



**ORDINANCE NO. 2021-01**

**AN ORDINANCE OF THE COCONINO COUNTY BOARD OF SUPERVISORS FOR A ZONE CHANGE FROM THE PC (PLANNED COMMUNITY) ZONE, THE AR-3 (AGRICULTURAL RESIDENTIAL, 3-ACRE MINIMUM PARCEL SIZE) ZONE, THE G (GENERAL, 10-ACRE MINIMUM PARCEL SIZE) ZONE AND THE OS (OPEN SPACE) ZONE TO THE RC (RESORT COMMERCIAL) ZONE WITH APPROVAL OF A MASTER DEVELOPMENT PLAN**

**WHEREAS**, the subject properties are 162.7 acres in size and located at 1012 US Highway 89A, 102 Lees Ferry Road, and 3 Bridge View Drive in Marble Canyon and are identified as Assessor’s Parcel Numbers 601-13-003B, 601-13-003K, 601-13-003L, 601-13-003R, 601-13-003S, 601-13-003T, 601-13-003V and 601-13-004; and

**WHEREAS**, an application was filed by John Bissell, Hansji Corporation (Terra VI), Anaheim, California on behalf of the property owners: Betty Jane Foster Trust, Marble Canyon, Arizona; Marble Canyon Company Inc, Marble Canyon, Arizona; Stewart D Foster, Marble Canyon, Arizona and the Arizona Telephone Company, Madison, Wisconsin for a Zone Change (ZC-20-014) from the PC (Planned Community) Zone, the AR-3 (Agricultural Residential, 3-acre minimum parcel size) Zone, the G (General, 10-acre minimum parcel size) Zone and the OS (Open Space) Zone to the RC (Resort Commercial) Zone with approval of a master development plan

**WHEREAS**, the Planning and Zoning Commission held a duly noticed public hearing on December 2, 2020 and recommended approval of the Zone Change with a vote of 6-0; and

**WHEREAS**, the Board of Supervisors has held a public hearing on March 9, 2021; and

**WHEREAS**, the Board of Supervisors has determined that the findings for a Zone Change found in Section 5.12.B.6.A of the Zoning Ordinance have been met as follows:

- i. That the change is consistent with the goals, objectives and policies of the Comprehensive Plan and this Ordinance.

Board Response: The proposed zone change is consistent with the goals, objectives and policies of the County Comprehensive Plan as listed below and the Zoning Ordinance with the recommended conditions. The Comprehensive Plan supports tourist-related development projects that focus on conserving and showcasing the county’s unique natural, and cultural, and dark sky features while integrating into the natural environment.

- ii. That the change will not be detrimental to the public health, safety, comfort, convenience and welfare.

Board Response: The proposed zone change is consistent with the public health, safety, comfort, convenience and welfare provided all permitting and code requirements are met.

The applicant will retain native vegetation when practical while addressing weed mitigation. The proposal will improve upon the existing development adding new services for county residents and tourist.

- iii. That the change will not adversely affect the established character of the surrounding neighborhood nor be detrimental to adjacent properties.

Board Response: The local area consists primarily of public lands including land within the federal parks system with other nearby lodging and food service providers. The proposal provides enhanced services for the area and builds upon the historic development of the property to improve the quality of the local area.

**NOW THEREFORE BE IT ORDAINED** by the Coconino County Board of Supervisors that the requested Zone Change is Approved for Assessor’s Parcel Numbers 601-13-003B, 601-13-003K, 601-13-003L, 601-13-003R, 601-13-003S, 601-13-003T, 601-13-003V and 601-13-004 as described in the attached Exhibit A: Alta Land Title Survey with Legal Descriptions, subject to the following Conditions:

- 1. The development shall substantially comply with the approved Master Development Plan, Project Description, and the design of the site and proposed structures. The uses in the table below shall be permitted subject to commercial development standards.

<b>Permitted Uses in the Mable Canyon Village Resort Commercial Zone</b>	
Hotel/Motel and Lodging	Food and Beverage Vendors
Restaurants and Retail Bakeries	Motor Vehicle, Boat and RV Storage
Recreation Service and Equipment	Galleries, Museums and Libraries
Drive-In/Thru Restaurants	Retail Sales Establishments
Laundry Facilities	Post Office
Wedding Facilities	Trading Post
Recreational Vehicle Parks	Public and Farmers Markets
Meeting Rooms and Conference Centers	Airport and Heliport
Convenience Stores and Gas Stations	Electric Vehicle Charging Stations
Indoor and Outdoor Recreation Facilities	Equestrian Uses
Bars, Wine Tasting and Tap Rooms	Micro-breweries, Craft distilleries, and Wineries

- 2. All lighting on the subject property shall be fully shielded and subject to the standards of Lighting Zone 1. Narrow Spectrum Amber LED lighting shall be used to the greatest extend practical, and all Class 2 lighting less than 2500 lumens shall be amber LED to the greatest extent possible. A lighting permit shall be approved prior to the installation of any new outdoor lighting.
- 3. The applicant will develop an Emergency Services Plan that is approved and administered with a regional or State fire authority. A fire protection and weed mitigation plan meeting the standards of Section 4.4.E of the Zoning Ordinance shall be submitted by the applicant. Development of the site and adherence to firewise practices shall be approved by the Fire Chief.

