in some areas and to discourage it in others. In order to do that, the County needed to have an idea of where those different areas were. He said one Supervisor had concerns with this and felt it might become very risky and result in Proposition 207 issues. Mr. Ackerman said he did not see how this would challenge the Proposition as it was not mandatory, it was voluntary, developers/owners would be given the option to sell their development rights and receive full compensation.

Ms. Hoffman felt the Supervisor was right and said Prop 207 was currently being challenged in Flagstaff. She said if it was an optional thing that was one thing, but if you designate on a map a specific piece of land where you won't allow development or where you discouraged development, that was another issue.

Mr. Barnert asked what were some ways they could discourage development without using the word "discouraged," and one suggestion he had was the term "conservation easement," and to give incentives and allow for the open space option.

Ms. Link said she saw it as another means for them to receive an economic benefit from their property, and rather than identifying specific parcels, to provide general criteria for the sending parcel and felt it was more important to identify the areas that would receive it and how much increased density there would be.

Mr. Ackerman said the one proven thing with Smart Growth was that these developments had increased the property values, not diminished them.

Mr. Barnert said that when the County was originally zoned RCU-2A, that zoning was put there as a place holder, and there was nothing to prevent someone from changing the zoning and sculpt the

County. He said that at any public hearing, someone could state that a development, proposal, or action had inadvertently affected their property and they would be able to provide statistics to support their claim. He said that lot splits devalued the property and any type of intelligent planning would increase property values.

Mr. Daines said he had seen where people come in and stated that commercial development had a negative affect on their property and then another person stated they had proof that it had a positive affect. Anyone could come up with statistics to support their concern.

Ms. Hoffman said that statistics did not hold up in an emotional arena, and she felt educating the public was more important than statistics.

Mr. Kerkman said he felt the Supervisor's concerns were with density harvesting.

Mr. Sullivan agreed, he said he thought the Supervisor was worried about taking the density from an unusable piece of property and putting it on a more usable portion of that property, and even though the land might support 50 units, the topography of the area might only support 20 units.

Mr. Kerkman said the Supervisor from District 2 felt that the State Statutes had suitably covered the Transfer of Development Rights and nothing would be gained from the County writing their own policies.

Ms. Hoffman said it could be done without a map, but with text stating they encouraged the Transfer of Development Rights, if certain criteria had been met.

Ms. Link suggested it be tied into the General Plan where it talked about "areas of municipal influence" and suggested keeping the language very general.

Mr. Daines stated that a Transfer of Development Rights was a good tool, but if you created an Ordinance without defining where that tool could be used, you get into the issue of people exporting density from wherever to wherever and there needed to be some boundary, because all at once there might be a townhouse on the property because you imported the density there.

Mr. Kerkman asked Mr. Daines if he would attend the meeting with the District 3 Supervisor. He would like to be sure he understands what the Supervisor wants to do and how he proposes to do it.

Mr. Ackerman summed up the meetings with the Supervisors, and said that he thought the Committee had the support of at least two of the Supervisors.

Mr. Barnert asked if the public hearing was an issue with the Supervisors as this had come up at the Commission meetings.

Mr. Kerkman said he would be better equipped to answer if he knew what the individual was asking for, if they were asking to move the density from one side of the property to another the answer was "no", if you were asking to increase the underlying density, the answer would probably be "yes." He said he felt there was confusion in the public of which items did require a review and which did not. He said they needed to understand that a standard subdivision did not get public review and he felt this would be made clear during the public hearing discussions. He asked if there was a way to fast track the process in Step 1.

Mr. Sullivan said if an applicant came in with a submittal to do clustering only, double or triple the open space, combine the infrastructure, if they have to go through the same process as a regular PAD, then the Committee might just as well forget what they were trying to accomplish.

Mr. Daines said he felt the premise of the Committee was solid but maybe by changing the language in the Ordinance they would be able to answer a lot of questions. He said the premise was that if he had 100 acres, zoned for 2-acre lots; the Committee was trying to prevent them splitting that property into 50 home lots and to encourage on that same 100 acres, clustering the lots. He asked what were the guidelines for lot dimensions or setbacks, as this might result in smaller lot sizes and the adjacent property owner might have some perception about that diminishing his property value.

Ms. Hoffman said the concern was not with the interior setbacks, but rather with the exterior perimeter setbacks, because that was what impacted the adjacent property. She did not think it would affect them as the exterior setbacks, the density, and the height limitations would be the same.

