

**Sustainable Planning Meeting  
July 25, 2008**

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

Absent:                     Bill Feldmeier

Guest:                     John Rasmussen, Yavapai County Water Advisory Committee  
                                 Joanne Oellers, Center of Biological Diversity  
                                 Georgene Lockwood, District 1 Supervisory Candidate

Mr. Ackerman opened the meeting and asked if there were any comments or revisions to the minutes from the July 11, 2008 meeting. Mr. Sullivan made a motion to recommend approval of the minutes with revisions and Mr. Kerkman seconded the motion. The vote was unanimous.

The next item on the agenda was a review of the draft and of the public comments received at the July 23, 2008 Planning and Zoning Commission meeting. Mr. Sullivan volunteered to email the Committee members the notes he had taken at that meeting and Mr. Daines noted that there would be official minutes transcribed from that meeting as well.

There was a suggestion to recess the Committee until after September. Mr. Daines said the Commission had deferred the Open Space Preservation Ordinance for 120 days, which would allow time for the Ordinance to be heard at the Joint Session in October, and then it would be brought back to the Commission for public hearing on November 19, 2008. After a discussion, the Committee agreed to continue to move forward with the Open Space Preservation Subdivision Ordinance.

Mr. Kerkman said the discussion at the recent Commission hearing seemed to ignore the fact that an Open Space Subdivision was dedicated towards conservation, and the overriding concern seemed to be over moving density or increasing density to one area.

Mr. Ackerman said a number of suggestions from the public were not new and could be incorporated into the Ordinance; he supported the issue of Transfer of Development Rights and asked if the County had the right to encourage or discourage development where they wanted.

Mr. Kerkman said regarding Transfer Development Rights that there was an existing State Statute which allowed this. He said the second issue was the question of public hearings and if the public wanted public hearings then the Committee should include that in the Ordinance. He said the public also asked where the conservation was and Mr. Kerkman said that was part of Step 2.

Ms. Hoffman said the conservation measures were going to be in Step 2 and the public did not seem to understand that. She said this would be an incentive for the smaller developer rather than lot splits and the larger developer would most likely already do a PAD, with conservation measures.

Mr. Daines said with the conservation measures she was talking about such as rain harvesting and other site development conservation measures in Step 2, that would include a density bonus.

Mr. Barnert said the larger developers said they would never step away from a PAD; if the Committee put an upper limit on the acreage of an Open Space Subdivision, that might do away with the instant cities the public was afraid of. He said there was no intention of the Committee to limit public input.

Mr. Daines suggested the Committee might want to outline the items they wanted to concentrate on and present possible alternatives, such as whether to require public hearings. He said there were different ways to do a density transfer, it was voluntary and the Committee wanted it to be used as an incentive to avoid lot splits, and they did not want to overburden the Ordinance with regulations or no one would use it.

Mr. Ackerman said some of the confusion at the meeting was due to the way the Committee presented the Ordinance; the public did not understand that the conservation was in Step 2.

Ms. Link said there was some misunderstanding, there was conservation in this Ordinance, but not the obvious conservation that the public was used to (such as solar panels, etc.) but by virtue of being able to maintain environmentally sensitive features of the land and reducing infrastructure, maintenance and service costs, those were conservation measures, and maybe what was needed was more public education.

Mr. Kerkman said the question with the current subdivision was the same as with Step 2, so if the Committee figured the density calculation now, they would not have to do it later.

A discussion followed regarding how to calculate the density and Mr. Daines suggested discussing how to calculate the density at the next meeting. Mr. Ackerman said he would like to also discuss at that time how the Committee might communicate this calculation to the public. Mr. Daines said they might also want to consider how the public was reached, whether by mailing lists, newspapers, etc. He said they might want to consider broadening the Committee, but to not let the Committee get so large that it became unwieldy.

Mr. Barnert noted it was brought up at the last Commission meeting that this Committee was not appointed by the Commission, but had been invited to serve by Development Services.

Mr. Kerkman asked if this group could meet with some of the organizations or groups at their location and address their concerns, like take the show on the road so to speak.

Mr. Daines said that was a good idea, but they could not attend all of the individual group or organizational meetings. It was suggested instead that the Committee might hold "open house" meetings on both sides of the County and invite the groups to these meetings. Mr. Daines suggested putting public outreach on the next agenda and the Committee agreed.

Mr. Sullivan said at the Commission meeting the indication was that allowing the large land owners to develop their land would have a negative impact to the County and what was missed was that if they were to lot split that would have more of a negative impact because there would be no utilities, no infrastructure, or neighborhood facilities provided and in general it would result in unplanned growth, while the Open Space Preservation Subdivision would have a lesser impact on the County. He felt somehow the Committee had failed to inform the public and the Commission on what the Committee was attempting to do. He said it was implied that every piece of undeveloped land in the County would immediately expand into a development or instant city and that was not correct because the developers still had to get the approval of Arizona Department of Environmental Quality (ADEQ), Arizona Department of Water Resources (ADWR) and other agencies, and go through the normal subdivision review process and that was not made clear to the public.

Mr. Daines said he was looking forward to the Joint Session as a way to present an overview of this Ordinance, addressing some of the issues raised and presenting some alternatives, and opening up the discussion to everyone.

Mr. Kerkman noted the public talked about having the density close to the urban areas and he asked how that could be accomplished. He said as an example, if Prescott had an area they were interested in and the owner was willing, then the property owner and the City completed a Development Agreement before that area was annexed into the City. He did not see how that would work for the County. Another concern Mr. Kerkman had was, from a governmental agency standpoint, how the County might determine that one area was more desirable for development than another without compromising the property value.

Mr. Daines replied that was when Transfer of Development Rights came into play; they would like to focus the density near the urban core as the infrastructure was already there. He said the concept was good, but it was a very complicated process.

Mr. Ackerman said the way he saw the Transfer of Development Rights was that there would be no taking nor diminishing of property values, if one owned a piece of land in the area that the County wanted to discourage development, then the County would offer that land owner additional options or incentives to transfer his development rights to an area where the County was encouraging development. It would not be a requirement, but rather an option and he saw that as increasing the value of the property.

Mr. Sullivan said they might want to develop their land and not transfer their development right.

Mr. Daines felt the Committee had enough work with the Open Space Preservation Subdivision and they might want to wait and discuss the Transfer of Development Rights at the Joint Session.

The meeting adjourned at 11:30 a.m.