4. Wildlife friendly fencing, approved by the Wildlife Planner, shall be used in all areas where new fencing is proposed.
5. The subject property shall be developed with all required engineering permits meeting all Federal, State and County regulations and requirements for stormwater and traffic.
6. The applicant shall work with representatives from the National Park Service to resolve issues related to a possible encroachment onto Glen Canyon National Recreation Area property and to renew a right-of-way permit that allows access to the well that provides water to the subject properties.
7. The subject property shall be developed with all required environmental quality permits meeting all Federal, State and County regulations and requirements for water, and wastewater. The reserve area requirement shall be met or otherwise provided for by engineering design that is acceptable to the permitting agency.
8. The subject property shall be served by an onsite wastewater system that disposes of all wastewater onsite and utilizes treated wastewater to water landscaping. Any discharge of effluent off the subject property must be permitted by ADEQ.
9. All roadways within the site shall be constructed with an all-weather surface capable of supporting a 42,000 lb. public safety vehicle.
10. A Transportation Impact Analysis (TIA) meeting the scope of the Coconino County Transportation Planner and the Arizona Department of Transportation (ADOT) shall be provided, and all improvements identified shall be completed by the applicant.
11. The applicant will not provide helicopter tours.
12. The applicant will not provide OHV rentals.
13. Buildings shall be limited to one story.
14. Applicant shall provide visitors with a "Leave no trace" orientation program approved by staff.
15. The Zone Change is conditioned on substantial progress toward completion of the development within five years of the date of approval by the Board of Supervisors. If at the expiration of this period, building permits have not been obtained and construction has not begun, the Board will notify the property owners and applicant by registered mail and schedule a public hearing to consider granting an extension, determine compliance with the schedule for development, or cause the property to revert to its former zoning classifications.

16. The applicant shall coordinate and collaborate with the National Park Service (NPS) to ensure compatibility with and protection of NPS resources. Prior to operating, the applicant shall report to the Community Development Director on their cooperation plan with NPS on each of the issues discussed in the attached NPS letter dated March 1<sup>st</sup>, 2021.

**PASSED AND APPROVED this 9<sup>th</sup> day of March 2021.**

**AYES**

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**NOS:**

0

**ABSENT:**

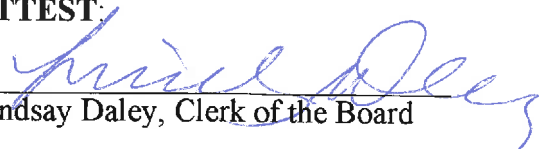
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**COCONINO COUNTY BOARD OF SUPERVISORS**

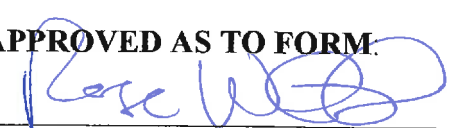
By:

  
Matt Ryan, Chair

**ATTEST:**

  
Lindsay Daley, Clerk of the Board

**APPROVED AS TO FORM:**

  
Rose Winkeler, Deputy County Attorney

Attachment: NPS letter dated March 1<sup>st</sup>, 2021



## United States Department of the Interior



NATIONAL PARK SERVICE  
Glen Canyon National Recreation Area  
P.O. Box 1507  
Page, Arizona 86040  
(928) 608-6200

NATIONAL PARK SERVICE  
Grand Canyon National Park  
P.O. Box 129  
Grand Canyon, Arizona 86023  
(928) 638-7815

IN REPLY REFER TO: IMDO-RSS-EQ (1248)

March 1<sup>st</sup>, 2021

Coconino County Board of Supervisors  
219 East Cherry Avenue  
Flagstaff, Arizona 86001

Subject: Case No. ZC-20-014

To the Coconino County Board of Supervisors:

The National Park Service (NPS) appreciates the opportunity to engage with the Coconino County Board of Supervisors in regards to the proposed Marble Canyon Village development project (Case No. ZC-20-014) located adjacent to Glen Canyon National Recreation Area (GCNRA) and Grand Canyon National Park (GCNP). Upon initial review of the development plans, NPS understands that the proposed project requests a zone change for 162.7 acres of private property of the Marble Canyon area to be redesignated as “Commercial-Resort” property with approval of a master development plan for visitor lodging and accommodation, retail shops, entertainment, recreational opportunities and traditional rest stop amenities such as a laundry facility, grocery market, and post office. The National Park Service (NPS) supports the economic opportunities that this proposed development will bring to the local community and is pleased that the developers seek to incorporate sustainability and conservation in their planning efforts.