Mr. Daines replied that if the underlying zoning was for 2 acres but with clustering, the lots were reduced to 12,000 sq. ft. then as an adjacent property owner, he might perceive that as diminishing his property values and something that should not be done administratively. He felt there should be some language in the new Ordinance regarding the minimum size of a lot.

Ms. Link said they had not put any language in the Ordinance regarding the minimum size of a lot, but they did have a sliding scale at one time that was prepared by staff showing the smaller the lot the larger the perimeter setbacks that the Committee opted not to use.

Mr. Sullivan felt that the cluster development needed to have the same perimeter setbacks or requirements as those adjacent properties, he said those were the circumstances that would cause this to be a matter of right, if there were issues then staff would see them and it would not be allowed.

Ms. Hoffman felt that the public concern was that if the density or development was next to their adjacent property and there needed to be some language in the Ordinance to guide where the setbacks would happen to make sure they were in the right place. She said there were two issues, 1). Trying to preserve sensitive land and to have the development in the less sensitive area of the property; and 2). To have the density where it would be sustainable and one day having a water and sewer system, transportation, etc. She said every parcel was unique and this would best be left to the planners and designers on a case by case basis.

Ms. Link said in what she had read, there was a lot of general language having to do with performance criteria such as the number of units, and being compatible with the surrounding area, etc., and staff did have the ability to deny it and if they did not agree with staff, they could appeal to the Commission and Board.

Mr. Sullivan said that was what he had been talking about, something that would trigger the public hearing, and that was what the District 3 Supervisor was concerned with. He said the size of the parcel did not matter, he felt there needed to be a floating scale for setbacks as he did not think that a 20 ft. setback would always work. If you were moving the density closer to the 2 acres and you want to get the building envelope reduced, what happened with that was that the setbacks get farther and farther away because you put more numbers closer than an allowed zoning setback to adjoining property and that would trigger a public hearing.

Mr. Daines said having some general criteria that staff was looking at to see if it were compatible to the surrounding area would help address the concern that the public would have and he felt that needed to be included in the Ordinance otherwise, someone would argue that was not what was in the code and that they were taking away their rights.

Mr. Barnert said the reason he brought up the issue of a maximum lot size is that most sophisticated developers would do a PAD like Wickenburg Ranch, but I'm concerned about the opposition and

educating people so do you think if they limited the size of the lots, would that eliminate some of the opposition. And if we limited the size to say, 5,000 acres, would it deflate some of the opposition and help the perception? because he wanted to see this get approved.

Ms. Hoffman stated that the developers doing the 5,000-10,000 acre ranches are not the ones we have to worry about. They are the ones who are going to come in and do a Planned Area Development.

Mr. Sullivan said lets think of it as 36 acres not 5,000 acres, because if you were going to do a split you could go as low as 36 acres and this is allowed through State Statutes without going through the County subdivision process. If you were going to take a Section of land (640 acres) or 1,000 acres, or 5,000 acres or whatever, if you were going to do less than the 36 acre splits then you would only be able to create 5 parcels or you would have to go through the County Subdivision process so there is maybe something built-in that allows you to set a number that there is already a whole bunch of statutes in place that if you do anything different you had to go a different path. For discussion sake, Mr. Sullivan presented the example of 36 acres or 35 acres and if you owned a parcel of land above 35 acres it doesn't fall unto this ordinance, and if you had one under 36 acres you would have to split, you had the 5 parcels, you had the subdivision ordinance, you had the allowable right for a PAD and mixed use, or you can come in and do a residential PAD (Open Space Preservation Subdivision) that allows you to go this other process. Then they are not worried about the developer with10,000 acres, for example, that could put the 5,000 units on two acres, it does away with a lot of those issues and concerns. And the 160 acre parcel, the 36 acre parcel and the five way splits are covered other ways. That way, it's arguably not an arbitrary number; they can justify how they got that number.

Mr. Kerkman asked if we don't define some minimum lot size, what happened when they got a density bonus, do the lots just keep getting smaller, at some point there needed to be a tradeoff on how much density bonus you could get.

Ms. Hoffman said that small lot sizes were desirable for infrastructure and transportation, Inscription Canyon and Talking Rock where they went down to ½ -acre lots were good examples. There was opposition at first until people understood what was going on and that it did not devalue, but actually increased the value of their property.

Ms. Link said she felt they could come up with some general language that could be supported by the Supervisors.

Mr. Ackerman made the motion to change the name of Step 1 to Open Space Preservation Subdivision and Mr. Sullivan seconded the motion. The vote was unanimous.

The meeting was adjourned at 11:30 a.m.