### **General NPS Comments**

GCNRA staff have identified a section of the Marble Canyon Lodge parking lot that currently encroaches upon the park legislative boundary. Furthermore, the Marble Canyon Village Master Plan Package that was provided to GCNRA and GCNP depicts several proposed items (three parking lots, a section of road, and a small unnamed structure) that would also encroach upon the boundary of GCNRA. GCNRA asks the Board of Supervisors for support in remedying the existing Marble Canyon Lodge encroachment and in preventing additional encroachment during implementation of the Marble Canyon Village project. NPS can provide the county with accurate geospatial data demarcating the legislative boundary and its adjacency to the proposed development.

The proximity of this proposed project to both parks has implications for many cross-boundary impacts to the parks’ natural and cultural resources along with visitor experiences and the potential for increased visitation levels and operational demand. NPS has identified areas of design where we would appreciate the opportunity to collaborate with the Coconino County

Board of Supervisors and the project developers to help mitigate and reduce potential impacts to resources and the visitor experience within GCNRA and GCNP. As such, the NPS respectfully requests that the Coconino County Board of Supervisors consider the following information related to NPS resource impacts and mitigations when assigning permitting conditions and zoning changes related to this development.

### **Detailed NPS Comments**

#### ***Archaeological and Paleontological Resources***

NPS anticipates that increased visitor use from the proposed development would increase the risk that petroglyph sites, archaeological artifacts, and fossils in the Chinle Formation at the base of Vermillion Cliffs could be further degraded by trampling, looting, and graffiti. NPS would appreciate the chance to collaborate with the developers to create an outreach or interpretation strategy to educate visitors regarding the importance of these resources and how to avoid impacts. By discouraging looting, encouraging proper trail use, and externally educating the public on resource protection laws (including the Archaeological Resources Protection Act), these NPS resources may see less of an impact from the increased visitation expected as a result of the proposed development.

#### ***Geology***

GCNP has multiple informal routes that directly access the Colorado River. The 7-Mile Draw technical slot canyon and multiple “fisherman’s routes” are proximal to this development, and the potential increase in visitor use is likely to result in additional impacts to the rock faces including illegal installations of fixed anchors and rope on technical and non-technical descents. These fixtures cause irreversible damage and erosion to the geologic resources within the canyons. NPS would appreciate the chance to collaborate with the developers to create an outreach or interpretation mechanism that would educate visitors regarding the appropriate way to utilize these routes to protect and conserve geological resources within the canyons.

#### ***Hydrological Processes***

The well that is currently proposed as a water source for the development is administered by GCNRA through a Right-of-Way (ROW) permit. The developers have already initiated the process of attaining a valid permit to legally access water from within GCNRA. GCNRA looks forward to completing this process.

#### ***Night Skies and Natural Sounds***

NPS has special expertise in the protection of ambient physical resources including night skies and natural sounds. These resources are important traits for the quality of visitor experience, and

require protection to reduce impacts to visitors and wildlife. Currently, GCNRA is in the process of seeking designation as an International Dark Sky, while GCNP, the city of Flagstaff, the Kaibab Paiute Reservation and other communities within northern Arizona have already obtained International Dark Sky designations. As such, NPS requests that International Dark Sky standards and values be incorporated into any zoning change and development plans. Similarly, the construction and operation of the resort has the potential to amplify the levels of anthropogenic sounds within the area, and the NPS requests that the County consider implementing noise level restrictions to prevent noise impacts to NPS visitors, community residents, and wildlife.

### ***Vegetation***

Sensitive species, such as the Brady pincushion cactus, may be impacted by increased visitation resulting in off-trail trampling of plants and habitat. NPS would appreciate the chance to collaborate with the developers to create an outreach or interpretation strategy that would educate visitors to stay on trails and discourage harvesting native vegetation (illegal pursuant to 36 CFR §2.1(c)). Similarly, any development landscaping utilizing non-native species can promote the spread of invasive plants into the parks, as water flowing downhill into Grand Canyon can carry seeds and plant debris. NPS encourages the County to require that developers use only native or sterile plants in its landscaping.

### ***Viewsheds***

Due to the proximity of the development, there may be impacts to GCNP and GCNRA viewsheds. The NPS requests that the visual aesthetic of the development be carefully considered to reduce impacts to the integrity of the visual landscape and to protect the visitor experience.

### ***Wildlife***

The NPS was pleased to learn that the developers have already met with the Peregrine Fund to discuss the potential impacts this development may pose to California Condors. We hope that this coordination will continue as the development moves forward, as NPS data shows that the California Condor is a scavenger species that can be significantly impacted by human behavior and development. Similarly, garbage resulting from development and visitor use has the potential to impact native wildlife species and attract pests and feral animals. Because trash debris that blows downward into the canyon may increase scavenger pest activity, NPS requests that the county develop waste management practices and utilize animal-proof containers to mitigate pest activity during construction and following operations.

### ***Wilderness***

The Marble Canyon area possesses a “wild” character: Vermillion Cliffs, Marble Platform, and Marble Canyon offer exceptional experiences of solitude and primitive and unconfined (i.e., unstructured) visitor use. As the proposed developments may result in effects to the recreational experience of visitors to the Marble Canyon area, this may impact and diminish the remote feeling of the area. Noise from increased air and motor traffic use may adversely impact visitor experience in 7-Mile Canyon (directly below the airstrip) and in canyon areas below the rim which are proposed Wilderness in GCNRA. These impacts would degrade the natural and undeveloped character, opportunities for primitive and unconfined recreation, and opportunities for solitude. Similarly, GCNP’s proposed wilderness, also suitable for wilderness designation, has a specific character with specific protection needs, and NPS looks forward to the opportunity to work with the County to minimize effects and protect wilderness character until these areas are formally designated.

### ***Visitor Use and Management***

The Lees Ferry district of GCNRA has seen a dramatic escalation in visitation in recent years. Congestion and competing boater groups have resulted in overcrowding, vandalism, illegal pack rafting, and out-of-bounds camping along the Colorado River corridor in both GCNRA and GCNP. The parking areas for the district’s trails were designed to provide occupancy for a limited number of vehicles, and overflow of these areas may cause congestion along the roadways. GCNP and GCNRA staff anticipate that increased development will result in increased levels of congestion and demand on the infrastructure and facilities within the park units, requiring more frequent and intense maintenance in these areas and trails while contending with generation of new social trails created by off-trail hiking. NPS would appreciate further discussion with the developers regarding outreach to information for visitors and guests related to “Leave No Trace” principles to protect park infrastructure and preserve the unique visitor experience.

Increased visitation will result in an increased demand on park operations and staff capacity including emergency medical services, Search and Rescue (SAR), and other emergency response operations. Recreational opportunities within the parks (including, but not limited to recreational hiking and boating) are high-risk activities, and the proposed development may result in higher use of the remote technical and semi-technical areas served by emergency services personnel at Lees Ferry. Due to Marble Canyon’s remote location, GCNRA and GCNP staff currently provide emergency law enforcement, medical, and fire assistance to the local community. While Marble Canyon does have an agreement with Colorado City for ambulatory services, these are approximately an hour away, and the closest structural fire response resources are located in Page, AZ. As a result, NPS respectfully requests the county and developers provide necessary level of medical training to on-site staff to mitigate the expected need for assistance from GCNRA and GCNP staff. The NPS looks forward to future collaboration with SAR and emergency response partners to identify strategic staffing, funding, and other solutions to address the future SAR and emergency response needs for this remote area.



Finally, GCNRA has begun preliminary planning efforts to assess the future management of the Lees Ferry district. The NPS believes that this proposed development in Coconino county has the potential to greatly benefit the local Marble Canyon community, and we are confident that, through a collaborative effort, our plans can complement each other to ensure the best possible outcome for all involved. For further information, please contact Jennifer Hardin, GCNRA Chief of External Affairs (928-614-0610 [jennifer\\_hardin@nps.gov](mailto:jennifer_hardin@nps.gov)) or Jan Balsom, GCNP Chief of Communications, Partnerships, and External Affairs (928-606-4406 [jan\\_balsom@nps.gov](mailto:jan_balsom@nps.gov)).

Thank you for the opportunity to engage regarding this project. We look forward to future discussions and collaboration with the project proponents and the County Board of Supervisors related to this proposed development in the Marble Canyon area.

Sincerely,

**WILLIAM SHOTT**

Digitally signed by WILLIAM  
SHOTT  
Date: 2021.03.02 10:29:32 -07'00'

William Shott  
Superintendent,  
Glen Canyon National Recreation Area

Sincerely,



Edward T. Keable  
Superintendent,  
Grand Canyon National Park

CC: