NAU Planning Student Capstone Project Presentation

The following applications are scheduled for a public hearing on Wednesday, May 29, 2019. At the Study Session, Commissioners will briefly discuss these cases:

1. Case No. ZC-18-010 and SUB-18-004: A request for a Change of Zoning Regulations with approval of a Master Development Plan to provide for modified RM-20/A standards where CH-10,000 standards currently apply and a 94-lot Subdivision Preliminary Plat on two parcels totaling 8.02 acres in the PC (Planned Community) Zone. The subject properties are located north of Shadow Mountain Drive and east of the Pilot Travel Center and the Days Inn in Bellemont and are identified as Assessor’s Parcel Numbers 203-47-001F and a portion of 203-47-001M.
   Property Owner: Flagstaff Meadows, LLC, Queen Creek, AZ
   Property Owner: McCleve LC and DR Revocable Living Trust DTD, Queen Creek, AZ
   Applicant: Tim Campbell, Finesse Properties, Queen Creek, AZ
   County Supervisor District: 3 (Matt Ryan)

2. Case No. SUB-19-002: A request for a Subdivision Amended Final Plat of Pinewood Unit 12 Subdivision to allow a utility easement to be moved on two parcels (Lots 194 and 195) totaling .52 acres in the in the RS-6,000 (6,000 sq. ft. minimum parcel size) Zone. The parcels are located at 17390 and 17400 S Stallion Drive in Munds Park and also identified as Assessor’s Parcel Numbers 400-69-138 and 139.
   Property Owner: Wild West Management, LLC, Scottsdale, AZ
   Applicant: Lou Lagomarsino, Scottsdale, AZ
   County Supervisor District: 3 (Matt Ryan)

3. Case No. ZC-19-004: A request for a Zone Change from CG-10,000 (Commercial Heavy, 10,000 acre minimum parcel size) Zone to AR (Agricultural Residential, one acre minimum parcel size) Zone on a 1.23 acre parcel. The parcel is located at 1151 Ragweed Trail in Forest Lakes and is also identified as Assessor’s Parcel Number 403-50-072.
   Property Owner/Applicant: Michael and Andrea O’Brien Phoenix, AZ
   County Supervisor District: 4 (Jim Parks)
4. Case No. CUP-19-019: A request for a Conditional Use Permit for a 20 space self-storage facility on a 1.38 acre portion of a 5.23 acre parcel in the CG-10,000 (Commercial General, 10,000 sq. ft. minimum parcel size) Zone. The remainder of the parcel is zoned AR (Agricultural Residential, one acre minimum parcel size) Zone. The parcel is located at 963 W Canyon Road in Kaibab Estates West Annex Unit 5 Subdivision and is also identified as Assessor’s Parcel Number 206-36-010K.
Property Owner/Applicant: John Riffle, Ash Fork, AZ
County Supervisor District: 1 (Art Babbott)

5. Case No. CUP-19-020: A request for a Conditional Use Permit for a 150 foot monopine wireless telecommunications facility on a .23 acre portion of a 2.98 acre parcel. The wireless facility would be located in the AR (Agricultural Residential, one acre minimum parcel size) Zone. The remainder of the parcel is located in the RM-10/A (Residential Multiple Family, one-half acre minimum parcel size) Zone. The parcel is located at 1508 Merzville Road in Forest Lakes and is also identified as Assessor’s Parcel Number 403-45-024C.
Property Owner: Forest Lakes Fire District, Forest Lakes, AZ
Applicant: DW Tower, LLC, Flagstaff, AZ
Representative: Ken Jacobs
County Supervisor District: 4 (Jim Parks)

6. Case No. CUP-19-021: A request for a Conditional Use Permit for a cottage industry to allow a machine shop business and for two 8’ X 20’ metal storage containers on a 9.53 acre parcel in the G (General, 10 acre minimum parcel size) Zone. The parcel is located at 2054 W Honeysuckle Road in Red Lake and also identified as Assessor’s Parcel Number 202-33-010E.
Property Owner/Applicant: Michael and Valerie Thompson, Castaic, CA
County Supervisor District: 3 (Matt Ryan)

7. Case No. CUP-19-023: A request for a Conditional Use Permit renewal (of CUP-04-02) for a church with modifications to allow an accessory structure and a food pantry on a 3.33 acre parcel in the AR (Agricultural Residential, one acre minimum parcel size) Zone. The parcel is located at 2440 N Double Ranch Road north of Ash Fork and also identified as Assessor’s Parcel Number 206-36-008B.
Property Owner: International Church of the Foursquare Gospel, Ash Fork, AZ
Applicant: Ash Fork Foursquare Church
Representative: David Payne
County Supervisor District: 1 (Art Babbott)

Pending review at this Study Session, the following applications may be eligible for Administrative Renewal by the Community Development Director:

1. Case No. CUP-19-018: A request for a Conditional Use Permit renewal (of CUP-14-009) for a 149 foot monopine wireless telecommunications facility on a 42.65 acre parcel in the G (General, 10 acre minimum parcel size) Zone. The parcel is located at 8510 Lake Mary Road and also identified as Assessor’s Parcel Number 114-07-002B.
Property Owner/Applicant: Lake Mary Land Investment, Flagstaff, AZ
Applicant: Crown Castle, Phoenix, AZ
Representative: Todd Daoust of CommScapes, LLC, Phoenix, AZ
County Supervisor District: 4 (Jim Parks)
2. Case No. CUP-19-021: A request for a Conditional Use Permit renewal (of CUP-09-026) for a self-storage business on a 6.42 acre parcel in the CG-10,000 (Commercial General, 10,000 sq. ft. minimum parcel size) Zone. The parcel is located at 7831 N US Highway 89 in Doney Park and also identified as Assessor’s Parcel Number 301-25-006E.
Property Owner: Carson Family Trust U/T/A DTD, Flagstaff, AZ
Applicant: Allguard Storage, Flagstaff, AZ
Representative: Mike Tulloss, Flagstaff, AZ
County Supervisor District: 4 (Jim Parks)

Community Development Department Update
1. The Commission will hold a public hearing on May 29th on the Bellemont Area Plan update. The Board of Supervisors directed staff to update the Doney Park/Timberline/Fernwood Area Plan as the next Area Plan update project.

Board of Supervisors Update
2. The Board will have a Work Session on April 23rd at 9am to review the Comprehensive Plan Implementation Report. The Board will hold public hearings on four zone changes and the Subdivision Ordinance update on May 21st.

Commission and Staff Roundtable
Coconino County
Planning and Zoning Commission
Agenda

Meeting of April 24, 2019 – 5:30 PM
Board of Supervisors' Meeting Room
County Administrative Center
219 East Cherry Avenue
Flagstaff, Arizona

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the Planning and Zoning Commission and to the general public that, at this regular meeting, the Planning and Zoning Commission may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the Commission's attorneys on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A) (3). Items may be taken out of the order listed below at the call of the Chair.

I. PLEDGE OF ALLEGIANCE

II. APPROVAL OF MINUTES

March 27, 2019

III. PUBLIC HEARINGS

1. The Building and Safety Division is recommending adoption of the 2018 versions of the Building, Residential, Plumbing, Energy, Mechanical, Fuel-Gas, Existing Buildings, and Swimming Pool Codes, along with the 2017 National Electrical Code. There are 47 proposed amendments to all the codes, 24 of the 43 proposed amendments affect the code in a positive manner. The remaining 10 amendments relate to design criteria or statutory requirements.

2. Case No. CUP-19-004: A request for a Conditional Use Permit to allow additional livestock on a .97 acre parcel in the AR (Agricultural Residential, one acre minimum parcel size) Zone. The parcel is located at 3071 Kachina Trail, and also identified as Assessor’s Parcel Number 116-15-058.
   Property Owners/Applicants: Kathryn and Ralph LeFevre, Flagstaff, AZ
   County Supervisor District: 3 (Matt Ryan)

3. Case No. ZC-19-003: A request for a Zone Change from the RS-36,000 (Residential Single Family, 36,000 sq. ft. minimum parcel size) Zone to the CG-10,000 (Commercial General, 10,000 sq. ft. minimum parcel size) on a .465 acre portion of a .93 acre parcel for the
development of a restaurant. The parcel is located at 17612 Fairway Drive in Munds Park and is also identified as Assessor’s Parcel Number 400-37-001D.

Property Owner: Thomas Ryan, Munds Park, AZ  
Applicant: Thomas Ryan and Bill Spain  
Representative: Bill Spain, Scottsdale, AZ  
County Supervisor District: 3 (Matt Ryan)

4. Case No. CUP-19-013: A request for a Conditional Use Permit renewal (of CUP-15-034) for a hotel/motel and wedding and events facilities on a 2.42 acre parcel in the CG-10,000 (Commercial General, 10,000 sq. ft. minimum parcel size) Zone. The parcel is located at 6401 N. State Route 89A in Oak Creek Canyon and also identified as Assessor’s Parcel Number 405-20-010A.

Applicant: Dina Riggs, Flagstaff, AZ  
Property Owner: AMMR LLC, Flagstaff, AZ  
Supervisory District: 3 (Matt Ryan)

5. Case No. CUP-19-014: A request for a Conditional Use Permit renewal (of CUP-16-016) for a 19 space RV park, RV storage, and an owner/operator’s residence on a 2.16 acre parcel in the CG-10,000 (Commercial General, 10,000 sq. ft. minimum parcel size) Zone. The parcel is located at 1949 State Route 260 in Forest Lakes and is also identified as Assessor’s Parcel Number 403-68-016A.

Property Owner: Rocking RV Ranch, LLC, Sun City West, AZ  
Applicant: Fred James, Sun City West, AZ  
County Supervisor District: 4 (Jim Parks)

6. Case No. CUP-19-016 and DRO-19-001: A request for a Conditional Use Permit and Design Review for a 15 space RV park on a 2.76 acre parcel in the CG-10,000 (Commercial General, 10,000 sq. ft. minimum parcel size) Zone. The parcel is located at 8025 State Route 89 in Doney Park and is also identified as Assessor’s Parcel Number 301-26-003C.

Property Owner/Applicant: Jay Douglass Revocable Trust DTD, Flagstaff, AZ  
County Supervisor District: 4 (Jim Parks)

7. Case No. ZC-18-008: A request for a Zone Change from the AR (Agricultural Residential, one acre minimum parcel size) Zone to the RS-16,000 (Residential Single Family, 16,000 sq. ft. minimum parcel size) Zone on three parcels totaling 2.28 acres. The subject properties are located in Oak Creek Canyon on Lower Indian Gardens Drive and are identified as Assessor’s Parcel Numbers 405-28-003A, 405-28-004 and 405-28-005.

Property Owner: Ellis Revocable Living Trust DTD 04-02-97, Sedona, AZ  
Property Owner: Elizabeth W Kauffman Trust, Scottsdale, AZ  
Property Owner: Cameron Family Trust, Sedona, AZ  
Applicant: David Ellis, Sedona, AZ  
County Supervisor District: 3 (Matt Ryan)

IV. CALL TO PUBLIC FOR ITEMS NOT ON THE AGENDA

V. CONTINUATION OF STUDY SESSION IF NEEDED
Coconino County Planning and Zoning Commission  
Meeting of March 27th, 2019  
Board of Supervisors' Meeting Room  
County Administrative Center  
219 East Cherry  
Flagstaff, Arizona  

Members Present  
Don Walters - Chairman  
Tammy Ontiveros- Vice- Chair  
Sat Best  
Jim Clifford  
John Ruggles  
Tyanna Burton  
Mary Williams  

Members Absent  
Ray Mayer  

Staff Present  
Jay Christelman, Director  
Jess McNeely, Assistant Director  
Bob Short, Principal. Planner  
Zach Schwartz, Sr. Planner  
Rachel Davis, Planner  
John Carr, Hydrologist  
Ashley DeBoard, Deputy County Attorney  
Kendra Crawford, Recording Secretary  

Chairman Walters called the meeting to order at 5:30PM. He noted procedures to the audience.

I. PLEDGE OF ALLEGIANCE  

II. APPROVAL OF MINUTES  

February 27th, 2019: MOTION: Commissioner Ontiveros moved to approve the February 27th, 2019 minutes as written. Commissioner Ruggles seconded the Motion. The Motion passed unanimously.

III. PUBLIC HEARINGS  

1. Case No. ZC-18-009: A request for a Zone Change from the OS (Open Space) Zone to the G (General, ten acre minimum parcel size) Zone on a portion of two parcels totaling 425.6 acres. The subject properties are located approximately two miles north of Clint’s Well and west of Lake Mary Road.
and are identified as Assessor’s Parcel Numbers 402-3-008E and a portion of 402-31-007A.

Property Owner: Clear Creek 820, LLC, Phoenix, AZ
Applicant: Richard Schust, Phoenix, AZ
Representative: Ross A. Wilson, Phoenix, AZ
County Supervisor District: 4 (Jim Parks)

Mr. Schwartz summarized the staff report along with a PowerPoint presentation. Mr. Schwartz stated that the applicant would like to change condition number three and ten to add “or as approved by the County Engineer” and condition number 4d to add “or receive subscription service from a local fire department if annexation is not possible”.

Commissioner Best asked if there has been any progress after the provided report through either US Fish and Wildlife or Arizona Game and Fish, for the threatened species. Mr. Schwartz replied that when the land swap happened in 2007, the NEPA process was required, there was an environmental assessment. That report noted that there could be some wildlife habitat on the property, but they were weighing the trade and there are more environmental resources on the applicant’s former property than the subject property. Mr. Schwartz stated that the County’s Urban Wildlife planner was in the audience to answer questions as well.

Commissioner Williams asked what the next level of development would be for the forty-acre tracks, would it come back in front of the Commission. Mr. Schwartz explained that there are a couple items staff has placed in the conditions that need to be done prior to the ten tracks. After that the new buyers would come in and legally do five splits, down to the minimum acreage of the zone. There is not a plan for the multiple splits as of right now, but none of them would be coming in front of the Commission. Mr. Schwartz explained that staff would be monitoring the conditions and approving the land division permits when they are submitted.

Commissioner Williams stated that more information on the splits and wildlife will be needed for the future splits. Mr. Schwartz replied that staff is conditioning some of these things, such as; having the drainage easement, if they figure that out prior to laying out the tracks, those get recorded on all the deeds which staff will have a record of.

Commissioner Ontiveros clarified that as a Commission they need to make the three Findings of Fact, in number one it states that the change is consistent with the goals, objectives and policies of the Comprehensive Plan and this Ordinance. There is information that would be needed if this were going to be a subdivision, and what is missing staff is requiring in the conditions. Mr. Schwartz replied that even if staff was not provided with this information up front staff’s intent was to address them through the conditions listed in the staff report.

Chairman Walters referred to the road map, asked if every road will be deeded access, ingress, egress easements and utility easements. Mr. Schwartz replied that with
un-subdivided lands, it's a plat and it will be surveyed, and deeded in perpetuity, which staff will have for the next possible splits.

Chairman Walters referred to condition number 4D, asking if Happy Jack is annexed into the Blue Ridge Fire District or do they have a subscription. Mr. Schwartz replied that he would like the applicant to answer that question.

Commissioner Best stated that until the Hydrology information is provided, this is just a preliminary plan. If the Hydrology report conflicts with this plan, the development will need to be redesigned for the easements to be set for the 100-year flood zone. The Game and Fish department along with the Army Corp could have issues with this plan as well. Mr. Schwartz replied that the first condition requires compliance with what the provided plan shows. If something were to drastically change; the plan would need to go back in front of the Commission and the Board of Supervisors.

Commissioner Clifford referred to condition number three, how is it going to affect Forest Service roads. Has the Forest Service given permission for the road or is it a private road. Mr. Schwartz replied that this is private property, what happens on this property is dictated by the applicant. They wouldn't make changes to roads that are opened to the public; Forest Service roads. Commissioner Best asked if this plan was blocking a Forest Service road or Forest Access. Mr. Schwartz replied that this was not going to be opened to the public anymore, but the applicant might have more information.

There were no further questions for staff, the floor was opened to the applicant or representative for comment.

Ross Wilson, member of the Clear Creek 820 LLC, 6245 N 24th Parkway Suite 205, Phoenix Arizona stated that Forest Service Rd. 122 will stay a public thoroughfare. They own the land under it and intend to improve it based on the standards provided by the County's Engineer. Richard Schust, member of the Clear Creek 820 LLC, 6245 N 24th Parkway Suite 205, Phoenix Arizona, stated the only way that road would be blocked is if the Forest Service stated it was required and didn't want public to use it.

Chairman Walters asked if Happy Jack has been annexed into the Blue Ridge Fire District. Mr. Wilson replied that they have talked with Chief Pain, who has talked with the County Attorney for the process, they have stated that they can annex them in once they apply. Mr. Schust stated that Happy Jack Lodge has their own fire department.

Chairman Walters asked if the roadways are going to be deeded ingress, egress and utility easements. Mr. Schust replied that they will be permanent deeds and set up roadways with all utilities on there. Chairman Walters asked if the utilities will be laid out down the side of the roads or down the middle. Mr. Wilson replied that they don't delineate within the roadway, other than Forest Service 122 which has an easement on the edge of it. Chairman Walters asked what their concerns are about the roadway condition written in the staff report. Mr. Schust stated that they are forty-acre rural
parcels, in the initial round of people buying the parcels, there will be a lot of road maintenance for very few users. He stated that they put in their CC&R’s, to split the property they would need to go through Coconino County for the proper approvals. They would then also need to bring the road up to a standard for additional use. The CC&R’s make it so the road improvements beyond the main roads can start to be brought up to County Standards once they start selling and being divided into less than forty acres. The Commission and Applicants discussed the difference in the roads that will be built now which will touch every forty-acre parcel versus the roads that will be made once the lots start splitting based on their HOA. Mr. Wilson stated that the splits are not going to happen for a while and they are unable to see how an owner would split their forty-acre parcel. This is why they wrote it into the CC&R’S and are leaving it to the HOA to police these policies.

Commissioner Best stated that he concurs with Chairman Walters about the conservation aspects, there are no Hydrology and Game and Fish analyses. He suggested continuing the case until they can provide some more information. This project looks like it can be phased and is a great project, there are just some questions that need to be answered first. Mr. Schust stated they tried to get all the reports before the hearing tonight, but the weather did not allow anyone to go out on the property, if they approve tonight, they will have all the reports prepared for the Board of Supervisors.

Commissioner Ontiveros asked if they are not able to annex into the Blue Ridge Fire Department, who provides a fire subscription in that area. Mr. Wilson replied that they have talked with the Happy Jack fire services, they are sending them an application for membership. He provided Mr. Schwartz with the email from Chief Pain stating they can be annexed into the Blue Ridge Fire Department. Chairman Walters asked what the determining factors would be to choose annex or subscription. Mr. Wilson stated that he preferred Happy Jack, they are more advanced in their over all operation and facility.

Commissioner Clifford asked if this case was approved tonight, would the CC&R’s go into effect right now. Ms. DeBoard stated that the action for the Commission tonight is to recommend approval of the zone change to the Board of Supervisors, it is a legislative action that needs to be taken to the Board. At that time the Board will consider the zone change, they will also consider the recommendation from the Commission as well as what the applicant provides including the CC&R’s. Commissioner Clifford asked if the applicants would be bound by the CC&R’s. Ms. DeBoard stated that when the CC&R’S are recorded they would be a matter of contract. They would bind the developer, but in regard to the matter of enforcement could be tricky due to who would benefit from it being recorded. Chairman Walters asked if they could make the enforcement one of the conditions for this zone change. Ms. DeBoard replied that the County can be made a beneficiary for the enforcement but tend to not enforce CC&R’s. She would not recommend it, but it can be explored. Commissioner Burton asked if the County had to be beneficiary for the whole set of CC&R’s or can they just be enforcement for the roads. Ms. DeBoard replied that CC&R’s for the roads can be recorded in favor of the County and the County can be named as an individual who can enforce them but it is not a common practice for counties. Chairman Walters stated that a
portion of the CC&R’s can be copied into the recommendation for the Board of Supervisors. Ms. DeBoard replied that usually they are stated as conditions for the recommendation of approval.

Mr. McNeely stated that the County Engineer is in the audience for questions and can clarify the conditions Mr. Schwartz has written in the staff report.

Christopher Tressler, County Engineer, 1624 W Ashley Way, Flagstaff, stated that they would expect the road to handle 42,000 lbs., ten-foot-wide lanes and it would need to be an all-weather road. The safety of the public and welfare is governing this road standard, the County is not likely to provide a wavier that would not allow an apparatus to access the parcels. Chairman Walters asked if they should change condition number three to state what the County would require. Mr. Tressler stated that by not knowing what the soils are like in the area, the condition should state “the roads would be constructed to handle the 42,000 lb. apparatus, all weather roads with ten-foot-wide lanes minimum”.

Commissioner Best stated that without knowing the floodplain status, there could be a need for a bridge and the new condition wording would complicate it. Mr. Tressler replied that there is criteria for bridges and access, this condition is for the roads. There is still a need for access, if a bridge needed to be constructed to provide access, the bridge would need to meet minimum criteria as well.

Mr. Wilson come back up to the podium. Chairman Walters asked if they agree with what the County Engineer is asking for. Mr. Schust asked if it meant they are requiring higher road standards than is written in the conditions now. Chairman Walters explained that the performance standard is stating the roads would be able to withstand a firetruck. Mr. Schust stated that this new standard seems to be more than needed for the size of lots and activity that will be going on in the neighborhood. Commissioner Best stated that this could be another reason for a continuance because there are ways to get around the performance standard, such as; fire sprinkler systems in each home. Mr. Schust stated that they are not able to see how the future buyers will want their lots, some of them may not build houses. That is why they are building the minimum road requirements and have bringing up the roads to County standards in the CC&R’s. Chairman Walters explained that they are just asking for the roads to handle an emergency vehicle.

Commissioner Ontiveros referred to condition number three, did staff feel that was sufficient. Mr. Schwartz stated that he asked the Community Development’s Engineering staff to give the minimal road split standard, there are different ways the performance standard can be met. Usually the Engineers have cross sections of the property in front of them and can determine what standard is needed, with a subdivision you get that information up front. The County Engineer will get all the information as the splits happen and can tell if the roads are up to the performance standard. Mr. Schwartz stated that condition number three should be changed to “the applicant shall provide an all-weather road with at least two ten foot travel lanes to accommodate a 42,000 GVWR
vehicle as approved by the County Engineer.” Mr. Christelman stated that the performance standard provided by the County Engineer is the minimum road requirement for a lot split, also the minimum standard from a previous road ordinance that the County used to use for private roads. He stated that his recommendation is for the wording of the condition to be what the County Engineer has stated. Mr. Christelman also stated that the County Hydrologist is in the audience and there is no floodplain in this area.

John Carr, 2220 N. Crescent Dr. Flagstaff, stated that there is not a FEMA designated 100-year flood plain in that area. The term floodplain is used interchangeably, there is not a FEMA floodplain there but if they did a study in that area, it is likely that there could be one. Commissioner Best stated that there could be a flood plain that could affect the development and conservation of species in that area, that is the reason he would like a continuance to see the information. Mr. Carr stated that FEMA requires documentation of ESA compliance for a proposed project before it will process Conditional Letters of Map Revision (CLOMRs) or Conditional Letters of Map Revision based on Fill (CLOMR-Fs) request. Because the subject area is not in a FEMA Special Flood Hazard Area, this requirement is not applicable.

Chairman Walters asked if he has read the staff report and agrees with the conditions. Mr. Carr stated that he agrees with the recommendations as written and believes it protects the intent of the County in regards to the phase one Hydrology study and the jurisdictional determination by the US Army Corps of Engineers.

Chairman Walters explained that the Commission is not trying to delay the developers from building, they will abide by the conditions, they are trying to insure a certain level of commitment. With the new wording to condition number three, the continuance would just help the applicant review and understand the new changes. Mr. Schust and Wilson stated that they understand the new wording of the conditions and will abide by them.

Commissioner Best asked if the non FEMA 100 Year flood plain qualifies for wildlife protection. Mr. Schwartz replied that in the conditions written by staff, once the phase one Hydrology study is done, it would require them to identify where the 100 year floodplain boundaries are. This would then create a drainage easement. He also stated that a non FEMA 100 year floodplain would qualify.

Commissioner Best asked if they are comfortable with the wildlife protection that is written in the conditions. Robert Magill, Coconino County and AZ Game and Fish Urban Wildlife Planner, 210 N. Elden St. Flagstaff Arizona, stated that from what he has read of the conditions without ever being to the site and not knowing the ground conditions, he can’t give a definite yes or no. He stated that he would need more onsite information.

There were no further questions for the applicant, and no public in attendance for this case, the floor was opened to the Commission for discussion.
Commissioner Burton stated that all her questions were answered and does not see any reason not to recommend this to the Board of Supervisors as amended.

Commissioner Ontiveros stated that she believes all the Commissioner’s concerns have been addressed, roadways in condition number three. Floodplain is addressed in condition number 4A, Wildlife is addressed in condition numbers 4G and 7. She can make the findings necessary to recommend approval to Board of Supervisors.

Commissioner Clifford stated that with the changes to the conditions he can make the findings necessary to recommend approval to Board of Supervisors.

Commissioner Williams stated that she can also make the findings.

Commissioner Ruggles stated that he can make the findings to support the requested zone change. He stated that he can concur with the County Engineer and the roadway should be determined on the basis of terrain and soil. He also stated that the wording for condition number 4D should read “the applicant shall annex into a fire district or utilize fire protection by subscription”, may be more appropriate rather than naming the fire district.

Commissioner Best stated that overall this is a good project, he suggested that condition 4G state “the applicant shall consult with US Fish and Wildlife service and AZ Game and Fish and meet any requirements of those agencies in regard to Mexican Spotted Owl or any other endangered or threatened species habitat”.

Chairman Walters stated that if they heavily grade these roads, they will be able to fill in all the bad areas and thinks this is a great project.

**MOTION:** Commissioner Williams moved to approve the recommendation of Case No. ZC-18-009 with the conditions as stated, modifying condition number three to state “construction shall be all weather, with two ten-foot travel lanes as shown in the attached diagram, capable of travel by a 42,000 GBW vehicle”, condition number 4d to state “the applicant shall annex into Blue Ridge or Happy Jack district or by subscription to either of those fire districts”. Condition number 4g should state “the applicant shall consult with US Fish and Wildlife service and AZ Game and Fish and meet any requirements of those agencies in regard to Mexican Spotted Owl or any endangered or threatened species habitat”. Condition number 11 should state “phasing of additional roadway improvement shall meet those written in the applicant’s submitted CC&R’s with future landowners or development tracks two three, four, seven and eight, improving roadways to a level of construction that shall be all weather, with two ten foot travel lanes as showed on the attached diagram and capable of travel by a 42,000 GBW vehicle”. Commissioner Clifford seconded the Motion. The Motion passed unanimously.
2. Case No. ZC-18-011: A request for a Zone Change from the RS-4 (Residential Single-Family, four acre minimum parcel size) Zone to the RS-1 (Residential Single-Family, one acre minimum parcel size) Zone on two parcels totaling 8.23 acres. The subject properties are located at 2861 and 2875 Kona Trail in Kachina Village and are identified as Assessor’s Parcel Numbers 116-17-007 and 116-17-008.
Property Owner: Michael Bode, Tempe, AZ
County Supervisor District: 3 (Matt Ryan)

Ms. Davis summarized the staff report along with a PowerPoint presentation.

Commissioner Ontiveros referred to condition number four, asking if the entire spring channel is in the sloped area. Ms. Davis replied that the spring channel is actually off the sight. Staff thought that looking at all the slopes, going down to an 18% or greater would be the best wording for that condition. Commissioner Ontiveros asked if the condition backs the development up a sufficient amount away from the springs. Mr. Carr replied that the condition number four does protect the County, by the way it is written and by providing the survey which will identify exactly where the springs are. Ms. Davis stated that she walked the spring area with a representative from the Springs Stewardship Institute who helped point out the channel. He also looked at the condition as written and stated that it will protect the spring and the slopes.

Commissioner Best stated that he did visit the site, is the spring located on the map provided. He stated that with condition number four, they need to make sure someone doesn’t corral the area and place horses. Condition number four should be a natural undisturbed area. Commissioner Best asked if the easement would get recorded on the deed. Chairman Walters replied that it has been delineated with the slope protections, the spring is at the bottom of the slope protections. Ms. Davis replied that if and when a development proposal comes through a building permit, staff will then need to refer to this survey and zone change case to insure whatever is being proposed would not be built within that area. She stated that in regard to animal keeping rights, if horses where to be kept in that area they are allowed to wander but the structure would need to be built out of the slope. Commissioner Best stated that with condition number four, strike the first sentence, it should be done with or without the residences. Condition number four will state "a topographic survey shall be performed by an Arizona Registered Land Surveyor. A slope easement shall be created and recorded on the deed, on the subject parcels on any portion of land with a slope equal to or greater than 18% and within 100 feet of the identified spring channel. The slope easement shall serve as an undisturbed natural area, for the purposes of protecting the natural features onsite and the adjacent perennial water source, no livestock shall be allowed in this area”.

Staff and the Commissioner discussed what kind of animals they did not want going across the spring. Ms. DeBoard stated that she understands where Commissioner Best is coming from and suggested adding from domesticated animals to the condition but there will be challenges on this type of restriction. Generally, with a recorded easement, such as; a recorded slope, may come to the attention to the department through
a building permit. The department can decline to allow the structure to be built in the easement, just keeping animals would be more challenging to enforce and may not come to the attention of a department.

Chairman Walters asked if this area can be designated as a Riparian Habitat. Ms. DeBoard asked the Chairman how that would be accomplished. Chairman Walters stated that he has bought property that has had that designation on them but does not know the process. Ms. DeBoard stated that is a process she is not familiar with but would do the research if the Commission would like to continue the case to review that option. Chairman Walters stated that the area is sensitive, and the Commission needs to find a perpetuity solution to protect it. Ms. Davis stated that currently there is not protection and currently the applicant or future owners can keep horses and let them run all over the land. This zone change is an opportunity to provide protection that is not there currently, the applicant can speak to what he is willing to do.

There were no further questions for staff, the floor was opened to the applicant for comment.

Mr. Bode, 1901 E Carver Rd. Tempe, Arizona he stated that he bought the property in 2017, so no one can develop on it. He explained that he does not want to put horses on the property, he only wants to split and sell the front .9 acres with the houses on it. There is a twenty-five-foot utility easement right next to Pump House Wash which is adjacent to his northern property, Kachina Village has a twelve-inch steel sewer pipe which has some of it running in the wash. He stated that whole area is big granite boulders with a steep slope and there are no intentions for development in that area. The springs are adjacent to his property and run into the Pump House Wash. Mr. Bode stated that he would sign anything to protect that area, he loves to walk his dogs in the area. Commissioner Ontiveros asked if he agreed with the new wording of condition number four. The Commission and Mr. Bode discussed if the wording should change from domesticated animals to livestock, he would like to be able to still walk his dog on the property but does not intend to have horses.

Commissioner Best suggested Mr. Bode contact an organization to protect the Conservation aspects of the property and own the easement.

Chairman Walters asked Ms. DeBoard how you protect a sensitive area when you have a utility easement running through it. Ms. DeBoard replied that with utility easements, it is to allow utility providers to lay lines and access and repair/ replace those as needed. If that interferes with the protection of the area, they would be in conflict, but it depends on the exact placement of the lines and the scope of the utility. Commissioner Ontiveros stated that staff talked with Larry Stevens from the Springs Stewardship Institute who reviewed condition number four and stated that he approved it and thinks it protects the area.

Chairman Walters asked Mr. Bode if he has read the staff report and agrees with it. Mr. Bode replied that he only wants to do phase one of the splits, he has already been
approved by Highland Fire District. He stated that he has done a survey on the property with the house but will not be doing anything else on the other pieces of the parcel, can the other surveys be done at another time. Mr. McNeely explained that how the initial draft of the four conditions are written, it will not be triggered until a building permit process is started, this will not protect the property from putting horses on it. Tying the other actions to the future lot splits of the northern portion of the property, that is when there is potential of development.

Commissioner Best stated that it should all be done now, due to at some point the property could be transferred to another owner. Mr. McNeely explained the conditions to the applicant. Commissioner Ontiveros clarified that condition number four is the only one that needs the change to be done now, two and three can be triggered by future lot splits.

There were no questions for the applicant and no public to comment on this case, the floor was opened to the Commission for discussion.

Commissioner Best stated that condition number four should state “A topographic survey shall be performed by an Arizona Registered Land Surveyor. A slope easement shall be created and recorded on deed on the subject parcels on any portion of land with a slope equal to or greater than 18% and within 100 feet of the identified spring channel. The slope easement shall serve as an undisturbed natural area, for the purposes of protecting the natural features onsite and the adjacent perennial water source, no livestock will be allowed in this area”.

Commissioner Ruggles stated that he concurs with Commissioner Best on condition number four, this will serve the purpose of the applicant and Commission. He can make the findings to support this recommendation.

Commissioner Williams stated that she agrees with conditions.

Commissioner’s Clifford and Burton stated that they can make the findings to support.

Commissioner Ontiveros stated that she agrees with the modification to condition number four, this is going to help the applicant accomplish what he needs while helping the Commission protect the springs. She can make the findings to support the recommendation.

Mr. McNeely clarified that condition number four is triggered by this zone change not any future development.

**MOTION:** Commissioner Best moved to approve the recommendation of Case No. ZC-18-011 with the five conditions as written in the staff report modifying condition number four to state “A topographic survey shall be performed by an Arizona Registered Land Surveyor. A slope easement shall be created and recorded on deed on the subject parcels
on any portion of land with a slope equal to or greater than 18% and within 100 feet of the identified spring channel. The slope easement shall serve as an undisturbed natural area, for the purposes of protecting the natural features onsite and the adjacent perennial water source, no livestock will be allowed in this area”. Commissioner Ruggles seconded the Motion. The Motion passed unanimously.

3. **Case No. ZC-19-001 and CUP-19-006:** A request for a Zone Change from the G (General, 10 acre minimum parcel size) Zone to the CH-10,000 (Commercial Heavy, 10,000 sq. ft. minimum parcel size) Zone and a conditional use permit for a recreational vehicle storage business on a 1.47 acre parcel. The subject property is located at 1183 Wild Rose Trail in Forest Lakes and is identified as Assessor’s Parcel Numbers 403-34-001W.

**Property Owner:** Ryan D and Lonna D Keller Revocable Trust, Heber, AZ

**Applicant:** Ryan Keller

**County Supervisor District:** 4 (Jim Parks)

Ms. Davis summarized the staff report along with a PowerPoint presentation.

Commissioner Ruggles asked staff where the location would be for the waste receptacle. Ms. Davis pointed to an open space in the middle of the site plan, that is supposed to be left natural. Commissioner Ruggles explained that when someone drops a lid even on a small dumpster, it can be disruptive for people living in the area.

Commissioner Best stated that there are no facilities on the property, do they expect anyone to spend the night. Ms. Davis replied that there will not be anyone staying the night, this is just storage, dropping off during daylight hours.

Commissioner Williams pointed out that the staff report states thirty-one spaces but there are only thirty shown on the site plan.

Chairman Walters explained that he would like to see a trash receptacle on the property, everyone will be driving in from camping and need a place to put their trash, before driving a distance home.

There were no further questions for staff, the floor was opened to the applicant for comment.

Mr. Keller, 95A AZ HWY 260 Heber Arizona, stated that he is there to answer the questions.

Commissioner Best stated that customers driving up from Phoenix are going to get to his property after dark, he suggested setting a time limit.

Chairman Walters asked if he has read and agrees with the staff report. Mr. Keller replied that he does agree with staff’s conditions with the modification of number four.
He stated the reasons for the modifications are the cost of putting one in, noise from trash trucks and all the surrounding RV storages do not have trash receptacles. Chairman Walters stated that is the reason for all the trash on the roads in the area, people coming back from camping and putting the trash bag in the back of their trucks without securing them. He suggested some bear proof receptacles with trash cans you can pull out and haul away.

Chairman Walters asked if the storage facility would be open during the winter. Mr. Keller stated no, they will only store from May 1st until October 31st. Chairman Walters stated that should be made into a condition.

Commissioner Best asked if they will be present during the storage time frames. Mr. Keller replied that they live and work on the next property, they will be maintaining and watching everything. The entrance was put on Wild Rose Trl. on the site plan to keep the two businesses separate and prevent the trailers passing their destination.

Commissioner Ontiveros asked what the Mr. Keller would like the operating hours to be. Mr. Keller stated that they should be 7am-9pm.

Commissioner Ruggles asked if the applicant would be willing to haul the trash off the property, there is also free-standing bear proof containers that should not cost a lot. He also stated that an enclosure is needed per the Zoning Ordinance, the condition should state “a trash receptacle approved by the Community Development Director”.

Commissioner Williams asked what the typical use pattern was. Mr. Keller replied that someone would drive there truck up, hook up their trailer and take it out camping. This is mostly convent for hunters, it is cheaper to leave their trailer up here and less wear and tear on their trucks from hauling the trailer up and down the Phoenix mountains.

Commissioner Best stated that there is no need for the seasonal condition, it should be up to the applicant if they would like to store during the winter. Mr. Keller agreed with that.

There were no more questions for applicant, the floor was opened to public for comment.

Walter Jones, 1157 Wildrose Trl. Flagstaff Arizona, stated that his property is located right next to this property, gave a history of his property and that he has tried to buy the proposed property multiple times. He stated that they have already done about 75% thinning on the property and in the meeting, they also provided a closing time of 7pm which does not seem reasonable. He explained that the trash trucks provide a lot of noise now in the area. Mr. Jones explained that the letter that was read in staff presentation was written by a neighbor with in the 300 feet and added multiple neighbor’s names, they stated that if this will be approved, they would like the entrance to be on their own property instead of Wild Rose Trl. due to blocking roads. Mr. Jones also
explained that trash is a very big issue in the area, he would like an eight-foot fence on his side of the property.

Commissioner Best asked if he would like a six-foot block fence or a eight foot wood fence, block would block the noise more. Mr. Jones stated that eight foot would be better for his privacy.

Chairman Walters asked what a reasonable time would be. Mr. Jones stated that 9pm should work.

There were no questions, the floor was opened to the Commission for comment.

Commissioner Burton stated that she has listened to all the neighbors and with the Findings of Fact, she agrees with the bear trash receptacle and the applicant should do the taller fence.

Commissioner Ontiveros asked if it is possible to move the entrance to the RV Storage area. Mr. Keller replied that yes, it is physically possible, but they are trying to keep the two-business separate, in case one were sold in the future. The purposed entrance is only 75-80 feet down the road, it is a short section that people would be traveling on Wild Rose Trl.. Chairman Walters stated that creating a deeded easement will keep the two businesses separate, the deeded access will allow customers to get in without going on WildRose. If someone is waiting they will not be blocking the roads for the neighbors.

Mr. Keller stated that the purposed fence will mitigate most of the blowing trash concern, they will be maintaining that. He also stated that an eight-foot fence would be more expensive.

Commissioner Ontiveros stated that this will be a good project and would like to mitigate the neighbor’s concerns. Commissioner Ruggles stated that he has been to the area on a previous case and thinks making the entrance the same as the entrance for the existing property is feasible and would alleviate the neighbor’s concerns. He concurs with making the fence eight feet.

Commissioner Ontiveros asked about the time frame for the Storage. Commissioner Williams stated that on the longest day of the year, sun goes down by 8pm, 9pm would be a good compromise. Commissioner Ruggles suggested making the CUP for ten years.

Commissioner Clifford stated that an easement for the entrance would be the best way to go.

Commissioner Williams stated she supports the 8-foot fence, including it go all the way down Wild Rose and having the entrance at the west of the property. She stated that they should haul their trash off, not put it in the Forest Service trash receptacles.
Commissioner Best stated that there will be a trash receptacle at the entrance to this project, that will be adequately sized for a weekend worth’s of trash. It would be better if the applicant can make it a common trash receptacle for the entire property, as far away from the neighbor’s property so they do not hear the noise.

Mr. Keller stated that they do provide trash for the RV park, it’s the transients that don’t stay at the parks, making it difficult for the parks. You can dump your trash at the Forest Service for a fee, you can not just dump it there. He stated that moving the entrance would only be a difference of about ten feet, he does understand the easement would let it stay two separate businesses but does not seem like it would make much of a difference in the traffic. Commissioner Burton stated that the neighbors are concerned with obstructing Wild Rose Trl. and adding the ten feet should mitigate that problem. Mr. Keller stated that the customers should not be blocking the roads, they should only be waiting for someone to pull out. He also stated that making the fence eight feet would be too costly. Chairman Walters suggested putting a row of blocks on the bottom of the six-foot fence, this will help get the height and cheaper than eight-foot fencing.

Chairman Walters referred to the site plan and explained the new suggested entrance with widening the easement for the Commission.

MOTION: Commissioner Ontiveros moved to approve recommendation of Case No. ZC-19-001 to the Board of Supervisors. Commissioner Ruggles seconded the Motion. The Motion passed unanimously.

MOTION: Commissioner Ontiveros moved to approve Case No. CUP-19-006 with the eight conditions as written in the staff report, modifying condition number four to state “provide a waste receptacle as approved by the Community Development Director”. Modifying condition number three to state “The RV storage facility shall be accessed by patrons from 7am to 9pm only. No activities that generate any noise audible off the property shall be conducted at any time”, modifying condition number seven to state “The conditional use permit shall be valid for five (5) years and is subject to application for renewal on or before March 27, 2024” and adding a condition number nine stating “the applicant shall add an eight foot fence or as approved by the Community Development Director”. Commissioner Ruggles seconded the Motion. The Motion passed unanimously.

4. Case No. CUP-19-007: A request for a Conditional Use Permit for an agritourism business, temporary uses, and a utility installation on a 15.87 acre parcel in the G (General, 10 acre minimum parcel size) Zone. The subject property is located at 19722 Leupp Road approximately 11 miles northeast of the intersection with Townsend-Winona Road and is identified as Assessor’s Parcel Numbers 303-25-009J.
Property Owner: Painted Desert Demonstration Projects, Inc., Flagstaff, AZ
Applicant: Mark Sorensen, Flagstaff, AZ
County Supervisor District: 4 (Jim Parks)

Mr. Schwartz summarized the staff report along with a PowerPoint presentation. He stated that there are changes to the conditions, removing condition number five and change condition number six to state “A Building Permit for all water service facilities shall be submitted to Community Development staff and diligently pursued toward completion within 60 days of this approval”.

Commissioner Best asked if the first toilet will be ADA compliant or should it be entered into a condition. Mr. Schwartz replied that some of this is governed by building code as far as restrooms, this always includes ADA requirements.

There were no further questions for staff, the floor was opened to applicant for comment.

Mark Sorensen, 1601 Star Ridge Trail Flagstaff Arizona, stated that he has read the staff report. He agrees with staff’s recommendation based on their ADEQ approval to eliminate condition number five and modifying condition number six. The well has been used by the people in the community for many years, it was certified by ADEQ until 2010, but has a letter from March 10th, 2019. Mr. Sorensen stated that he talked with the State Fire Marshall ten years ago and they have installed three 10,000 gallon tanks which would make over 30,000 gallons of water available to the local fire department who has to come to their area. He appreciates the Commission and staff recognizing agritourism. Mr. Sorensen requested a ten-year time frame to have the school on the same time frame. Commissioner Ruggles stated that new projects usually have a five-year time frame, but if there are no complaints the renewal process can be done administratively.

There were no further questions for the applicant, the floor was opened to the public for comment.

KG, 62 Luepp Rd. Flagstaff Arizona, stated that Mr. Sorensen has brought economic development to the area and it is necessary. The water system is the only water source for the area and fire safety. He stated that he is in support of this project.

There were no other public members to speak on this case, the floor was opened to the Commission for comment.

Commissioner Burton stated that it is a great project and can make the findings to support.

Commissioner Ontiveros stated that she can make the four findings and with staff’s modification to the conditions she can approve it.

Commissioner Clifford stated he can make the findings to approve this case.
Commissioner Williams stated that she would like to see a ten year term, there will not be any massive buildings going up, the impact to the property and the land is minimal.

Commissioner Ruggles stated that he can make the findings, approves with the staff’s recommendation of condition changes and given the area of the property and ten year time frame may be appropriate.

Commissioner Best stated that he would go with five years, because of the large gatherings and is in favor of the project.

MOTION: Commissioner Ontiveros moved to approve Case No. CUP-19-007 with the eleven conditions as stated in the staff report, striking condition number five and modifying condition number six to state “A Building Permit for all water service facilities shall be submitted to Community Development staff and diligently pursued toward completion within 60 days of this approval”. Commissioner Burton seconded the Motion. The Motion passed unanimously.

5. **Case No. CUP-19-008**: A request for a Conditional Use Permit for a community center on a 2.6 acre parcel in the AR 2 ½ (Agricultural Residential, 2 ½ acre minimum parcel size) Zone. The subject property is located at 6925 Willopete Drive in Doney Park and is identified as Assessor’s Parcel Numbers 301-29-048B.

   Property Owners/Applicants: Jeffrey and Brittany Lehman, Flagstaff, AZ
   County Supervisor District: 4 (Jim Parks)

   Mr. Schwartz summarized the staff report along with a PowerPoint presentation, adding a condition stating “A waiver is hereby approved for the Community Center at 20’ from the property lines in lieu of the 50’ requirement as shown on the applicant’s site plan”

   There were no questions for staff, the floor was opened to the applicant for comment.

   Mr. and Ms. Lehman, 6925 Willopete Dr. Flagstaff Arizona, stated that they approve of the conditions and staff report. She explained the building is quite large and all activities will be held inside the building, besides the additional cars you will not be able see anything. Mr. Lehman stated that putting up additional screening will hinder the views when they don’t have the activities.

   Commissioner Best asked if there are available bathrooms in the building. Mr. Lehman replied that there is a bathroom in the adjoining shop. Commissioner Best asked in the summer are they set up to handle the ninety-degree weather with the activities going on inside the building and the doors closed. Mr. Lehman replied that there are no
cooling units in the building at this point, but it is part of the plan. There are three doors and windows that can be opened.

Commissioner Clifford asked what their plan for dust control on the driveway will be. Mr. Lehman replied that they do not have anything planned at the time.

There were no further questions for the applicant, the floor was opened to the public for comment.

Julie Nelson, 6805 Willopete Dr. Flagstaff Arizona, stated that she thinks it is a good program to start but not for the area. She has lived there for twenty-five years and it is located on a private road, all the additional people will make a considerable amount of traffic and dust to the area and Kochfield. The kids that will be doing the activities will need more supervision and in emergencies the sheriff’s office doesn’t patrol this area enough.

There were no other public members to speak on this case, the floor was opened to the Commission for discussion.

Commissioner Best stated that this is an inspiring project, but the location is not. He can support the project and if it works the applicant might want to look for a more institutionalized location. As long as the doors are closed when the machinery is running and supervise the young people carefully, the benefits will be great, and the impact shouldn’t be much. This is a cottage industry that will grow into a more appropriate facility.

Commissioner Ruggles stated that he did visit the site with staff and discussed the application with the applicant. He did take a look at the ambient sound levels on the property, which were on the order of 35-40 DBA, which is typical for that location. He forwarded some estimates of sound levels to staff, they took a look at what the sound levels would be outside the building for what the proposed use would be. They used that information to back calculate the sound transmission coefficient of the walls of the structure, this is where the sound level at the property line in staff presentation came from. He stated that the inside is a framed construction drywall, insulation and paneling on the outside. Based on the information provided by the applicant, it has a sound transmission coefficient of a little less than the calculation that industry uses to determine that. Commissioner Ruggles stated that most of the noise will be during the summer months when the doors are open, and it will be more to the south of the property. He suggested to staff that the time frame of three years would be appropriate, giving time to see how well this works, if there are no complaints in the three years they can go through the administrative process.

Commissioner Williams stated that the location is not ideal and if this works out, they may want to find a more appropriate location. Three years is a good time frame to see how it works out.
Commissioner Clifford stated that there should be more programs like this for children and young adults who do not have support and opens them up to trades. You can understand the concerns from the neighbors, the three-year term will be able to see if the concerns are figured out. He agrees with his fellow Commissioners on the location (commercial, religious buildings) should be changed if this program succeeds. He can make the findings to support this case.

Commissioner Ontiveros stated that this program reminds her of a 4H type of use and the comments from the neighbor are noted. The conditions listed in the staff report, address the concerns brought up at the meeting and she can make the findings to support this case.

Commissioner Burton stated that this is a great project, giving every child a time to shine as long as there is extra support. The applicants should talk to the parents dropping off their children to not go past their driveway on the private road, this will mitigate the neighbor’s concerns. She can make the findings to support this case.

Chairman Walters stated that this is a great program and there is a need for it today. His biggest concern is the car trips and the dust from the vehicles, what kind of surfacing they will be putting down in the driveway and road from Kochfield.

Commissioner Best stated that they should also think of how they can serve and thank the neighborhood, through a BBQ or someone spraying water on the driveway.

Mr. Lehman stated that the feedback is noted, they do want to reach out to the community to make sure they are a part of this initiative. Part of their plan is to have a quarterly review with the neighbors, making sure they are addressing their concerns. For dust control and wear and tear of the road, they want to encourage parents and guardians to help and stay. They are hoping the children will not just be dropped off, which will give the parents the opportunity to learn the trades too.

**MOTION:** Commissioner Ontiveros moved to approve Case No. CUP-19-008 with the four conditions written in the staff report, adding a condition number five to state “A waiver is hereby approved for the Community Center at 20’ from the property lines in lieu of the 50’ requirement as shown on the applicant’s site plan”. Commissioner Ruggles seconded the Motion. The Motion passed unanimously.

---

6. **Case No. ZC-19-002 and CUP-19-010:** A request for a Zone Change from the G (General, 10 acre minimum parcel size) Zone to the CH-10,000 (Commercial Heavy, 10,000 sq. ft. minimum parcel size) Zone and a Conditional Use Permit for a 122 space expansion of a RV park on two parcels totaling 18.32 acres. The subject properties are located west of Interstate 17 in Munds Park and are identified as Assessor’s Parcel Numbers 400-43-001M and a portion of 400-43-001K.

**Property Owner:** MBC Properties No 3, LLC, Phoenix, AZ
Mr. Short summarized the staff report along with a PowerPoint presentation.

Commissioner Best asked if the previous projects are done to these standards, where the bottom of the park model is a foot above flood waters. Mr. Short replied that the structural elements of the RV need to be a foot above, that has been a requirement for the previous plans, there are also things like breakaway skirting which will let the flood water flow through underneath.

Chairman Walters referred to the provided documents, stating that there is a FEMA case study that is 56 years old. He has been to the property recently and there has been extreme timber thinning above this property, which will allow the water to flow better. Mr. Carr replied that they vetted the information with Scott Ogden from JE Fuller, the area where the tree removal was done, was approximately ¾ of a square mile. The tributary area feeding this area is about 23 square miles, Mr. Ogden stated that it was insignificant impact on the overall flow rate. Chairman Walters asked if he thought this was a good, safe project. Mr. Carr replied that there are some things that need to be addressed, such as; it is currently a Zone A which FEMA defines as a non-detailed study. It is based on flow rates and use of topography, it is not detailed on hydrologic and hydraulic analysis. JE Fuller has been working on remapping that area, which is about a year away. There has been discussion with the applicant for a drainage report, which is necessary. Mr. Carr stated that the traffic study needs to be more comprehensive, but staff feels at this point they can address those concerns through the project process. The purposed use is acceptable in the floodplain, there are just conditions that need to be met.

Commissioner Best stated that this is a floodplain, what would be the downside to any new information. Mr. Tressler replied that the study that currently defines the floodplain is quite old, the County has undertaken new analysis and new science to better understand and define the floodplain. In this particular area, the base flood elevation appears at this time to be a little bit lower. He stated that this area used to be considered a floodway, which would be higher velocities and the new study indicates that this may not be defined as a floodway anymore. Mr. Tressler stated that they have submitted the analysis and maps to FEMA for review, FEMA has conditionally accepted them and are working to make them formal maps. He stated that JE Fuller is considered an expert in this field and what they do, and staff stands by their modeling. Chairman Walters asked if he feels the levels have gone down due to the channelization shown in the drainage picture. Mr. Tressler replied that the type of modeling that was done previously was not as detailed as what is happening now. To run these computer models, it takes a couple days to iterate, working over such small grid cell and it is a detailed study, they are learning in some areas are lower and in areas of the same study it is higher. He stated that there is a need for a drainage report, the cost to do the type of analysis that the County has undertaken to get to these base flood elevations is not insignificant, it is quite large. Mr. Tressler explains that it gives them the best available data, they need to know what
the water stream will be before the development and what it is going to be after the development. In order for the applicant to model that would cost them more than $30,000, which is a pretty big burden. The County has looked at other ways for them to conduct a drainage analysis and get the answers that staff needs to insure the welfare of public safety. They asked JE Fuller to model this for them, but the County feels that would be a conflict of interest, since the County uses them as experts. The applicants need to provide a traffic study and floodplain permit. Chairman Walters asked if they have read the staff report and are they comfortable with it. Commissioner Ontiveros asked if there is a condition addressing the drainage report. Mr. Short replied that condition number four addresses it by getting a floodplain permit and condition number nine addresses the traffic study. The applicant has provided staff with a traffic impact study, but it may not be adequate.

Commissioner Best asked if this could be a floodway. Mr. Carr stated that the current proposed model for this area is an AE Zone without a flood way, which means there is base flood elevations established along the channel and there are certain criteria that need to be met for this circumstance. He stated that it must demonstrate that the cumulative effect of the proposed development when combined with other existing and anticipating development will not increase the water service elevation of the base flood more than one foot of the community. They have talked with JE Fuller and with the study they feel they can determine that. Mr. Carr also stated that the current zone is Zone A, which the applicant could choose not to use the JE Fuller study and do an analysis based on the current zone.

There were no further questions for staff, the floor was opened to the applicant for comment.

Lisa Nelson, Terrascape Consulting, 1102 E. Missouri Ave. Phoenix Arizona, stated that there are 103 parking spaces on the site plan, due to previous comments that there was not enough parking. The purposed zone is consistent with the existing zones to the south of the property. She also stated that Pinwood Sanitary District is here to answer any questions and they will be connecting to their system instead of putting in septic systems. The drainage area is 23 square miles, but their development is a small piece of that. They anticipate that when we look at the drainage in the area and decide what the study will be, their development will have an insignificant impact, with no adverse impact downstream. Ms. Nelson stated that the floodzone overlay does require that the regulatory floodplain is one foot above the base flood elevations that are currently shown in the JE Fuller study. The bottom of the structures beam will be at the regulatory floodplain, and the finished floor will be above that. Chairman Walters asked how high that puts it above the ground. Ms. Nelson explained that in their packets there is a grading and drainage plan provided, you will see the existing contours of the site, the site does slope for the northeast to the southwest direction. In some cases, the finished floor is three feet above existing grade, and, in some areas, it is two. In this area you are not allowed to increase the existing grade, the intention is to smooth out the area to put in the roadways and set level paths. Chairman Walters stated that in some of the pictures it looks like they have already done some grading. Ms. Nelson replied that they had
someone who needed to unload some dirt, so they used the fill to cover ruts on the property and smooth it out.

Commissioner Best asked if the previous projects are connected to sewer or do they have septic systems. James Wilson, Pinewood Sanitary District Manager, 40830 N Calcole Trl. Rim Rock Arizona, stated that they just got their building permit for the North lift station number two, which is located on the Munds Park RV Park. They will be able to construct the area for the generator, the lift station will be interesting to install with the ground water table being as high as it is. They might have to install ground water wells to abate the ground water while it is being installed. The south lift station has been discussed with Planning and Zoning for things that are required for a land division permit that was done, they need to undo the property split and dedicate the property back to the land owner. The lift station area will be an easement, which will bring them into compliance with their Conditional Use Permit. The building is all ready to be delivered and installed, they are expecting completion at the end of September 2019. Mr. Wilson stated that they will be tying in phase three, the preliminary piping is already installed and tied into the existing road crossing. Close to the north lift station and phase four already has the line run with all points and connections already in the ground. Their system was designed to handle phase one thru four and potentially phase five.

There were no further questions for applicant, and no public to comment on this case, the floor was opened to the Commission for discussion.

Commissioner Best stated that he voted against it last time but what changed his vote this time is that they are getting away from the septic systems in that area and going to a modern sewer system. He stated that he can make the findings to support this case.

Commissioner Ruggles stated that he can make the findings to support the Zone Change and agrees with the stipulations staff has written.

Commissioner Williams stated that this is meeting a need and supports the case.

Commissioner Clifford stated that he can support the Zone Change

Commissioner’s Ontiveros and Burton stated that they can make the findings to support the Zone Change.

Chairman Walters stated that staff and the applicant did a good job on this and can support this case.

**MOTION:** Commissioner Ontiveros moved to approve the recommendation of Case No. ZC-19-002 with three conditions to the Board of Supervisors. Commissioner Ruggles seconded the Motion. The Motion passed unanimously.

Commissioner Ontiveros stated that staff did a good job with the responses to the findings and she can approve this case.
Commissioner’s Clifford and Williams stated that they can make the findings to approve this case.

Commissioner Ruggles stated in condition number ten regarding the light permit, the alternate number one sight fixture is only available in 4,000 K color temperature LED. That is a substantial amount of blue light, this is a dark sky county, even though this is lighting zone three, these LED color temperatures tend to test out closer to 47,000 K. Environmental effects from the red lights on the top of wind turbines, blue light has the same kind of problems. He stated that it has an affect that the AMA is recognized on humans, there are also substantial problems for nocturnal and crepuscular wildlife both vertebrate and invertebrate that has been documented and established. Commissioner Ruggles suggested changing condition number ten after “and must be fully shielded”, adding “and have a correlated color temperature (CCT) of 3,000 K or less”. Which would leave them with an alternate fixture number two. In the upcoming revision of the lighting ordinance, you will not even be able to use a correlated color temperature of 3,000 for street lighting or parking lot lighting. JLUS has led the proposal in the direction of narrow spectrum amber lighting for any type of exterior or street lighting. This is for general lighting; the park model regulation needs to be fully shielded.

**MOTION:** Commissioner Ruggles moved to approve case number CUP-19-010, with the thirteen conditions written in the staff report modifying condition number ten, add to the last sentence “and have a correlated color temperature (CCT) of 3,000 K or less”. Commissioner Ontiveros seconded the Motion. The Motion passed unanimously.

7. **Joint Land Use Study (JLUS).** The draft JLUS report was approved by the Policy Committee on January 30th, the report is available for review at www.coconinojlus.com. The Planning and Zoning Commission will hold a public hearing and make a recommendation to the Board of Supervisors regarding adoption of the JLUS as an amendment to the Comprehensive Plan.

Mr. Christelman summarized the staff report along with a PowerPoint presentation.

There were no questions for staff, no public to speak on this case and the Commission had no discussion.

**MOTION:** Commissioner Ruggles moved to recommend approval of the Joint Land Use Study to the Board of Supervisors. Commissioner Williams seconded the Motion. The Motion passed unanimously.

8. **Subdivision Ordinance update.** The draft Subdivision Ordinance was developed with a citizen committee and diverse stakeholder input, the draft is
The Planning and Zoning Commission will hold a public hearing to make a
recommendation to the Board of Supervisors regarding adoption and
replacement of the old Subdivision Ordinance.

Mr. McNeely summarized the staff report along with a PowerPoint presentation.

There were no questions for staff, no public to speak on this case and the
Commission had no discussion.

**MOTION:** Commissioner Ruggles moved to recommend approval of the draft
Subdivision Ordinance to the Board of Supervisors. Commissioner Clifford seconded the
Motion. The Motion passed unanimously.

**IV. CALL TO PUBLIC FOR ITEMS NOT ON THE AGENDA**

The meeting adjourned at 11:42 pm,

Chairperson, Coconino County
Planning and Zoning Commission

ATTEST:

Secretary, Coconino County
Planning and Zoning Commission
DATE: April 16th, 2019

TO: Honorable Chair and Members of the Commission

FROM: Jay Christelman - Community Development Director

SUBJECT: Work Session regarding the adoption of the 2018 ICC Building Codes

RECOMMENDATION:

Recommend approval of the proposed amendments of the associated codes and the adoption process of the 2018 ICC Building Codes.

BACKGROUND:

The State of Arizona is a Jurisdictional Adoption State, which allows the Codes to be adopted at the local level and not the State Level and § A.R.S. 11-861 affords this process to the County Board of Supervisors. Part of the adoption process requires local amendments to the code so that each code is tailored to meet the specific geographic and design criteria in the jurisdiction and to consider any stakeholder input for potential amendments. The code adoption process falls on a six (6) year cycle, whereas the codes are updated every three (3) years. This is an opportunity for the County and City of Flagstaff to implement the most current codes and consider amendments that provide design options for our customers and create consistency in the application of the amended codes.

The Building and Safety Division is requesting to adopt the 2018 versions of the Building, Residential, Plumbing, Energy, Mechanical, Fuel-Gas, Existing Buildings, and Swimming Pool Codes, along with the 2017 National Electrical Code. There are 47 proposed amendments to all the codes, 24 of the 43 proposed amendments affect the code in a positive manner. The remaining 10 amendments relate to design criteria or statutory requirements. (see proposed amendment matrix).

Staff is also recommending approval of the Innovative Materials and Systems Pilot Program which is included in the attached materials.

To date, staff has conducted 25 various outreach initiatives and trainings, which include 520 participants and 125-hours of staff time. These trainings and outreach have been conducted with our permitting partner - the City of Flagstaff (see Training and Outreach Log).

ALTERNATIVES:

The Commission can choose to modify the amendments.
FISCAL IMPACT:

None.

REVIEWED BY ELECTRONIC ROUTING

ATTACHMENTS:

1. Power Point Presentation
2. Draft Ordinance Proposed 2018 Code Adoption
3. 2018 Proposed Code Amendment Matrix
4. 2018 Code Adoption Training and Outreach Log
5. Draft Rainwater Collection for Potable Use
6. Draft Mandatory Gray Water Piping
7. Pilot Program
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Blower door and duct testing, optional</td>
<td>Prohibited for piping to portable structures</td>
<td>Added plumbing pipe burst depot</td>
<td>Prohibited electrical connections to portable structures</td>
<td>Exception for electrical service for ADU's</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Proposed Amendments = 46</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Amendments Required by State Statute** = 14

**Amendments Proposed (NEW)** = 10 plus adoption of Appendix Q (Tiny Houses)

**Amendments Carried over (EXISTING) from current Ordinance** (including Substantive Policy for Tiny Homes) = 20

**Procedural Changes** = 2
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Adopt Appendix</td>
<td>Adopt Appendix</td>
<td>Table</td>
<td>Delete violation section</td>
<td>Delete violation section</td>
<td>Delete violation section</td>
<td>Delete violation section</td>
<td>Delete violation section</td>
<td>Reduced rolling resistance</td>
</tr>
<tr>
<td>Board of Appeals</td>
<td>Board of Appeals</td>
<td>Board of Appeals</td>
<td>Board of Appeals</td>
<td>Board of Appeals</td>
<td>Board of Appeals</td>
<td>Board of Appeals</td>
<td>Board of Appeals</td>
<td>Reduced rolling resistance</td>
</tr>
<tr>
<td>Added &amp; % Occupancy Class</td>
<td>Added Climate Zones to Table</td>
<td>Omitted Manual (Heat Store)</td>
<td>Add passive solar details</td>
<td>Brochure of passive solar</td>
<td>Brochure of passive solar</td>
<td>Brochure of passive solar</td>
<td>Brochure of passive solar</td>
<td>Reduced rolling resistance</td>
</tr>
<tr>
<td>Accessibility reference to ARS</td>
<td>Existing structural load requirements</td>
<td>Amended fire protection of floors</td>
<td>Mechanical ventilation options</td>
<td>Mechanical ventilation options</td>
<td>Mechanical ventilation options</td>
<td>Mechanical ventilation options</td>
<td>Mechanical ventilation options</td>
<td>Reduced rolling resistance</td>
</tr>
<tr>
<td>Limited construction violating standards</td>
<td>New Snow Load Study referenced</td>
<td>Mechanical ventilation options</td>
<td>Mechanical ventilation options</td>
<td>Mechanical ventilation options</td>
<td>Mechanical ventilation options</td>
<td>Mechanical ventilation options</td>
<td>Mechanical ventilation options</td>
<td>Reduced rolling resistance</td>
</tr>
<tr>
<td>Added Windows</td>
<td>Added Windows</td>
<td>Added Windows</td>
<td>Added Windows</td>
<td>Added Windows</td>
<td>Added Windows</td>
<td>Added Windows</td>
<td>Added Windows</td>
<td>Reduced rolling resistance</td>
</tr>
<tr>
<td>Added Access to Public Space (Tiers)</td>
<td>Added Access to Public Space (Tiers)</td>
<td>Added Access to Public Space (Tiers)</td>
<td>Added Access to Public Space (Tiers)</td>
<td>Added Access to Public Space (Tiers)</td>
<td>Added Access to Public Space (Tiers)</td>
<td>Added Access to Public Space (Tiers)</td>
<td>Added Access to Public Space (Tiers)</td>
<td>Reduced rolling resistance</td>
</tr>
<tr>
<td>Exempted lateral connection from Story deck</td>
<td>Exempted lateral connection from Story deck</td>
<td>Exempted lateral connection from Story deck</td>
<td>Exempted lateral connection from Story deck</td>
<td>Exempted lateral connection from Story deck</td>
<td>Exempted lateral connection from Story deck</td>
<td>Exempted lateral connection from Story deck</td>
<td>Exempted lateral connection from Story deck</td>
<td>Reduced rolling resistance</td>
</tr>
</tbody>
</table>
ORDINANCE 2019 –
AN ORDINANCE OF THE COCONINO COUNTY, ARIZONA
BOARD OF SUPERVISORS ADOPTING THE
INTERNATIONAL BUILDING CODE
INTERNATIONAL RESIDENTIAL CODE
INTERNATIONAL MECHANICAL CODE
INTERNATIONAL FUEL GAS CODE
INTERNATIONAL PLUMBING CODE
INTERNATIONAL ENERGY CONSERVATION CODE
INTERNATIONAL EXISTING BUILDING CODE
AND THE NATIONAL ELECTRICAL CODE

AN ORDINANCE, ADOPTED PURSUANT TO A.R.S. 11-861, REGULATING THE
QUALITY, TYPE OF MATERIAL AND WORKMANSHIP OF ALL ASPECTS OF
CONSTRUCTION OF BUILDINGS OR STRUCTURES, PROVIDING FOR THE
ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE, PROVIDING
PENALTIES FOR VIOLATIONS, AND ESTABLISHING A BUILDING AND SAFETY
ADVISORY BOARD.

SECTION 1. The Board of Supervisors hereby adopts, by reference, the following Codes:
2018 Editions, published by the International Code Council,

2018 INTERNATIONAL BUILDING CODE
2018 INTERNATIONAL RESIDENTIAL CODE
2018 INTERNATIONAL MECHANICAL CODE
2018 INTERNATIONAL FUEL GAS CODE
2018 INTERNATIONAL PLUMBING CODE
2018 INTERNATIONAL ENERGY CONSERVATION CODE
2018 INTERNATIONAL EXISTING BUILDING CODE
2018 INTERNATIONAL SWIMMING POOL AND SPA CODE
AND
The 2017 Edition of the NATIONAL ELECTRICAL CODE, published by the National Fire
Protection Agency.

Amendments are listed in Section 10. Three (3) copies of the Ordinance and incorporated Codes
are on file with the Clerk of the Board of Supervisors.

Codes and the 2011 National Electrical Code is hereby repealed.

SECTION 3. These Codes shall apply to the unincorporated area of Coconino County,
excluding State and Federal Lands, including but not limited to, Indian Reservations unless an
Intergovernmental Agreement (IGA) exists for Building Code Administration.

SECTION 4. This Ordinance and the incorporated Codes shall be administered by the
Coconino County Department of Community Development. The administrator shall be the
Building Official.

Ordinance 2019 - Rev. 04/04/2019
SECTION 5. It shall be unlawful to erect, construct, alter, extend, repair, move, demolish, convert, or occupy any building or structure covered by the Ordinance contrary to or in violation of any provisions of these Codes. Except as provided in A.R.S. § 11-322, any person, firm, or corporation violating any of the provisions of this Ordinance or these incorporated Codes, is guilty of a class 2 misdemeanor. Pursuant to A.R.S. § 11-322, any person, firm, or corporation who fails to obtain a building permit where one is required is guilty of a petty offense. Violations may be punished by imposing civil penalties, which shall not exceed the amount of a maximum fine for a class 2 misdemeanor pursuant to A.R.S. § 13-802 & 13-803. Each day during which the violation continues is a separate violation. Fines shall not exceed $750 per violation per day for individuals, and $10,000 per violation per day for enterprises. In addition to civil or criminal penalties and any other remedies provided by law, the County may institute injunction, abatement or any other appropriate action or proceedings to prevent, abate, or remove the unlawful violation.

SECTION 6. If any section, subsection, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional, such decision shall not affect the validity of the remainder of the Ordinance. The Board of Supervisors hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, or phrase irrespective of the fact that any one or more section, subsection, sentence, or phrase is declared invalid or unconstitutional.

SECTION 7. Pursuant to A.R.S. 11-862, there shall be a Building and Safety Advisory Board to determine the suitability of alternative materials and construction, to permit interpretations of the provisions of the Code, and to hear appeals and grant waivers to the Codes. There shall be at least one member from each of the following categories; Licensed Architect, Professional Engineer, Licensed General Contractor, representative of the Electrical, Plumbing or Mechanical Trade, and a representative of the Public. The Building Official shall serve as a non-voting, ex-officio member and shall act as Secretary to the Board.

SECTION 8. This Ordinance does not supersede any other applicable adopted code or ordinance. Where any provision of the Building Code conflicts with any other applicable code or ordinance, the more restrictive shall apply.

SECTION 9. The Board of Supervisors shall, in a separate action, establish fees for building permits, plan review, and inspections.

SECTION 10. The Board of Supervisors hereby adopts the following amendments to the International Codes.

PART I: 2018 INTERNATIONAL BUILDING CODE (IBC)

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the Building Code of Coconino County, hereinafter referred to as “this code.”

101.2.1 APPENDICES. The following Appendices are hereby adopted as part of the IBC:

Appendix C: Group U Agricultural Buildings
Appendix H: Signs
Appendix J: Grading
Appendix N: Replicable Buildings
SECTION 113 BOARD OF APPEALS

Change: Building and Safety Advisory Board

113.1 General.

Change Text: In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a building and safety advisory board. The board shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

Delete: Section 113.3 Qualifications.

SECTION 114 VIOLATIONS

Delete: Entire Section

SECTION 302.1 OCCUPANCY CLASSIFICATION AND USE DESIGNATION.

8. Residential (see Section 310): Groups R-1, R-2, R-3 and R-4.

Add: R-5

SECTION 310 RESIDENTIAL GROUP R

Add: 310.6 Residential Group R-5

Residential Group R-5 containing dwelling units where the occupants are primarily transient in nature; and not classified as Group R-1, R-2, R-4 or I occupancies which includes:

- Detached Cabins or similar structures 600SF or less with 10 or fewer occupants
- Group R-5 structures must comply with Fire-Separation Distances per IBC Section 602
- Group R-5 occupancies may be considered R-3 occupancies and regulated by the Residential Code
- Group R-5 Dwelling Units shall comply with the applicable provision of IBC Chapter 11 Accessibility

CHAPTER 11 ACCESSIBILITY

SECTION 1101.1 SCOPE

Add: § A.R.S. 41-1492 through 41-1492-12

SECTION 1505 FIRE CLASSIFICATION

Delete: Section 1505.4 Class C roof assemblies.
Delete: Section 1505.5 Non-classified roofing.
SECTION 1608 SNOW LOADS
FIGURE 1608.2

Coconino County Ground Snow Loads are established through a Case Study (CS) and references the “Ground Snow Load Case Study for Coconino County” prepared by Northern Arizona University (NAU).

SECTION 2308 CONVENTIONAL LIGHT-FRAME CONSTRUCTION

SECTION 2308.1 GENERAL.

Add: The Western Lumber Span Tables for Floor and Ceiling Joists and Roof Rafters is adopted as a secondary reference to Table 230.4.1.1(1) through Table 2308.4.2.1(2).

PART II: 2018 INTERNATIONAL RESIDENTIAL CODE (IRC)
SECTION R101 GENERAL

R101.1 Title.

These provisions shall be known as the Residential Code for One- and Two-family Dwellings of Coconino County, and shall be cited as such and will be referred to herein as “this code.”

R102.5 APPENDICES. The following Appendices are hereby adopted as part of the IRC:

Appendix Q: Tiny Houses, as amended
Appendix R: Light Straw-Clay Construction
Appendix S: Straw Bale Construction

R105.2 WORK EXEMPT FROM PERMIT

Building:

Add: 11. One-story detached agricultural hoop greenhouses

SECTION R112 BOARD OF APPEALS

Change: Building and Safety Advisory Board
R112.1 General.

Change Text: In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a building and safety advisory board. The building official shall be an ex officio member of said board but shall not have a vote on any matter before the board. The board shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render decisions and findings in writing to the appellant with a duplicate copy to the building official.

Delete: Section R112.3 Qualifications.
SECTION R113 VIOLATIONS

Delete: Entire Section

R202 DEFINITIONS

Add: Greenhouse. A structure such as a hoop greenhouse that is limited to one-story with a maximum wall height of 8 feet and an overall height of 15 feet.

Table 301.2 (1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Amend Table as follows:

<table>
<thead>
<tr>
<th>Ground Snow Load</th>
<th>Climate Zone</th>
<th>Elevation (ft)</th>
<th>Climate Designation</th>
<th>Climate Zone</th>
<th>Ultimate Design Speed (mph)</th>
<th>Wind Design</th>
<th>Special Wind Region</th>
<th>Windborne Debris Zone</th>
<th>Seismic Design Category</th>
<th>Subject to Damage from</th>
<th>Front Line Depth (ft)</th>
<th>Terminus Design Temp (°F)</th>
<th>Winter Design Temp (°F)</th>
<th>Ice Barrier Underlay Required</th>
<th>Flooding Hazards</th>
<th>Mean Annual Temp (°F)</th>
<th>Air Freezing Index (°F)</th>
</tr>
</thead>
<tbody>
<tr>
<td>See 3000 to 4500</td>
<td>Warm-Dry</td>
<td>3B</td>
<td>115</td>
<td>No</td>
<td>No*</td>
<td>No</td>
<td>Moderate</td>
<td>72</td>
<td>25</td>
<td>No</td>
<td>59</td>
<td>59</td>
<td>35</td>
<td>Less Than 1500</td>
<td>46</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Snow 4500 to 5700</td>
<td>Mixed-Dry</td>
<td>4B</td>
<td>115</td>
<td>No</td>
<td>No*</td>
<td>No</td>
<td>Moderate</td>
<td>24</td>
<td>15</td>
<td>Yes</td>
<td>55</td>
<td>55</td>
<td>35</td>
<td>Less Than 1500</td>
<td>46</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Load 5700 to 7100</td>
<td>Cool-Dry</td>
<td>5B</td>
<td>115</td>
<td>No</td>
<td>No*</td>
<td>No</td>
<td>Moderate</td>
<td>30</td>
<td>4</td>
<td>Yes</td>
<td>54</td>
<td>54</td>
<td>35</td>
<td>Less Than 1500</td>
<td>46</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Study 7100 to 8500</td>
<td>Cold-Dry</td>
<td>6B</td>
<td>115</td>
<td>No</td>
<td>No*</td>
<td>No</td>
<td>Moderate</td>
<td>30</td>
<td>-5</td>
<td>Yes</td>
<td>54</td>
<td>54</td>
<td>35</td>
<td>Less Than 1500</td>
<td>46</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

a. There is a Special Wind Region that follows the Little Colorado River valley.

Delete: Manual J Design Criteria from the Table

SECTION R302 FIRE-RESISTANT CONSTRUCTION

R302.13 Fire protection of floors.

Exceptions:

Add: 5. Floor assemblies located directly over crawl spaces with fuel-fired or electric-powered heating appliances where the maximum distance from crawl space floor to finish floor above does not exceed 4 feet at any point.

R303 LIGHT, VENTILATION AND HEATING.

Change text: Where the air infiltration rate of a dwelling unit is 5 air changes per hour or less where tested with a blower door at a pressure of 0.2-inch w.c. (50 Pa) in accordance with Section N1102.4.1.2, the dwelling unit may be provided with whole-house mechanical ventilation in accordance with Section M1505.4.

SECTION R403 FOOTINGS

R403.1 General

Exception:

Detached accessory structures of light frame construction, such as storage sheds in residential zones for private use, sized 400 square feet or less may be set on pressure treated skids and shall be anchored by approved methods.
SECTION R502 WOOD FLOOR FRAMING

Section R502.3 Allowable joist spans.

Add: The Western Lumber Span Tables for Floor and Ceiling Joists and Roof Rafters is adopted as a secondary reference to Table R502.3.1 (1) through Table R502.3.1 (2).

SECTION R507 EXTERIOR DECKS

R507.9.2 Lateral connection.

Exception: Attached first floor decks that do not exceed 30-inches above grade at any point.

SECTION R702 INTERIOR COVERING

Section R702.7 Vapor retarders

Delete: Class I or II vapor retarders are required on the interior side of frame walls in Climate Zones 5, 6, 7, 8 and Marine 4.

SECTION R802 WOOD ROOF FRAMING

Section R802.4.1 Rafter size.

Add: The Western Lumber Span Tables for Floor and Ceiling Joists and Roof Rafters is adopted as a secondary reference to Table R802.4.1 (1) through Table R802.5.1 (2).

SECTION N1102 BUILDING THERMAL ENVELOPE

Section N1102.4.1.2 Testing.

Change text: The building or dwelling unit may be tested and verified as having an air leakage rate not exceeding five air changes per hour in Climate Zones 1 and 2, and three air changes per hour in Climate Zones 3 through 8.

SECTION N1103 SYSTEMS

Section N1103.3.3 Duct testing (Mandatory).

Change section title: (Mandatory) to (Optional).

Change text: Ducts may be pressure tested to determine air leakage by one of the following methods:

Section N1103.6 Mechanical ventilation (Mandatory).

Change section title: (Mandatory) to (Optional)

Change text: The building may be provided with ventilation that complies with the requirements of Section M1505 or with other approved means of ventilation. Outdoor air intakes and exhausts shall have automatic or gravity dampers that close when the ventilation system is not operating.
SECTION G2415 PIPING SYSTEM INSTALLATIONS

Section G2415.3 Prohibited Locations

Add: Gas piping shall not be installed to a structure that is not attached to a permanent foundation. Auger type tie-downs or similar devices shall not be considered as permanent foundations.

SECTION P2601 GENERAL

Add New Section: P2601.4 Plumbing Systems in Accessory Structures

Plumbing systems are only allowed to be installed in structures with permanent foundations. Auger type tie-downs or similar devices shall not be considered as permanent foundations.

SECTION P2603 STRUCTURAL AND PIPING PROTECTION

Section P2603.5.1 Sewer depth.

Add: Twelve (12) inches to paragraph.

SECTION E3601 GENERAL SERVICES

Add New Section: E3601.2.1 Systems in Accessory Structures

Electrical systems are only allowed to serve structures with permanent foundations. Auger type tie-downs or similar devices shall not be considered as permanent foundations.

Exception: 1. Electrical equipment for the service of a well.

E3601.2 Number of services.

One- and two-family dwellings shall be supplied by only one service. (230.2)

Exception: An additional Dwelling Unit on the same lot may be supplied from the existing dwellings primary service via a sub-panel service.

PART III. 2018 INTERNATIONAL PLUMBING CODE (IPC)

SECTION 101 GENERAL

101.1 Title.

These regulations shall be known as the Plumbing Code of Coconino County hereinafter referred to as “this code.”

SECTION 108 VIOLATIONS

Delete: Entire Section
SECTION 109 MEANS OF APPEAL

Change: Building and Safety Advisory Board

109.1 Application for appeal.

Change Text: Any person shall have the right to appeal a decision of the code official to the building and safety advisory board. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the code official within 20 days after the notice was served.

Delete: Sections 109.2 through 109.7

SECTION 305 PROTECTION OF PIPES AND PLUMBING SYSTEM COMPONENTS

Section 305.4.1 Sewer depth.

Add: Twelve (12) inches to paragraph.

PART IV. 2018 INTERNATIONAL ENERGY CONSERVATION CODE (IECC)

SECTION C101 SCOPE AND GENERAL REQUIREMENTS

C101.1 Title.

This code shall be known as the Energy Conservation Code of Coconino County and shall be cited as such. It is referred to herein as “this code.”

SECTION C109 BOARD OF APPEALS

Change: Building and Safety Advisory Board

C109.1 General.

Change Text: In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The code official shall be an ex officio member of said board but shall not have a vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the code official.

Delete: Section C109.3 Qualifications.

SECTION R402 BUILDING THERMAL ENVELOPE

TABLE R402.1.2

INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT

Add Footnote: j. Passive solar design will be allowed to be designed with less restrictive requirements subject to the approval of the Building Official.
Section R402.4.1.2 Testing.

Change text: The building or dwelling unit may be tested and verified as having an air leakage rate not exceeding five air changes per hour in Climate Zones 1 and 2, and three air changes per hour in Climate Zones 3 through 8.

SECTION R403 SYSTEMS

Section R403.3.3 Duct testing (Mandatory).

Change section title: (Mandatory) to (Optional).

Change text: Ducts may be pressure tested to determine air leakage by one of the following methods:

Section R403.6 Mechanical ventilation (Mandatory).

Change section title: (Mandatory) to (Optional)
Change text: The building may be provided with ventilation that complies with the requirements of the International Residential Code or International Mechanical Code, as applicable, or with other approved means of ventilation. Outdoor air intakes and exhausts shall have automatic or gravity dampers that close when the ventilation system is not operating.

PART V.  2018 INTERNATIONAL EXISTING BUILDING CODE (IEBC)
SECTION 101 GENERAL

101.1 Title.

These regulations shall be known as the Existing Building Code of Coconino County, hereinafter referred to as “this code.”

SECTION 112 BOARD OF APPEALS

Change: Building and Safety Advisory Board

112.1 General.

Change Text: In order to hear and decide appeals of orders, decisions, or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a building and safety advisory board. The board shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

Delete: Section 112.3 Qualifications.

SECTION 113 VIOLATIONS

Delete: Entire Section
PART VI.  2018 INTERNATIONAL MECHANICAL CODE (IMC)

SECTION 101 GENERAL

101.1 Title.

Change: These regulations shall be known as the Mechanical Code of Coconino County, hereinafter referred to as “this code.”

SECTION 108 VIOLATIONS
Delete: Entire Section

SECTION 109 MEANS OF APPEAL

Change: Building and Safety Advisory Board

109.1 Application for appeal.

Change Text: A person shall have the right to appeal a decision of the code official to the building and safety advisory board. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the code official within 20 days after the notice was served.

Delete: Sections 109.1.1 through 109.7

PART VII.  2018 INTERNATIONAL FUEL GAS CODE (IFGC)

SECTION 101 (IFGC) GENERAL

101.1 Title.

These regulations shall be known as the Fuel Gas Code of Coconino County, hereinafter referred to as “this code.”

SECTION 108 (IFGC) VIOLATIONS
Delete: Entire Section

SECTION 109 (IFGC) MEANS OF APPEAL

Change: Building and Safety Advisory Board

109.1 Application for appeal.

Change Text: A person shall have the right to appeal a decision of the code official to the building and safety advisory board. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the code official within 20 days after the notice was served.
Delete: Sections 109.2 through 109.7

PART VIII. 2018 INTERNATIONAL SWIMMING POOL AND SPA CODE (ISPSC)

SECTION 101 GENERAL

101.1 Title.

These regulations shall be known as the Swimming Pool and Spa Code of Coconino County, hereinafter referred to as “this code.”

SECTION 107 VIOLATIONS

Delete: Entire Section

SECTION 108 MEANS OF APPEAL

Change: Building and Safety Advisory Board

108.1 Application for appeal.

Change Text: Any person shall have the right to appeal a decision of the code official to the building and safety advisory board. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the code official within 20 days after the notice was served.

Delete: Sections 108.2 through 108.7

PART IX. APPENDIX Q – TINY HOUSES

Appendix Q relaxes various requirements in the body of the code as they apply to houses that are 600 square feet in area or less. Attention is specifically paid to features such as compact stairs, including stair handrails and headroom, ladders, reduced ceiling heights in lofts and guard and emergency escape and rescue opening requirements at lofts.

SECTION AQ102 DEFINITIONS

Change Text: A dwelling that is 600 square feet or less in floor area excluding lofts.

SECTION AQ103 CEILING HEIGHT

AQ103.1 Minimum Ceiling Height.

Change Text: Habitable space and hallways in tiny houses shall have a ceiling height of not less than 6 feet 4 inches (1930 mm). Bathrooms, toilet rooms and kitchens shall have a ceiling height of not less than 6 feet 4 inches (1930 mm). Obstructions including, but not limited to, beams, girders, ducts and lighting, shall not extend below these minimum ceiling heights.

Change Exception: Ceiling heights in lofts are permitted to be less than 6 feet 4 inches (1930 mm).
SECTION R307 TOILET, BATH AND SHOWER SPACES

Figure R307.1 Space required.

Add: Exception: Minimum clearance at front of water closet to wall or cabinet in any tiny house constructed per Appendix Q is reduced to 15 inches.

Section R304 Minimum Room Areas.

R304.1 Minimum area.

Add Exception: Habitable rooms excluding lofts shall have a floor area of not less than 65 square feet for Tiny Houses constructed per Appendix Q.

R304.2 Minimum dimension.

Add Exception: Habitable rooms excluding lofts shall be not less than 6 feet 6 inches in any horizontal dimension for Tiny Houses constructed per Appendix Q.

SECTION N1102 BUILDING THERMAL ENVELOPE

Table N1102.1.2

Insulation and Fenestration Requirements by Component

Add Footnote k. R-15 minimum in floors, walls, and ceilings; OR R-19 minimum in floors and ceilings and R-13 minimum in walls for Tiny Houses constructed per Appendix Q.

SECTION E3602. SERVICE SIZE AND RATING

E3602.1 Ampacity of ungrounded conductors. Ungrounded service conductors shall have an ampacity of not less than the load served. For one-family dwellings, the ampacity of the ungrounded conductors shall be not less than 100 amperes, 3-wire. For all other installations, the ampacity of the ungrounded conductors shall be not less than 60 amperes. [230.42(B), 230.79(C) & (D)].

Add Exception: Tiny Houses constructed per Appendix Q may reduce to 60 amperes minimum.

PART X. APPENDIX T - SOLAR-READY PROVISIONS

SECTION T103 SOLAR-READY ZONES

T103.6 Capped ceiling penetration.

Change Text: A capped ceiling penetration electrical conduit shall be provided from the main electrical panel through the ceiling assembly into the attic space adjacent to a solar-ready zone located on a roof. The capped ceiling penetration conduit shall be sized to accommodate the future photovoltaic system conduit but shall have an inside diameter of not less than 3/4 inches.

Delete: Section T103.8
T103.9 Electrical service reserved space.

Change Text: When feasible the main electrical service panel shall have a reserved space to allow installation of a dual pole circuit breaker for future solar electric installation and shall be labeled “For Future Solar Electric.” The reserved space shall be positioned at the opposite (load) end from the input feeder location or main circuit location.

PART XI. REFERENCED STANDARDS

SECTION 102.7 REFERENCED STANDARDS

New Section: The standards referenced in this Ordinance shall be part of the requirements of the code to the prescribed extent of each such reference.

NFPA 30-18 Flammable and Combustible Liquids Code

NFPA 58-17 Liquefied Petroleum Gas Code

PART XII. ADDITIONAL AMENDMENTS TO THE INTERNATIONAL RESIDENTIAL CODE (IRC)

CHAPTER 26 GENERAL PLUMBING REQUIREMENTS

Add New Section: SECTION P2602.1 EXCEPTION 2: MANDATORY GRAY WATER STUB OUT

EXCEPTION 2: MANDATORY GRAY WATER STUB OUT

Waste discharge from clothes washers (Gray Water) common to the exterior of the structure shall be connected to an accessible diverter valve to allow discharge to either a piping system for direct irrigation, or to the laundry tray or standpipe drain. At a minimum, there shall be piping from the diverter valve to a capped stub out terminating at the exterior of the building. When feasible, at least one bathtub or shower (Gray Water) shall be connected to an accessible diverter valve to allow discharge to either a piping system for direct irrigation, or to the building drain.

All Gray Water systems shall be designed and operated according to the provisions of the applicable permit authorized by ADEQ under the Arizona Administrative Code, Title 18, Chapter 9. R18-9-711. Type 1 Reclaimed Water General Permit For Gray Water.
P2910.3 Signage required. Nonpotable water outlets such as hose connections, open-ended pipes and faucets shall be identified at the point of use for each outlet with signage that reads as follows: "Nonpotable water is utilized for subsurface irrigation. CAUTION: NONPOTABLE WATER. DO NOT DRINK." The words shall be legibly and indelibly printed on a tag or sign constructed of corrosion-resistant, waterproof material or shall be indelibly printed on the fixture. The letters of the words shall be not less than 0.5 inches (12.7 mm) in height and in colors contrasting the background on which they are applied. In addition to the required wordage, the pictograph shown in Figure P2910.3 shall appear on the signage required by this section.

CHAPTER 29 WATER SUPPLY AND DISTRIBUTION

Add New Section: SECTION P2914 POTABLE RAINWATER COLLECTION AND DISTRIBUTION SYSTEMS

P2914.1 General.

The provisions of this section shall govern the construction, installation, alteration, and repair of rainwater collection and conveyance systems for the collection, storage, treatment and distribution of rainwater for potable applications, as permitted by Coconino County.

P2914.2 Collection surface.

Rainwater shall be collected only from above-ground impervious roofing surfaces constructed from approved materials. Collection of water from vehicular parking or pedestrian walkway surfaces shall be prohibited except where the water is used exclusively for landscape irrigation. Overflow and bleed-off pipes from roof-mounted appliances including, but not limited to, evaporative coolers, water heaters and solar water heaters shall not discharge onto rainwater collection surfaces. Where asphalt shingles or galvanized metal roofing are used as part of the collection surface, the water shall be tested for potability by a laboratory licensed by the Arizona Department of Health Services. Laboratory results shall be provided to the Coconino County Building Division before the water can be used for potable purposes.

P2914.3 Debris excluders.

Downspouts and leaders shall be connected to a roofwasher and shall be equipped with a debris excluder or equivalent device to prevent the contamination of collected rainwater with leaves, sticks, pine needles and similar material. Debris excluders and equivalent devices shall be self-cleaning. Exhibit 1. Example of a Debris Excluder.
P2914.4 Roofwasher.

An amount of rainwater shall be diverted at the beginning of each rain event, and not allowed to enter the storage tank, to wash accumulated debris from the collection surface. The amount of rainfall to be diverted shall be field adjustable as necessary to minimize storage tank water contamination. The roofwasher shall not rely on manually operated valves or devices and shall operate automatically. Diverted rainwater shall not be drained to the roof surface and shall be discharged in a manner consistent with the storm water runoff requirements of the County. Roofwashers shall be accessible for maintenance, service and drainage. Exhibit 2. Example of a RoofWasher

P2914.5 Roof gutters and downspouts.

Gutters and downspouts shall be constructed of materials that are compatible with the collection surface and the rainwater quality for the desired end use. Joints shall be water tight.

P2914.5.1 Slope.

Roof gutters, leaders and rainwater collection piping shall slope continuously toward collection inlets and shall be free of leaks. Gutters and downspouts shall have a slope of not less than $\frac{1}{8}$ inch per foot (10.4 mm/m) along their entire length. Gutters and downspouts shall be installed so that water does not pool at any point.

P2914.5.2 Cleanouts.

Cleanouts shall be provided in the water conveyance system to allow access to filters, flushes, pipes and downspouts.

P2914.6 Collection pipe.

Rainwater collection and conveyance systems shall utilize drainage piping approved for use within plumbing drainage systems to collect and convey captured rainwater. Vent piping approved for use within plumbing venting systems shall be utilized for vents within the rainwater system. Collection and vent piping materials shall comply with Section P3002.

P2914.6.1 Installation.

Collection piping conveying captured rainwater shall be installed in accordance with Section P3005.3.

P2914.6.2 Joints.

Collection piping conveying captured rainwater shall utilize joints approved for use with the distribution piping and appropriate for the intended applications as specified in Section P3003.

P2914.6.3 Size.

Collection piping conveying captured rainwater shall be sized in accordance with drainage-sizing requirements specified in Section P3005.4.
P2914.7 Filtration.

Collected rainwater shall be filtered as required for the intended end use. Filters shall be accessible for inspection and maintenance. Filters shall utilize a pressure gauge or other approved method to provide indication when a filter requires servicing or replacement. Filters shall be installed with shutoff valves installed immediately upstream and downstream to allow for isolation during maintenance. Exhibit 3. Example of a Filtration and Disinfection system.

P2914.8 Disinfection.

Where the intended application for rainwater requires disinfection or other treatment or both, it shall be disinfected as needed to ensure that the required water quality is delivered at the point of use. Exhibit 3. Shows a representative Filtration and Disinfection system.

P2914.9 Storage tanks.

Storage tanks utilized in potable rainwater collection and conveyance systems shall comply with Section P2915.

P2914.9.1 Location.

Storage tanks shall be located with a minimum horizontal distance between various elements as indicated in Table P2914.9.1.

<table>
<thead>
<tr>
<th>ELEMENT</th>
<th>MINIMUM HORIZONTAL DISTANCE FROM STORAGE TANK (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Critical root zone (CRZ) of protected trees</td>
<td>2</td>
</tr>
<tr>
<td>Lot line adjoining private lots</td>
<td>5</td>
</tr>
<tr>
<td>Seepage pits</td>
<td>5</td>
</tr>
<tr>
<td>Septic tanks</td>
<td>5</td>
</tr>
</tbody>
</table>

For 1 ft = 203.2 mm

P2914.9.2 Inlets.

Storage tank inlets shall be designed to introduce collected rainwater into the tank with minimum turbulence and shall be located and designed to avoid agitating the contents of the storage tank.

P2914.9.3 Outlets.

Outlets shall be located not less than 2 inches (51 mm) above the bottom of the storage tank and shall not skim water from the surface.

P2914.10 Influent diversion.

A means shall be provided to divert storage tank influent to allow for maintenance and repair of the storage tank system.
P2914.10.1 Backwater valve.

Backwater valves or air gaps shall be installed on each overflow and tank drain pipe. Backwater valves shall be in accordance with Section P3008.

P2914.11 Pumping and control system.

Mechanical equipment including pumps, valves and filters shall be easily accessible and removable in order to perform repair, maintenance and cleaning. The minimum flow rate and flow pressure delivered by the pumping system shall be appropriate for the application and in accordance with Section P2903.

P2914.12 Water pressure-reducing valve or regulator.

Where the water pressure supplied by the pumping system exceeds 80 psi (552 kPa) static, a pressure-reducing valve shall be installed to reduce the pressure in the rainwater distribution system piping to 80 psi (552 kPa) static or less. Pressure-reducing valves shall be specified and installed in accordance with Section P2903.3.1.

P2914.13 Materials, joints and connections.

Distribution piping shall conform to the standards and requirements specified in Section P2906 for potable water.

P2914.13.1 Design.

Distribution piping systems shall be designed and sized in accordance with the Section P2903 for the intended application.

P2914.14 Roof gutter inspection and test.

Roof gutters shall be inspected to verify that the installation and slope is in accordance with Section P2914.5.1. Gutters shall be tested by pouring not less than 1 gallon of water (3.8 L) into the end of the gutter opposite the collection point. The gutter being tested shall not leak and shall not retain standing water.


Roofwashers shall be tested by introducing water into the gutters. Proper diversion of the first quantity of water in accordance with the requirements of Section P2914.4 shall be verified.


Drain, waste and vent piping used for rainwater collection and conveyance systems shall be tested in accordance with Section P2503.

P2914.14.3 Storage tank test.

Storage tanks shall be tested in accordance with the Section P2915.7

P2914.14.4 Water supply system test.

The testing of makeup water supply piping and distribution piping shall be conducted in accordance with Section P2503.7.
P2914.14.5 Inspection and testing of backflow prevention assemblies.

The testing of backflow preventers and backwater valves shall be conducted in accordance with Section P2503.8.

P2914.14.6 Inspection of vermin and insect protection.

Inlets and vents to the system shall be inspected to verify that each is protected to prevent the entrance of insects and vermin into the storage tank and piping systems in accordance with Section P2915.2

P2914.14.7 Water quality test.

The quality of the water for the intended application shall be verified at the point of use in accordance with the requirements of the jurisdiction. If testing is required, the water shall be tested for potability by a laboratory licensed by the Arizona Department of Health Services. Approved roofing material such as tile, metal, slate, concrete, fiberglass, or other approved material shall not be subject to testing. Water shall be tested if collected off asphalt shingles or galvanized metal roofing.

Add New Section: SECTION P2915 POTABLE WATER STORAGE TANKS

P2915.1 Approved components and materials.

Piping, plumbing components and materials used in collection and conveyance systems shall be manufactured of material approved for the intended application and compatible with any disinfection and treatment systems used.

P2915.2 Insect and vermin control.

The system shall be protected to prevent the entrance of insects and vermin into storage tanks and piping systems. Screen materials shall be compatible with contacting system components and shall not accelerate the corrosion of system components.

P2915.3 Freeze protection.

Where sustained freezing temperatures occur, provisions shall be made to keep storage tanks and the related piping from freezing.

P2915.4 Sizing.

The holding capacity of the storage tank shall be sized in accordance with the anticipated demand.

P2915.5 Location.

Storage tanks shall be installed above or below grade. Above-grade storage tanks shall be protected from direct sunlight and shall be constructed using opaque, UV-resistant materials such as, but not limited to, heavily tinted plastic, lined metal, concrete and wood; or painted to prevent algae growth; or shall have specially constructed sun barriers including, but not limited to, installation in garages, crawl spaces or sheds. Storage tanks and their manholes shall not be located directly under any soil piping, waste piping or any source of contamination.
P2915.6 Materials.

Where collected on site, water shall be collected in an approved tank constructed of durable, nonabsorbent and corrosion-resistant materials. The storage tank shall be constructed of materials compatible with any disinfection systems used to treat water upstream of the tank and with any systems used to maintain water quality within the tank. Wooden storage tanks that are not equipped with a makeup water source shall be provided with a flexible liner.

P2915.6.1 Foundation and supports.

Storage tanks shall be supported on a firm base capable of withstanding the weight of the storage tank when filled to capacity. Storage tanks shall be supported in accordance with this code.

P2915.6.2 Ballast.

Where the soil can become saturated, an underground storage tank shall be ballasted or otherwise secured to prevent the tank from floating out of the ground when empty. The combined weight of the tank and hold-down ballast shall meet or exceed the buoyancy force of the tank. Where the installation requires a foundation, the foundation shall be flat and shall be designed to support the storage tank weight when full, consistent with the bearing capability of adjacent soil.

P2915.6.3 Structural support.

Where installed below grade, storage tank installations shall be designed to withstand earth and surface structural loads without damage and with minimal deformation when empty or filled with water.

P2915.6.4 Overflow.

The storage tank shall be equipped with an overflow pipe having a diameter not less than the inlet pipe. The overflow outlet shall discharge at a point not less than 6 inches (152 mm) above the roof or roof drain; floor or floor drain; or over an open water-supplied fixture. The overflow outlet shall be covered with a corrosion-resistant screen of not less than 16 by 20 mesh per inch (630 by 787 mesh per m) and by 1/4-inch (6.4 mm) hardware cloth or shall terminate in a horizontal angle seat check valve. Drainage from overflow pipes shall be directed to prevent freezing on roof walks. The overflow drain shall not be equipped with a shutoff valve. Not less than one cleanout shall be provided on each overflow pipe in accordance with Section P3005.2.

P2915.6.5 Access.

Not less than one access opening shall be provided to allow inspection and cleaning of the tank interior. Access openings shall have an approved locking device or other approved method of securing access. Below-grade storage tanks, located outside of the building, shall be provided with a manhole either not less than 24 inches (610 mm) square or with an inside diameter not less than 24 inches (610 mm). Manholes shall extend not less than 4 inches (102 mm) above ground or shall be designed to prevent water infiltration. Finished grade shall be sloped away from the manhole to divert surface water. Manhole covers shall be secured to prevent unauthorized access. Service ports in manhole covers shall be not less than 8 inches (203 mm) in diameter and shall be not less than 4 inches (102 mm) above the finished grade level. The service port shall be secured to prevent unauthorized access.
Exception: Storage tanks under 800 gallons (3028 L) in volume installed below grade shall not be required to be equipped with a manhole but shall have a service port not less than 8 inches (203 mm) in diameter.

P2915.6.6 Venting.

Storage tanks shall be provided with a vent sized in accordance with Chapter 31 and based on the aggregate diameter of all tank influent pipes. The reservoir vent shall not be connected to sanitary drainage system vents. Vents shall be protected from contamination by means of an approved cap or a U-bend installed with the opening directed downward. Vent outlets shall extend not less than 4 inches (102 mm) above grade, or as necessary to prevent surface water from entering the storage tank. Vent openings shall be protected against the entrance of vermin and insects in accordance with the requirements of Section P2915.2.

P2915.6.7 Drain.

A drain shall be located at the lowest point of the storage tank. The tank drain pipe shall discharge as required for overflow pipes. Not less than one cleanout shall be provided on each drain pipe in accordance with Section P3005.2.

P2915.7 Storage tank tests.

Storage tanks shall be tested in accordance with the following:

1. Storage tanks shall be filled with water to the overflow line prior to and during inspection. Seams and joints shall be left exposed and the tank shall remain water tight without leakage for a period of 24 hours.

2. After 24 hours, supplemental water shall be introduced for a period of 15 minutes to verify proper drainage of the overflow system and leaks do not exist.

3. Following a successful test of the overflow, the water level in the tank shall be reduced to a level that is 2 inches (51 mm) below the makeup water trigger point by using the tank drain. The tank drain shall be observed for proper operation. The makeup water system shall be observed for proper operation, and successful automatic shutoff of the system at the refill threshold shall be verified. Water shall not be drained from the overflow at any time during the refill test.
Add New Amendment: INNOVATIVE MATERIALS AND SYSTEMS PILOT PROGRAM

Section 1 - Name.

This Amendment to the Coconino County Building Safety Code shall be known as the Innovative Materials and Systems Pilot Program Amendment and is hereinafter referred to as the “Amendment.”

Section 2 - Purpose and Intent.

The purpose of this Amendment is to allow a Rural Residential Owner-Builder, under the circumstances set forth herein, the option to seek an exemption from the application of the currently adopted version of the Coconino County Building Safety Code, including any requirement for construction plan review and/or inspection set forth in that Code. This option is only available where the property upon which the construction will take place is located in either zoning district General (G) or Agriculture Residential (AR), and has a minimum parcel size of two and one-half (2 1/2) acres or more. Only one dwelling unit can be constructed on the parcel. This option is only available for new residential owner-occupied construction projects with no more than one (1) story and with a total construction area of 600 square feet or less. This option to seek exemption is intended to apply only to property located in an area defined as “rural” or “unclassified” pursuant to ARS Section 11-861 (A), and which meet the other criteria set forth in this amendment. The further purpose of this Amendment is to encourage sustainability concepts through allowing the use of alternative materials and designs for small residential structures in rural settings.

The exemption available pursuant to this Amendment does not exempt owner-builders from compliance with statewide codes, county, or fire-district adopted fire codes and regulations nor does it exempt owner-builders from health regulations regarding wastewater treatment systems. In addition, and in lieu of plan review and inspections, an Owner-Builder shall provide affidavits affirmatively attesting that he/she has complied with the electrical, mechanical and plumbing elements of the Coconino County Building Code upon completion of their project.

Section 3 - Application.

This Amendment shall apply only to proposed new construction that meets all of the following criteria:

The property upon which the construction is proposed is characterized as “rural” for the purposes of this Amendment, is located within a Zoning District with a maximum density of one dwelling unit per two and one-half (2 1/2) acres or larger, and the subject parcel is of a size and configuration that conforms to the Zoning District in which it is located. In addition, the property shall be located within either the General (G) zoning district or the Agriculture Residential (AR) zoning district.

Acceptance into the Pilot Program is contingent upon the use of alternative building methods, materials, systems or design in the project.

The proposed new construction is for a one rural residential dwelling and is limited to no more than one (1) story and with a total construction area of no more 600 feet or less.

The proposed new construction meets the intent of the Pilot Program, which is to support innovative and sustainable building methods and materials that are identified as challenging to permit through the Building Code due to needed engineering or testing.

Ordinance 2019 -

Rev. 04/04/2019
The proposed construction is to be used solely for the purpose of occupancy by the Owner-Builder and shall not be sold or rented any time during construction and for a period of one (1) year from the date of the completion of the building permit acquired pursuant to this Amendment.

Section 4 - Definitions.

For the purpose of this Amendment the following definitions shall apply:
Rural Residential Dwelling: Any site built residential structure consisting of no more than one story and one or more habitable rooms intended or designed to be occupied by one family with facilities for living and sleeping, with the use restricted to rural areas that fulfill the requirements of this amendment.
Owner-Builders: Owners of property who build new residential structures on such property and who do the work themselves, with their own employees or with duly licensed contractors, if the structure is intended solely for owner occupancy, as defined below and are not intended for occupancy by members of the public, the owner's employees or business visitors and the structures are not intended for sale or for rent.

Owner Occupancy, and Occupancy by the Owner: For the purpose of this regulation only, the terms "owner occupancy" and occupancy by the owner" include use of the proposed construction for the residency of the owner-builder or members of the owner-builder's immediate family.

Rural: For the purpose of this regulation only, the term "rural" shall mean those unincorporated areas of the county eligible for the application of this regulation and as described in Section 3 (1).

Section 5 - Regulation of Use.

Any dwelling constructed pursuant to a building permit issued pursuant to this Amendment is to be used solely for the purpose of occupancy by the Owner-Builder and shall not be sold or rented any time during construction and for a period of one (1) year from the date of completion of the permit. For the purposes of this Amendment, proof of the sale or rent or the offering for sale or rent of any such structure by the owner-builder within one year after completion is prima facie evidence that such project was undertaken for the purpose of sale or rent. As used in this paragraph "sale" or "rent" includes any arrangement by which the owner receives compensation in money, other items of value or labor from the occupancy or transfer of the property or the structures on the property.

In the event that an Owner-Builder or any subsequent owner makes a structure constructed pursuant to this Amendment available for rental after the expiration of the one-year period, above, the owner of the structure at that time shall be responsible for notifying potential renters of the use of this Amendment during construction of the structure and providing such potential renters a copy of the recorded Notice required by Section 7, below. Failure to provide such notification shall be a violation of this Amendment.

The Owner-Builder in selecting to use this Amendment will be encouraged to take advantage of the best water and energy conservation practices available at the time of construction.
Section 6 - Exemption Option.

Under this Amendment, an Owner-Build may opt to have a building permit issued that contains an exception to the application of the Coconino County Building Safety Code, including any requirement for construction plan review and inspection set forth in the Code. In lieu of plan review and inspections, an Owner-Build shall provide affidavits affirmatively attesting that he/she has complied with the electrical, mechanical, plumbing and fire elements of the Coconino County Building Code, prior to the completion of the permit issued pursuant to this Amendment. No Certificate of Occupancy shall be issued by Coconino County for a dwelling constructed pursuant to the Pilot Program Permit issued pursuant to this Amendment.

Section 7 - Recording.

Each time a building permit is issued pursuant to this Amendment for a residential dwelling, a Notice that such a permit has been issued pursuant to the provisions of this Amendment shall be recorded with the Coconino County Recorder by the Coconino County Community Development Office. The form of this Notice shall be provided by the Coconino County Community Development Office and shall contain information concerning the issued building permit, including but not limited to: a description of the proposed construction, the legal description of the property upon which the construction will take place, the fact that no Certificate of Occupancy will be issued upon completion of the permit and that the Owner-Build will not sell or rent the building or structure for a period of one (1) year from the date of completion of the building permit. This Notice shall be executed by the Owner-Build prior to recording.

Section 8 - Permits.

This Amendment does not affect the requirement that prior to construction the Rural Residential Owner-Build must obtain all permits required under State law and County ordinances, including a Pilot Program Permit issued pursuant to Section 9 of this Amendment, below.

Section 9 - Application Process.

To obtain a permit, the applicant shall first file an application with the Sustainable Building Division. Permit applications shall contain the following information:

1) Name and mailing address of the owner(s) of record;

2) Address and location of the proposed structure;

3) A general description of the proposed structure, including a statement that the structure will not exceed one-story and will have a total construction area of 600 square feet or less;

4) A site plan conforming to the requirements of Section 2.1 of the Coconino County Zoning Regulations; Setback information from the proposed structure to the property lines in all directions shall be mandatory for consideration of eligibility for the Pilot Program Permit.

5) The signature of the owner of record or authorized agent;

6) Any other data or information as may be required by statute or regulation; and
7) A stipulation by the owner of record or authorized agent that the building or structure is to be constructed by the owner, or by licensed contractors with the Owner-Builder acting as the General Contractor, and that the building or structure is being built solely for occupancy by the owner, and that the building or structure constructed pursuant to this permit will not be sold or rented for a period of one (1) year from the date of completion of the building permit.

Section 10 - Availability.

This Amendment is limited to use by the Owner-Builder once in every five years for the construction of a residential dwelling.

Section 11 - Waiver of Plans.

No plans, other than a site plan and floor plan, must be submitted as part of this Pilot Program.

Section 12 - Permit Expiration.

Any building permit issued under this Amendment shall be valid, without renewal, for a maximum period of 36 months for the Owner-Builder to show compliance with all County zoning regulations, setback requirements, and all state and local code requirements for which exemption does not apply as noted in Section 2, and to file all affidavits required pursuant to Section 6; however, the County may, upon written request of the permittee, extend the time limit for the permit once for an additional 12 months.

Section 13 - Inspections.

Inspections will be required for compliance with all other laws, ordinances, and regulations for which the exemption does not apply as noted in Section 2.

Section 14 - Inspection Requests and Notice.

It shall be the duty of the applicant to notify the applicable Department that the construction is ready for inspection and to provide access to the premises when applicable. Inspections shall be requested by the applicant at least twenty-four (24) hours in advance of the intended inspection.

Section 15 - No Certificate of Occupancy.

By opting to obtain a building permit under the provisions of this Amendment, the Owner-Builder agrees and understands that no Certificate of Occupancy will be issued for the residential dwelling at the completion of the permit.

Section 16 - Fees.

Fees shall be required and collected by the Community Development Department to provide for the cost of administering the provisions of this Amendment as adopted by the Board of Supervisors. It is the intent of this amendment that a permit processing fee schedule be established to reflect the actual administrative costs resulting from the application of the Amendment.

Section 17 - General Requirements.

Each structure shall be built and maintained in a sound structural condition to be safe, sanitary, and to shelter the occupants from the elements.
Section 18 - Electrical Requirements.

Where electrical wiring or appliances are installed, the installation shall be in accordance with the provisions contained in the currently adopted Coconino County Building Safety Code.

Section 19 - Mechanical Requirements.

Where mechanical equipment or appliances are installed, the installation shall be in accordance with the provisions contained in the currently adopted Coconino County Building Safety Code.

Section 20 - Plumbing Requirements.

Plumbing equipment, systems and installation shall be in accordance with the requirements contained in the Coconino County Building Safety Code and the Coconino County Health Department regulations. Alternative materials and methods shall be permitted provided that the design complies with the intent of the County codes and regulations. Potable water shall be available to the dwelling.

Section 21 - Fire Prevention Requirements.

Residential Smoke Detectors and Carbon Monoxide Detectors shall be provided in accordance with the requirements contained in the Coconino County Building Safety Code.

Section 22 - Sanitation Requirements.

Sanitation facilities, including the type, design, and number of facilities, as required and approved by the Environmental Engineering Supervisor, shall be provided to the dwelling site.

Section 23 - Violations.

The critical concern in the promulgation of this Amendment is to provide for health and safety while maintaining respect for the law and voluntary compliance with the provisions of this Amendment, and therefore, in the event that an order to correct a substandard condition is ignored, or any other violation of this Amendment occurs, it is the intent of this section that the adopted County Hearing Officer Rules of Procedure for violations be followed.

Section 24 - Petitions for Appeals.

When applicable the adopted appeals process contained in the Coconino County Zoning Regulations or the Coconino County Building Safety Code shall be followed to hear and decide appeals dealing with issues concerning the application of this Amendment. The department shall keep a record of the decisions on appeals.

Section 25 - Rezoning and Change of Use.

If a structure on a property has been built under the relief granted by this Amendment, this would be considered a factor against a rezoning to a higher density, a conditional use permit or any other change of use if this action diminishes the parcel size to less than one dwelling unit per two and one-half (2-1/2) acres. Any change of use from a residential dwelling to a commercial use shall require certification by a registered design professional that the building complies with the currently adopted Coconino County Building Code.
Section 26 – Notice and Disclosure Statement.

See attached Notice and Disclosure form.

Section 27 – Affidavit Forms.

See attached Coconino County Electrical Installation Affidavit form.
See attached Coconino County Fire Safety Installation Affidavit form.
See attached Coconino County Mechanical Installation Affidavit form.
See attached Coconino County Plumbing Installation Affidavit form.
Planning and Zoning Commission Hearing
April 24th, 2019

2018 Code Adoption
Today's Agenda

- Questions
- Moving Forward
- Proposed Amendments
- City of Flagstaff Adoption Partnership
- Training and Outreach
<table>
<thead>
<tr>
<th>Number of Hours</th>
<th>Number of Attendees</th>
<th>Training Topic</th>
<th>Location/Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td></td>
<td>ellment Changes to the Design Professionals</td>
<td>2018 CC 7/25/18</td>
</tr>
<tr>
<td>4</td>
<td></td>
<td>City of Prescott CC 7/25/18</td>
<td>2018 CC 7/25/18</td>
</tr>
<tr>
<td>4</td>
<td></td>
<td>City - Council</td>
<td>2018 CC 7/25/18</td>
</tr>
<tr>
<td>4</td>
<td></td>
<td>Job Fair</td>
<td>2018 CC 7/25/18</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>2018 CC 7/25/18</td>
<td>2018 CC 7/25/18</td>
</tr>
<tr>
<td>3</td>
<td></td>
<td>Phoenix 8/27/18</td>
<td>2018 CC 7/25/18</td>
</tr>
<tr>
<td>1</td>
<td></td>
<td>NAA 3/14/18</td>
<td>2018 CC 7/25/18</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>County 8/22/18</td>
<td>2018 CC 7/25/18</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>County 8/3/18</td>
<td>2018 CC 7/25/18</td>
</tr>
<tr>
<td>8</td>
<td></td>
<td>N/A</td>
<td>2018 CC 7/25/18</td>
</tr>
<tr>
<td>1</td>
<td></td>
<td>N/A</td>
<td>2018 CC 7/25/18</td>
</tr>
<tr>
<td>3</td>
<td></td>
<td>N/A</td>
<td>2018 CC 7/25/18</td>
</tr>
<tr>
<td>3</td>
<td></td>
<td>NAA</td>
<td>2018 CC 7/25/18</td>
</tr>
<tr>
<td>1</td>
<td></td>
<td>NAA</td>
<td>2018 CC 7/25/18</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>NAA</td>
<td>2018 CC 7/25/18</td>
</tr>
</tbody>
</table>

Trainings & Outreach
| Hours | City of Flagstaff | 2018 IFC & WUIC | City of Flagstaff | 2018 ICC and ISpSC | Gas Code | City of Flagstaff | 2018 Plumbing and Fuel | City of Flagstaff | 2018 IECC | City of Flagstaff | 2018 IEC | City of Flagstaff | 2018 ICC | City of Flagstaff | 2018 IEC | City of Flagstaff | 2018 IRC | City of Prescott | 2018 Codes | City of Prescott | 2018 Codes | City of Prescott | 2018 Codes |
|-------|------------------|------------------|------------------|-------------------|----------|------------------|-----------------------|------------------|--------|------------------|--------|------------------|--------|------------------|--------|------------------|--------|------------------|--------|------------------|--------|
home is not designed to former seismic category at 2.5% and an estimated 7.5% cost savings if the overall savings of using the 2018 IRC is estimated.

• Overall savings - $17,472.00

• Unnecessary seismic provisions - The NAHB report reflects an overall cost savings of $5280

Energy Rating Index (ERI) change has an estimated

2018 IRC
NHB Cost Benefit analysis of the

COCONINO COUNTY ARIZONA
amendment, and adoption process
Partnered with the City in the training,

duct testing

furnaces and mandatory blower door and
Harvesting (opt.), mandatory high efficiency
then the Mandatory Gray Water, Rainwater
City Amendments Mirror the County’s – other
City is on track to adopt by May/June 2019

City of Flagstaff Amendments
Proposed Amendments

Remove Appendix F (Radon)

- 2 amendments are procedural (appendices)
- 14 amendments required by statute
- 20 existing amendments carried over
- 13 new amendments proposed
- 49 total amendments proposed
Specific Proposed Amendments

- Merged Substantive Policy concessions into Appendix Q
- Appendix Q - Tiny Homes
- Solar Ready study out
- Provides a prescriptive path from the codes
- Non-mandatory
- Rainwater Collection for Potable Use
- Required for all new residential dwellings
- Mandatory Grey Water Piping
smoke/monoxide detector are installed to code
the plumbing, electrical, mechanical and
Applicant signs and records waivers attesting that
standard construction techniques will not qualify
Or other innovative methods not found in Code
Intent is to allow for alternative or reused materials
Can be an ADU or main dwelling
in AR or G Zones 2 ½ Acres
No building permit required for 600SF or less SF’s
Owner-Build Program

Pilot Program
Innovative Materials and Systems
Moving Forward

- Brief the Board on what has occurred thus far and receive approval to move forward
- Met with the Building & Safety Advisory Board as part of the adoption process
- Share Commission’s recommendation from this hearing with the Board
Thank You - Questions
Date: April 24, 2019
To: Planning and Zoning Commission
From: Department of Community Development
Subject: Public Hearing and consideration of Case Number CUP-19-004

Project/Development Description: A request for a Conditional Use Permit to allow additional livestock on a 0.97-acre parcel with legal non-conforming animal-keeping privileges.

Vicinity Map

Executive Summary

Location: 3071 Kachina Trail, Lot 155 on Kachina County Club Village plat, APN# 116-15-058
Current Zoning: AR (Agricultural Residential, one-acre minimum parcel size)
Requested Conditional Use: Per Zoning Ordinance Section 3.3.C.2.e. - exceeding the number of livestock normally allowed
Supervisor District: 3 (Matt Ryan)
Applicant/Owner: Kathy LeFevre, Flagstaff, Arizona

Recommendations and Findings of Staff

Staff is able to make all four Findings of Fact required for approval of the requested Conditional Use Permit. Staff recommends approval of Case Number CUP-19-004 subject to the nine (9) conditions of approval within this staff report.

Subject Property

- 0.97 acres zoned AR within Kachina Country Club Village subdivision and the Kachina Village Area Plan
- Legal non-conforming animal-keeping privileges per subdivision plat
- Existing residence, outbuildings, barn and fenced livestock pens
- Sloped with a portion of the property located within the Pumphouse Wash wetlands

Aerial Image
Surrounding Land Uses

<table>
<thead>
<tr>
<th></th>
<th>Land Use</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Residential</td>
<td>AR</td>
</tr>
<tr>
<td>South</td>
<td>Vacant</td>
<td>AR</td>
</tr>
<tr>
<td>East</td>
<td>Open Space/Recreation</td>
<td>General</td>
</tr>
<tr>
<td>West</td>
<td>Residential</td>
<td>RS-10,000</td>
</tr>
</tbody>
</table>

Background

The applicant’s site plan and narrative are attached as Exhibit A and B. The applicant has bred and cared for sheep on the subject parcel since 2005, calling her operation “Sheep Thrills Farm.” She is currently housing 20 sheep onsite in an 11x31’ barn, which was built by a previous owner in 1983 (permit #BD-82-0352) as a shelter for horses.

The subject property was platted as part of the Kachina Country Club Village subdivision in 1965. Approved with the plat were the Declaration of Establishment of Conditions, Reservations, and Restrictions for Single Family Zones within the subdivision, which includes a specific condition related to animal-keeping, an excerpt of which reads, “No horses shall be kept or stabled on any lot or combination of lots under one ownership of less than 30,000 square feet.” The subject property is larger than 30,000 square feet.

A letter from Coconino County Planning and Zoning in 2003 (Exhibit C) further clarifies that 2 horses were allowed on the subject property. The planner who wrote the letter further clarified (Exhibit D) that the intention of the letter was not to limit animal-keeping to horses, but rather to confirm that animals are allowed to be kept on the subject property as well as neighboring parcels to the north. Historically, horses have been kept on these lots.

Justification for a Conditional Use Permit Request

Staff has looked at available documentation related to this property and determined that the lot has legal non-conforming animal keeping privileges. The animal-keeping rights are non-conforming because of the proximity to a perennial water source, as well as the lot being undersized for the keeping of livestock (typically one acre of land is the minimum lot size required for the keeping of such animals). Because of this legal non-conforming situation, Section 3.3.C.2.e. of the Zoning Ordinance applies to this Conditional Use Permit request, which is specifically to exceed the number of animals kept on-site.

The 2003 County letter states that 2 horses are permitted. In the current Zoning Ordinance, horses and livestock are grouped together as having similar impacts and thus have the same standards. The definition of Livestock includes sheep. The USDA provides information about
waste output of animals, and 2 horses are the rough equivalent of 20 sheep strictly in terms of manure considerations. The County has not qualified "Animal Unit Equivalencies," beyond grouping horses and livestock together in the current iteration of the Zoning Ordinance.

The Commission does not need to consider the type of animal nor the privilege of keeping of animals to begin with. Waivers as mentioned in 3.3.C.2.e are not required.

Therefore, staff analysis will consider the keeping of additional sheep (more than 2) on the subject property in light of its legal non-conforming animal-keeping privileges, while considering Comprehensive Plan goals and policies as well as other guiding documents.

![Image](image.jpg)

Above: looking east from end of driveway. Below: looking east from within fenced area.

**Use Detail**

The applicant provides care for the sheep, including daily manure collection, feeding nutrient-dense chaffhaye (a type of alfalfa) and orchard grass, both purchased off-site, and allowing the
sheep to roam around the eastern portion of the property within fenced areas. The sheep are not allowed to roam offsite or within the adjacent County Natural Area. The applicant goes through all feed brought to the site and removes invasive weeds. Water is provided in the pens.

Above Photo: looking south; note fence with gate and water at southeast of property.

Left Photo: looking south; note barn on right and fenced area with feeding troughs

The applicant's manure management plan includes collecting the manure manually on a daily basis through use of shovels and other equipment and composting it in a designated area behind (to the west of) the barn at the south side of the property. The applicant installed a French drain behind the barn to allow the manure storage area to drain effectively.

The applicant states that she has a degree in Animal Sciences from the State University of New York Agricultural Colleges and is an active fiber
artist, specializing in hand spinning, weaving, and knitting. The sheep are bred and sold for fiber, meat, milk, and pelts, as well as to keep as pets; they are part of the applicant’s livelihood as well as recreation and enjoyment. Neighbors and other community groups visit the Shetland flock and chickens housed onsite, as well as wild waterfowl that have habitat in the wetlands on the property and surrounding natural area.

Upon walking the site, staff found the property to be neat and well maintained, with mild livestock odors when close to the barn area and no apparent signs of overgrazing. The surrounding wetlands can have a mild odor from naturally decomposing vegetation and standing water.

**Perennial Water Source Considerations**

A wash runs through the eastern portion of the property and is part of the Pumphouse Wash wetlands, which are considered the headwaters of Oak Creek and part of the Verde River watershed. A Zoning Ordinance provision requires that animals be sheltered, watered, and fed no closer than 150 feet to a perennial water source. In light of the non-conforming animal-keeping privileges extended to this parcel (before this provision of the Zoning Ordinance was adopted), the perennial water source provision does not apply to this site, however Comprehensive Plan goals and policies related to water resources apply to this project.

The applicant installed a small bridge over the wash leading to the far eastern edge of the property. The entire property is fenced, with the eastern and southern fencing being installed by Coconino County.

Cattails are growing in the wetlands adjacent the property, and the Kachina Village Improvement District (KVID) sewer line runs parallel to the eastern property line and within the wetlands. KVID is currently working with the Arizona Department of Environmental Quality (ADEQ) to address aging and broken sewer mains in the area, and the applicant states that she has observed bubbling along the run of pipe in the wetlands area. Staff contacted KVID to obtain information about the state of this sewer line and was informed that it will be due for replacement ("line
in place”) in 5-7 years, and it is possible that the line off-gasses occasionally. There is a KVID sewer main that runs across the subject property as shown to the right:

KVID indicated there is not a formal easement for this line, however the general understanding is that KVID needs 8’ on either side of sewer lines for access and repair/maintenance and will work with property owners to accommodate line servicing (see Exhibit E).

The eastern portion of the property floods during periods of heavy rain and snow melt. The barn and manure pile are located within Flood Zone A (100-year flood elevation), with a portion of the barn located within the 10-year flood study (Zone AE) boundary. There are numerous properties in Kachina Village that are located within the flood zone who house domestic animals as well as horses. While there are concerns regarding pollution in Oak Creek, it would be extremely difficult if not impossible to trace the pollutant sources to any one property in the area.
Analysis

Public Participation

The applicant held a neighborhood meeting on the property on February 1, 2019 at 10:00am after mailing invitation letters and posting on her Facebook page. There were 14 people in attendance, some of who were from the local fiber guild. Per the applicant, the biggest concern expressed was that the sheep would not be able to stay and that Kachina Village’s character would “be lost,” specifically referring to an agricultural feel to the area and the ability to keep livestock and chickens in the neighborhood. Fourteen (14) letters of support were received, 4 of which were from property owners within Kachina Village. The applicant stated that many neighbors come to visit the sheep and enjoy learning about them and caring for them. One letter of concern was received from a neighbor roughly 450 feet away on Wakas Trail, stating noises, odors, and reduction of property value as the primary causes of concern. The Citizen Participation Plan is attached as Exhibit F.

Findings of Fact

The Planning and Zoning Commission must make all of the following Findings of Fact in order to approve a Conditional Use Permit:

A. That the proposed location of the conditional use is in accord with the objectives of this Ordinance and the purpose of the zone in which the site is located.
B. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
C. That the proposed conditional use will comply with each of the applicable provisions of this Ordinance, except for approved variances.
D. That the proposed conditional use is consistent with and conforms to the goals, objectives and policies of the General Plan or Specific Plan for the area.

Manure Management

In many areas of the country, people are finding that even very dense land uses can be compatible with raising chickens, bees, and growing food. Many small farm animals such as pot-bellied pigs and goats have no more impact on adjacent properties than typical household pets. In addition to being able to grow food to feed their own family, residents are looking to buy and sell goods with their neighbors. (Coconino County Comprehensive Plan, page 24)

Per the United States Department of Agriculture, a typical sheep (roughly 100 pounds) produces around 3.5 pounds of manure daily, while a typical horse produces roughly 10 times that much. It is reasonable to infer that if two horses were kept on this property, as rights have already been granted to do so, that 20 sheep could be kept and would produce roughly the same amount of waste daily. Sheep have four stomachs as opposed to a horse, which has one. It is important to note that sheep manure differs from horse manure in that it has a lower odor and less moisture content.

According to Manure Management: Best Management Practices for Small Urban Farm/Ranch/Horse Owners published by Prescott Creeks (a non-profit dedicated to achieving healthy watersheds in Arizona), the following policies are cited:
- Animals fenced away from creeks.
- A buffer of shrubs and trees planted next to the creeks help to filter animal yard runoff.
- Manure piles moved into a covered facility for winter storage.
- Water tanks located in each paddock and away from creeks.
- Roof gutters and downspouts to divert rainwater away from the animal yard into creeks.
- Muddy areas replaced with an installation of road fabric and gravel.
- Uphill drainage diverted away from the animal yard and directly into the creeks.
- Consideration of your neighbors.

The Health District was contacted by staff regarding animal and manure management on the subject property. Health Code and Stormwater Ordinance excerpts are attached as Exhibit G, and a health inspection report from 2008 is attached as Exhibit H. Staff’s analysis includes the best practices and history listed above, as well as the Comprehensive Plan and Kachina Village Area Plan, with input from Coconino County Health District, Environmental Quality Division,
Engineering Division, Parks and Recreation Department, and Arizona Game and Fish Department staff (see Exhibit I).

The focus of concerns is preventing animal manure from contaminating the adjacent wetlands. Structures located within floodplains are typically elevated to at least 1 foot above the 100-year base flood elevation. While the existing barn is within the flood plain, there is an opportunity for the applicant to create a manure composting area that is above or outside of the flood plain, constructed in a way similar to the graphic provided below.

Left: Example of an open-air manure composting shed with impermeable base and roof to divert storm water away from the contents within.

The Kachina Village Area Plan includes the following goals and policies that may pertain to this conditional use request:

**STORMWATER MANAGEMENT GOAL:** Reduce or eliminate contaminants from stormwater runoff to the maximum extent practicable.

**WR17.** Residents of Kachina Village are encouraged to adopt appropriate practices consistent with the County’s Clean Stream Program to prevent the discharge of household-related substances from residential properties.

**ANIMAL MANAGEMENT GOAL:** Achieve a high level of compliance with animal management regulations.

**PS27.** Animal owners are encouraged to exercise personal responsibility in the proper care and control of their animals in order to help maintain a high quality of life for themselves, their neighbors, and the environment.

**Community Character**

The Kachina Village Area Plan mentions the applicant’s sheep farming operations and includes photos of some of her sheep (pages ii and 56). Dr. R. O. Raymond (of Raymond County Park in Kachina Village) was himself a sheep rancher, operating Pump House Ranch, and nowadays “sheep are occasionally herded through the vicinity when being moved between seasonal grazing areas” (page 18, likely referring to Manterola sheep operations).

**KACHINA VILLAGE AREA PLAN HISTORIC AND CULTURAL RESOURCES GOAL:** Protect the historic and cultural resources of Kachina Village.
CC14. The County supports the celebration and commemoration of local history, culture, and heritage through public art, events, and interpretive exhibits.

Sustainability and Resilience

The Coconino County Comprehensive Plan cites the following goal and policy, which pertain to the applicant’s activities on the subject property:

COCONINO COUNTY COMPREHENSIVE PLAN SUSTAINABILITY AND RESILIENCY GOAL - Incorporate and support integrating the principles of sustainability and long-term community resilience and prosperity into future land use and development plans, as well as the actions and decisions of elected and appointed officials.

Sustainability & Resiliency Policy 10 - Use the Zoning Ordinance to increase the ability of residents to partake in agricultural practices for food and fiber on their properties or within a residential neighborhood while encouraging low-water use and water-conservation technologies.

Protection of Environmentally-Sensitive Features

The Pumphouse County Natural Area: Resource Management Plan and Natural Area Operations document provides the following background and information pertaining to the wetlands adjacent the subject property:

"Located three miles south of the City of Flagstaff, the Pumphouse County Natural Area is situated in Coconino County in the community of Kachina Village [and] encompasses 125 acres, [protecting] the riparian and wetland areas supported by Pumphouse Wash and its associated springs....

The high-elevation spring and wet meadow system that contributes to the perennial flow of Pumphouse Wash (through Kachina Village) is considered to be the headwaters of Oak Creek, a protected perennial waterway and major tributary to the Verde River.... The wetlands of the Natural Area serve to filter pollutants and regulate the stream flow of Oak Creek. In addition, the watershed provides a reliable and accessible water resource for the diverse wildlife species in northern Arizona....

In 2009, Coconino County, by way of the CCPR [Coconino County Parks and Recreation Department], filed a statement of claim for instream flow rights with the Arizona Department of Water Resources (ADWR) for surface water resources primarily around Pumphouse Meadow. The purpose of this request was to ensure the maintenance of instream flows derived from
perennial springs and seasonal surface runoff, which support the integrity of the high-elevation wet meadow ecosystem and downstream riparian area."

Staff is concerned that the fence separating the subject property from the adjacent wetlands may not be adequate to contain the animals, and so recommends a higher and more substantial fence be installed. The breed is known for being high jumpers when provided with ample space.

Left: Photo of a jumping Shetland sheep from the North American Shetland Sheep Breeders Association website

Kachina Village Area Plan

ENVIRONMENTALLY-SENSITIVE LANDS GOAL: Preserve and enhance the natural qualities of environmentally-sensitive lands.

NE1. The County encourages the preservation and restoration of natural wetlands, flood plains, riparian areas, distinctive landscape features, and other environmentally-sensitive lands.

NE3. Development proposals and other land management activities shall be assessed in a landscape context, particularly with respect to potential effects on downstream ecosystems in Pumphouse Wash and Oak Creek.

Animal-Keeping Considerations from the Zoning Ordinance

The Coconino County Zoning Ordinance lists the following animal-keeping standards, which the Commission may consider for this conditional use request:

Zoning Ordinance Section 3.3.C.2.
c. All animals shall be maintained on property. Shelter and fencing (e.g. barn, coop, corral, pens, stables, etc.) shall be provided to sufficiently contain the animals and keep them from roaming at large.
d. Offspring of animals maintained on the same property that are less than four months old or that have not been weaned, whichever is longer, shall not be subject to the maximum animal counts.
e. A Conditional Use Permit may be requested to exceed allowances for the number of animals kept on-site or to request a waiver if documentation is available that specific provisions inhibit
best ecological practices on a Lot.

f. Additional Requirements for the keeping of specific animals are as follows: 6. Horses and Livestock [including sheep]: iv. Protection for natural elements such as wind and sun shall be provided.

Recommendation

If the Planning and Zoning Commission can make the required Findings of Fact, staff recommends approval of CUP-19-004 subject to the following conditions:

1. Within 6 months, a minimum 5-foot tall fence shall be installed to contain the animals onsite, either along the perimeter or further to the interior of the property, wherever the animals are allowed to roam.

2. The applicant shall install, utilize, and maintain a manure composting area, the base elevation of which is located at least 1 foot above the 100-year flood boundary. The area shall not allow the escape of compost liquids onto other areas of the property. This area shall be constructed and maintained according to provisions of the Coconino County Health Code and will include an impermeable base to contain all collected animal waste and an enclosure with containing walls and a roof to divert water from infiltrating the compost storage during storm events. This area shall be large enough to accommodate 6 months of manure collection and storage.

3. Manure shall be collected daily and placed within the designated composting area.

4. Straw wattles or other appropriate barriers that Community Development staff find sufficient to prevent manure from entering the wash/channel shall be constructed on site.

5. All guest parking shall be contained on-site.

6. The facilities shall be operated in conformance with County Health Department requirements, including any applicable permitting.

7. No more than twenty (20) mature Shetland sheep shall reside onsite at any time. The single full-size sheep currently residing onsite may stay, but may not be replaced. No other livestock shall be housed on the subject property while the Shetland sheep farming operation is active.

8. The conditional use permit shall be valid for ten (10) years and is subject to application for renewal on or before February 27, 2029.
9. Noncompliance with any of the above conditions shall be cause for review by the Planning and Zoning Commission and possible revocation of the use permit. Additions of animal-related structures or significant modifications to the submitted site plan shall require approval of a modified Conditional Use Permit.

Respectfully submitted,

[Signature]

Jess McNeely, AICP, Assistant Director
Prepared by Rachel Davis, Planner

Attachments:
Exhibit A: Site Plan
Exhibit B: Narrative
Exhibit C: Public Correspondence
Exhibit D: Citizen Participation Plan
Exhibit E: KVID Sewer Lines Map
Exhibit F: Letter from County Regarding Keeping Horses on Subject Property
Exhibit G: Health Code and Stormwater Ordinance Excerpts
Exhibit H: Health Inspection Report from 2008
Exhibit I: Department and Agency Input
Exhibit A: Site Plan
Exhibit B: Narrative
19 December 2018

To: Ms. Rachel Davis
Coconino County Planning and Zoning

Ms. Davis:

Attached you will find a number of documents supporting my position in having my Shetland sheep on our RA Zoned property located at 3071 Kachina Trail. Please note that some of the addresses are for the prior known address of this location, 155 Kachina Trail, which was our recorded address at the time of both the land being classified as RA and my keeping of my flock here at the aforementioned location.

I respectfully submit these documents to support my qualifications for having the sheep as well as other documents pertaining to how the neighbor feels about having the sheep as neighbors (as required by Planning and Zoning), a document concerning the number of sheep which would equal the same animal units as one horse, my documentation from the Arizona Department of Agriculture assigning a premises number for this land as a farm, as well as information regarding professional membership in sheep/livestock breeding organizations, etc.

In the Fall of 2005 and Spring of 2006, I called Planning and Zoning explaining that we no longer had horses but had a small flock of purebred, registered, Shetland sheep instead. I asked if that was a problem. The young lady who answered the phone stated that she would check with someone and I would receive a call if there was an issue with having them. She took my contact information. I never received a return call at either time stating the Planning and Zoning had an issue with my having the sheep instead of horses. I remember even asking John Aber when he, his wife and young daughter come to see the sheep. I was never told told one way or another.

Over the last approximately 14 years, many Coconino County employees have come to visit these sheep. Even Matt Ryan, Coconino County Board of Supervisors, stopped by and visited the sheep while here. My Shetland sheep even make an appearance in the 2008 Kachina Village Area Plan, both on the first page (Skittles the Ram) and three of the ewes appear on page 56 With a description of being on a Kachina Village farmstead and reminding readers this was indeed Dr. Raymond’s sheep ranch. This is a significant historical connection to Kachina Village’s past connection to the area and Flagstaff. People both living in Kachina Village and working for the County, including Planning and Zoning, have know for our farm and flock’s existence for almost 14 years and no one has mentioned anything until now.

-I have a degree in Animal Sciences from the State University of New York Agricultural Colleges.

-Having been an active fiber artist for many years, in 1985 I was chosen as a Master Craftsman in Hand Spinning by the National Endowment for The Arts and have taught apprentices and still teach through the Fiber Artists of Northern Arizona, a Flagstaff based Fiber Guild

-I am a member in good standing of both the North American Shetland Sheep Breeders Association as well as The Livestock Conservancy. When I started raising Shetland sheep in 2005/2006, Shetland sheep were on the Conservancy’s Endangered List and very close to
Critical status. Since more small flocks have been started by our breeders' society, Shetland sheep have now moved to the "Recovering" list - all due to small flocks such as the one here.

-THese SHEEP ARE A PART OF MY HERITAGE! Each registered Shetland sheep can trace its lineage back though our breed society through the British Shetland Society for hundreds and hundreds of years. My ancestors had a hand at bringing these European Northern Shorttailed Sheep from Viking lands, seeding islands on their way westward. I am both Viking and Scottish heritage and grew up knowing many of the breeds of sheep connected to my family including Icelandics, Gotlands, and many more.

-Having sheep here in Kachina Village also keeps our HISTORICAL CULTURE OF THE KACHINa VILLAGE AREA ALlIVE!! And keeps the memory of Dr. Raymond alive in how much he believed in this area.

-We use these sheep to curb excess grass growth which could be a fire hazard to this area.

-I have provided a photo of some of the uses of these sheep just in our family alone: Fiber for spinning and weaving, meat, milk, and pelts. We have a weaving loom in every room as well as 4 spinning wheels - all are kept busy.

-And as a physically challenged person the sheep keep me going. (Please see attached letter from my Physical Medicine Specialist) While horses became problematic the sheep have worked wonders for keeping me going both physically and mentally.

I take shepherding as seriously as I take wise use of land. These sheep are fed from feeds bought in Coconino County and Flagstaff by me. We do not depend on the small pasture we have for feeding the sheep. They eat before they are even released onto the land for exercise and play. I espouse of better use of intensive agriculture in areas such as Kachina Village. Well fed and cared for sheep are less damaging to land than horses left to graze it to dirt as was the case of the land and house that used to be south of us then bought by Parks and Recreation years ago.

In closing I'd like to mention that many of the residents in Kachina Village stop by to visit these sheep. Some have children and others drop in to see how a sheep is shorn at shearing time or just to connect with the area and history of this part of Arizona. Even when we are just getting the mail, or doing yard work, we get comments from passers-by how they love seeing the sheep here. We both love and count on them too and are glad to be part of keeping this Heritage breed alive and well here in Kachina Village.

Respectfully,

Kathryn L. Arfeu
December 17, 2018

To Whom It May Concern:

Kathy LeFevre has been under my medical care for over 20 years. Much of what I help her with are the effects of injuries sustained in her careers in military service and law enforcement. Some years ago I advised her to stay physically active so as to avoid the debilitating effects of inactivity. She has followed this advice by raising sheep and being involved in the wool and fiber communities in Coconino County. As I have followed her progress over the years I have been impressed by the amount of physical improvement she has had due to her work with sheep. I am worried that Ms LeFevre's medical condition might worsen if she does not stay active in raising sheep and this concern leads me to write to you for your help.

I specifically am asking that Coconino County facilitate and not curtail Ms LeFevre’s sheep raising activities. I will continue to follow this issue as I believe my patient’s physical welfare is important.

Sincerely,

Jane Barnwell, MD
December 5, 2018

To Whom It May Concern:

Animal Unit Equivalents is a term used in agriculture to make decisions regarding how many animals an area of land can support. There are many factors that go into this number: climate, type of rangeland, water, species or sub-species of animal, etc.

The USDA uses a 1,000 lb cow as the base unit. A horse is generally considered 1.27 units. If one wanted use the USDA matrix to estimate the number of Shetland Sheep that would equal a single horse, approximately 11 Shetland Sheep would be a single horse equivalent.

Susan Crawford, DVM
Northern Arizona Veterinary Service, PLLC
6100 E Swede Dr
Flagstaff, AZ 86004
sb.crawford@yahoo.com
928-600-2054
You are currently logged in as **SheepThrills**.

**Sheep Thrills Farm**  
**Flock #1537**

<table>
<thead>
<tr>
<th>Data From Registry</th>
<th>Data Provided by Member [Edit]</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Flock #</strong></td>
<td>1537</td>
</tr>
<tr>
<td><strong>Flock Prefix</strong></td>
<td>SheepThrills</td>
</tr>
<tr>
<td><strong>Farm Name</strong></td>
<td>Sheep Thrills Farm</td>
</tr>
<tr>
<td><strong>First Name</strong></td>
<td>Kathryn</td>
</tr>
<tr>
<td><strong>Middle Initial</strong></td>
<td>I</td>
</tr>
<tr>
<td><strong>Last Name</strong></td>
<td>LeFevre</td>
</tr>
<tr>
<td><strong>Address 1</strong></td>
<td>3071 Kachina Trail</td>
</tr>
<tr>
<td><strong>City</strong></td>
<td>Flagstaff</td>
</tr>
<tr>
<td><strong>State</strong></td>
<td>AZ</td>
</tr>
<tr>
<td><strong>ZIP Code</strong></td>
<td>86005-3703</td>
</tr>
<tr>
<td><strong>Country</strong></td>
<td>(USA)</td>
</tr>
<tr>
<td><strong>Phone 1</strong></td>
<td>(928) 380-0593</td>
</tr>
<tr>
<td><strong>Phone 1 Type</strong></td>
<td>Home</td>
</tr>
<tr>
<td><strong>Phone 2</strong></td>
<td>(928) 525-9709</td>
</tr>
<tr>
<td><strong>Phone 2 Type</strong></td>
<td>Office</td>
</tr>
<tr>
<td><strong>Email 2</strong></td>
<td><a href="mailto:kathy@sheepthrillsfarm.com">kathy@sheepthrillsfarm.com</a></td>
</tr>
<tr>
<td><strong>Web Site 2</strong></td>
<td><a href="http://www.sheepthrillsfarm.com">www.sheepthrillsfarm.com</a></td>
</tr>
<tr>
<td><strong>Membership Type</strong></td>
<td>Senior</td>
</tr>
<tr>
<td><strong>Dues Expire</strong></td>
<td>Dec 31, 2018</td>
</tr>
<tr>
<td><strong>Last Registration</strong></td>
<td>Oct 17, 2017</td>
</tr>
<tr>
<td><strong>Member Since</strong></td>
<td>2006</td>
</tr>
<tr>
<td><strong>Comments</strong></td>
<td>R 1, E 4, W 3</td>
</tr>
<tr>
<td><strong>Misc 3</strong></td>
<td>SheepThrill</td>
</tr>
<tr>
<td><strong>Last Activity</strong></td>
<td>Apr 25, 2018</td>
</tr>
<tr>
<td><strong>Last Dues</strong></td>
<td>Oct 17, 2017</td>
</tr>
<tr>
<td><strong>Census:</strong></td>
<td></td>
</tr>
<tr>
<td>Ewes</td>
<td>12</td>
</tr>
<tr>
<td>Rams</td>
<td>1</td>
</tr>
<tr>
<td>Wethers</td>
<td>8</td>
</tr>
<tr>
<td>Total</td>
<td>21</td>
</tr>
<tr>
<td><strong>Record Modified</strong></td>
<td>Dec 12, 2018 4:27 PM</td>
</tr>
</tbody>
</table>
June 21, 2006

Kathryn LeFevre
Sheep Thrills Farm
155 Kachina Trail
Flagstaff, AZ 86001

Dear Kathryn:

We have received your application for a Premises Identification Number (PIN). The number (actually the letters "AZ" followed by three numbers) assigned to your premises is:

AZ 988

Your PIN specifically identifies your premises. It should be used for ordering identification tags that must be applied to your sheep or goats in order to comply with federal and state identification requirements.

To order your eartags, mail or fax your request to:

USDA, APHIS, VS
235-2 N. Freeport Dr.
Nogales, AZ, 85621
Fax (520) 287-4857

Please call our office at 602-542-4293 if you have questions. For more information on scrapie, refer to the USDA website <www.aphis.usda.gov/vs/scrapie.htm>.

Sincerely,

R.D. Willer, D.V.M.
State Veterinarian

c: NPIN file

www.azda.gov
Account: Sheep Thrills Farm

Premises Details

- PremID: 00AZVS8
- Name/Description: home place
- Premises Type: Production Unit
- Species Types: Ovine (Sheep), Poultry
- Address: 155 KACHINA TRL, FLAGSTAFF, AZ 86001-9633, Coconino County, USA
- Status: Active
- Modification Date: 06/21/2006
- Created Date: 06/21/2006
- Geo Coordinate Provided By: Primary
- Source: NAIS
- Latitude / Longitude: 35.101813 / -111.692295

Premises Contacts

<table>
<thead>
<tr>
<th>Type</th>
<th>Name</th>
<th>Phone</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary</td>
<td>Kathryn LeFevre</td>
<td>(928) 525-9709</td>
<td>155 KACHINA TRL, FLAGSTAFF, AZ 86001-9633, Coconino County, USA</td>
</tr>
</tbody>
</table>

Web Site Use Agreement | Privacy Policy
Email Arizona Department of Agriculture Help Desk
NAIS-1-5-450-9-1

http://nais.aphis.usda.gov/NAIS/secure/premises/premisesView.do?accountId=138292&pr...

6/21/2006
BREEDERS DIRECTORY

Search the Online Directory

Use this directory to find rare breed stock and products. To be listed in the directory, you must be member of The Livestock Conservancy.

The online directory below is an abbreviated list of our members that offer products from rare breeds. Not all members own rare breeds so unless they are listed as having "breeding stock," they may not actually own animals. Also, many of our members prefer not to be listed online, but are listed in the printed directory available with membership. To receive a printed copy of the complete Breeders Directory, join The Livestock Conservancy!

Mobile Version

Search Results

Kathryn LeFevre
Flagstaff, AZ
(928) 525-9709
(928) 380-0593
Sheep
Shetland Sheep

https://livestockconservancy.org/index.php/heritage/internal/breeders-directory
The Livestock Conservancy

The Livestock Conservancy, formerly known as the American Livestock Breeds Conservancy (ALBC) and prior to that, the American Minor Breeds Conservancy, is a nonprofit organization focused on preserving and promoting rare breeds, also known as "heritage breeds" of livestock. Founded in 1977, through the efforts of livestock breed enthusiasts concerned about the disappearance of many of the US's heritage livestock breeds, the Conservancy was the pioneer livestock preservation organization in the United States, and remains a leading organization in that field. It has initiated programs that have saved multiple breeds from extinction, and works closely with similar organizations in other countries, including Rare Breeds Canada. With 3,000 members, a staff of nine and a 19-member board of directors, the organization has an operating budget of almost half a million dollars.

The Livestock Conservancy maintains a conservation priority list that divides endangered breeds of horses, asses, sheep, goats, cattle, rabbits, pigs and poultry into five categories based on population numbers and historical interest. The organization has published several books, and works with breed registries and other groups on several aspects of breed preservation, including genetic testing, historical documentation, animal rescue and marketing. Preservation of genetic material is of special interest to the Conservancy, and for a period of time it maintained a gene bank that was later transferred to the United States Department of Agriculture. It has also developed and published several heritage definitions, including parameters for heritage breeds of cattle and poultry.

In large part due to the efforts of the organization, heritage turkey populations have increased more than tenfold in little over a decade, and several breeds that once stood on the brink of extinction now maintain healthy populations. The organization also sustains programs that deal with preserving and promoting endangered cattle and pig breeds, as well as breed-specific programs relating to many of its livestock categories. Breeds that the Conservancy has assisted in saving include the Carolina Marsh Tacky horse, Randall cattle, Red Wattle hogs and the American rabbit.

https://en.wikipedia.org/wiki/The_Livestock_Conservancy
History and organization

In the 1960s and 1970s, American livestock breed enthusiasts, including scientists, farmers, and historians, became increasingly aware of the disappearance of many traditional livestock breeds in the US. This awareness was partially due to difficulties encountered in obtaining heritage breeds for living history sites.[2] This was particularly evident when historians were searching for historically authentic breeds to display at the Old Sturbridge Village in Massachusetts and were unable to find sheep of the Vermont strain of Merino, as they had gone extinct. As a result, these historians and others decided to attempt preservation of other rare breeds facing extinction.[3] On March 16, 1977, the American Minor Breeds Conservancy was incorporated in Vermont.[4] It was the first United States organization focused on preserving rare breeds of livestock and promoting genetic diversity among livestock breeds,[5][6] and remains the preeminent organization in this field in the United States.[7] A similar organization in Great Britain, the Rare Breeds Survival Trust, had been formed in 1973.[8] The organization conducted its first comprehensive survey of American livestock breeds in 1985. Since then, the survey has been repeated every five years, with the status of endangered breeds being monitored in between.[9] The initial survey was called "the most comprehensive assessment of livestock genetic resources ever conducted in the United States".[10] In 1986, a fellow organization, Rare Breeds Canada, was formed, and the two bodies have worked together closely to preserve and promote breeds that have populations in the US and Canada.[11] In 1993, the organization changed its name to the American Livestock Breeds Conservancy (ALBC).[12] In 2013, the organization again shortened its name to "The Livestock Conservancy".[13]

The Livestock Conservancy is headquartered in Pittsboro, North Carolina. Its mission is to protect "genetic diversity in livestock and poultry species through the conservation and promotion of endangered breeds."[14] It organizes and participates in programs to rescue threatened populations, educate the public about rare breeds and genetic diversity, support breeders and breed associations, perform research on endangered breeds and assist gene banks in preserving genetic material.[14] The Conservancy includes among its partners and members the Oklahoma City Zoo, which maintains the Children's Zoo, a petting zoo and children's museum that holds members of eight rare livestock breeds,[15] and Colonial Williamsburg, a living-history museum that maintains populations of ten rare breeds.[16]
According to its literature, the Livestock Conservancy is funded by grants, sales of publications and promotional materials, membership dues and public donations.[1] Publications sold include books on conservation and genetics, livestock husbandry, farming operations and breed guides.[17] In the 1998 fiscal year, the organization claimed slightly over US$308,000 in income, coming mainly from public donations and membership dues, but also including service revenue, investment income and sales of goods.[18] By 2009, this amount had jumped to slightly more than US$440,000, mainly from donations, grants and service revenue, but also including investment income.[19] In 1998, the organization claimed slightly over US$288,000 in expenses, allocated mainly to program services, but with just under US$30,000 stemming from management, fundraising and general expenses.[18] By 2009, expenses stood at almost US$490,000, spent mostly on employee salaries, benefits and other compensation (which includes program service expenses), but with almost US$150,000 stemming from management, fundraising and general expenses.[19] The organization claims around 3,000 members as of 2009,[1] a number up from 2,300 in 1989.[3] It operates with a staff of nine, headed by an executive director,[20] and a nineteen-member board of directors.[21]

### General programs

The preservation of various pure breeds and strains, including some that are rare today, was once undertaken in North America in large part by large agriculture-focused colleges and universities. However, many of these institutions have changed their focus to commercial or crossbred strains, with many herds being sent to slaughter. The Livestock Conservancy and Rare Breeds Canada intervened in some of these cases, leading to the survival and preservation of some gene stocks. The United States Department of Agriculture (USDA) participates in livestock preservation mainly through technology-based approaches such as gene mapping and germplasm (genetic material) storage. However, although the storage of genetic material is a useful technique in the preservation of rare breeds, it cannot preserve the entire range of genetic diversity within even an individual breed, and stored material cannot react and adapt to environmental or biological changes as live animal populations can. The US federal government rarely supports rare breed live animal population conservation, and while agricultural subsidies were once seen more than they are in present times, they were never focused on individual breeds. The Livestock Conservancy has been instrumental in preserving live populations of many rare livestock breeds in the US.[22]

In the 1980s, the Conservancy began a gene bank designed to preserve the genetic material of rare breeds. After collecting genetic material from over a dozen rare breeds, the bank was transferred to the USDA National Animal Germplasm Program (NAGP). It maintains a close relationship with the NAGP, including assisting in the collection of genetic material from additional rare breeds.[22] The conservation list published by the Conservancy is also used by the SVF Foundation, an organization that uses cryopreservation to preserve germplasm from rare breeds.[24] In the early 1990s, the organization mounted displays of historic rare breed livestock illustrations at the National Agricultural Library and the Carnegie Museum of Natural History, designed to raise public awareness of the declining populations of rare livestock breeds.[25][26]
In 2004, the Livestock Conservancy entered a partnership with Slow Food USA, Chefs Collaborative, and four other organizations to found the Renewing America's Food Traditions collaboration. The effort resulted in a book, *Renewing America's Food Traditions*, describing more than 1000 varieties and species of food that are disappearing from the United States.[27] The organization has written or published over a dozen books on heritage livestock breeds, including several on heritage poultry and waterfowl and more on general livestock conservation.[28] Its conservation criteria and literature on livestock biodiversity are also widely used in independent publications on breeds.[29] The Conservancy organizes an annual conference that focuses on the preservation and promotion of rare livestock breeds. For this conference, it partners with other organizations to teach members and other attendees about various aspects of rare breed livestock. For instance, in 2005, the organization partnered with the NAGP and the American Grassfed Association for a discussion on the cryogenic preservation of rare breed genetic material, which included a tour of the USDA Livestock and Poultry Gene Bank.[30] In 2009, the Conservancy set up an online classified advertisement system to help users find and purchase rare breeds.[31]

**Heritage breeds**

The Livestock Conservancy has released three definitions of heritage breeds, pertaining to turkeys, chickens and cattle. Heritage turkeys are defined by the organization as breeds that live longer, grow slower and can mate naturally, with the latter requirement being one of the most important as it is not met by many industrially grown, mass-produced breeds.[32] In 2009, a definition for heritage chickens was released that is similar to the one for turkeys – breeds are required to be considered "standard" by the American Poultry Association, be long-lived and slow-growing, and able to mate naturally. The latter is less of a concern in chickens than in turkeys, as artificial insemination has not progressed as far in the development of industrial chicken farming.[33] In late 2010, the Conservancy released a definition of "heritage cattle", to follow their earlier heritage turkey description. Requirements for heritage cattle breeds include having a long history in the US, being purebred, and being a true genetic breed. Specifications for heritage milk and beef, as well as products made from them, were also released with the definition.[34]

As of 2010, the Conservancy was undertaking several programs to help breeders and the public understand the need for and the way to preserve heritage breeds. As the number of expert livestock breeders continues to dwindle, the Master Breeders' Apprentice Program aims to supplement their number by educating competent and interested members of the public. Through the Breed Rescue and Conservation Acquisition Program, the organization works with breeders and breed registries to begin and sustain conservation programs for rare livestock breeds. The Southeastern Livestock Breed Initiative aims to expand and reintroduce rare breeds from the American southeast, combining traditional breeds with low-impact farming (agriculture that has a lesser impact on the environment than high-intensity commercial farming) to assist in restarting the small, niche market farming that once existed in the area.[35] In 2014, the Conservancy published the book *An Introduction to Heritage Breeds* describing conserving and care of animals under the purview of the organization, detailing each breed's specific needs and characteristics.[36]
Conservation Priority List

The Conservation Priority List (CPL) is the Conservancy's list of breeds for which conservation is a priority. Published annually, the list is used as the foundation for all conservation work done by the organization. Each year, it gathers population data on all breeds of livestock, including registration data and, for poultry, census numbers gathered from members, hatcheries and breeders. This data is then used to divide breeds into five categories: critical, threatened, watch, recovering and study. Breeds are placed in the first three categories based on annual registrations with breed registries in the United States and estimated global populations. Recovering breeds are those that have exceeded the numbers needed for the watch category but that the organization still wishes to monitor. Breeds in the study category lack genetic or historical documentation but are still considered to be of genetic interest. Population numbers may be lacking on these breeds, or proof that they are a true breed, instead of a type or non-true-breeding cross.

As of 2011, there are 33 horse breeds on the equine CPL, comprising seventeen in the critical category, seven in the threatened, five in the watch, three in the recovering and one in study. There are also three breeds of asses, one in each of the critical, threatened and recovering categories. On the CPL for all other livestock species there are 10 pig breeds: seven in the critical category, one threatened, one watched, and one in the study. The 19 cattle breeds listed include eight in the critical category, two in the threatened, three in the watch, five recovering and one in the study. The list contains 23 sheep breeds: five in the critical category, six in the threatened, three in the watch, eight in the recovering and one in the study. Of seven goat breeds listed, two are in the critical category, two in the watch, two recovering and one in the study. Finally, there are 11 rabbit breeds listed on the CPL: three in the critical category, three threatened, and five in the watch.

The organization’s poultry conservation list includes chickens, ducks, geese and turkeys. As of 2011 there are 54 chicken breeds on the CPL: 12 in the critical category, 12 in the threatened, 18 in the watch, 7 in the recovering and 5 in the study. For ducks there were fourteen breeds, of which six were considered critical, two threatened, four watch and two study. There were 12 breeds of geese: six in the critical category, one in threatened, three in watch and two study. For turkeys there were 13 breeds, including five considered critical, two threatened, five watch and one study. Any naturally mating, non-standard turkey breed is also of interest to the organization.

Breed programs

Equine breeds, such as the American Cream Draft, were among the reasons that the organization was formed, and were on the earliest conservation priority lists. The Conservancy has assisted in extensive genetic studies of rare horse breeds, focusing particularly on strains of the Colonial Spanish Horse. Rabbits, having only been added to the CPL in 2005, have been among the least studied, although in 2010, the organization named the American Rabbit as the most endangered breed of rabbit in the US. Work with cattle has also been limited, although in one case, a member rescued the last of the Randall Cattle herd from slaughter; the breed has since been built up to more than 300 members. One major initiative with cattle is the Heritage Dairy Cattle Breed Recovery program, which assists heritage cattle breeders and breed organizations with funding, marketing and communications, with a focus on selling their product to other small operations, including cheese and dairy operations.
Horses

In 2006, the Livestock Conservancy began investigating the Carolina Marsh Tacky to see if it was truly a descendant of colonial Spanish stock, and during the organization's initial field investigations it was found that many surviving members of the breed fit the physical type for Spanish horses.[44] In 2007, the organization partnered with the Equus Survival Trust in a project to preserve the breed that included DNA sampling, the creation of a new studbook and mapping the genetics of the breed.[45] The Conservancy participated in the rescue of the Wilbur Cruce strain of Colonial Spanish horse when the area in which it lived was to be turned over to a land conservation program that required domestic animals to be removed. After the rescue, a conservation plan was developed for the animals and small breeding groups of horses were placed with responsible parties.[12] It also assisted in formulating a conservation and breeding strategy for a strain of Colonial Spanish horses from Santa Cruz Island in California. This support helped the horses to become recognized and registrable with the Colonial Spanish registry.[46]

Sheep and goats

In December 1987, the Conservancy performed one of its first breed rescues when it removed a viable population of Santa Cruz sheep from Santa Cruz Island. The sheep were in danger of being eradicated by The Nature Conservancy, which was working to save indigenous vegetation that the breed used as food. The first twelve lambs were removed from the island in 1988, with further animals brought to the mainland in 1991. The population now stands at 125 animals and is considered an important genetic resource due to its island heritage, which kept it isolated from other breeds and forced it to adapt to adverse conditions.[12][47]

Beginning in the early 1990s, the Conservancy worked to preserve the San Clemente Island goat, a rare Spanish-descended breed from California. In 1991, it added genetic material from the San Clemente to their genetic database, later transferred to the National Animal Germplasm Program.[48] As of June 2010, the organization was working on the rescue of a group of feral Spanish goats from an island in South Carolina. There are less than 2,500 members of the breed in the United States, and the island group is one of only two bloodlines known to exist in the southeastern US. Conservancy members first made trips to the island to document and photograph the herd of around 30 goats, then undertook action to remove some goats from the island to preserve the bloodlines from threatened extinction. A small flock was established in a nature preserve just south of Murrells Inlet, South Carolina, and as of June 2010 plans were in place for satellite herds to be established.[49]

Pigs

https://en.wikipedia.org/wiki/The_Livestock_Conservancy
In the course of its breed surveys and monitoring, the Conservancy has found significant changes in the populations of several swine breeds. The Berkshire breed has increased significantly in number, partially due to international demand for its meat, while other breeds have shown significant decreases, most likely due to increasing consolidation of the pork industry to large producers who use only a few specialized pork strains. Breeds such as the Chester White and Poland China have seen population numbers reduced by over 25 percent between 1998 and 2003, while the Hampshire and Yorkshire breeds have decreased by more than 30 percent in the same time.\[^9\]

The Conservancy has been involved with the Red Wattle hog since the 1980s. At that time, the breed had a thriving population, stock was registered by three different breed registries, and breeders resisted suggestions from the organization to create a unified breed registry. However, between 1990 and 1999, purebred stock diminished from 272 animals to just 42 pigs held by six breeders,\[^50\] and in 2000, it was asked to create a unified breed registry for the Red Wattle Hog. Three hogs were registered in the first year, but the next year 90 hogs and three breeders were represented and a breed association was created. By 2008, 111 breeding stock hogs had been registered and 56 breeders were part of the Red Wattle Hog Association.\[^51\]

In November 2008, the Conservancy started the Rare Breed Swine Initiative, which, in cooperation with other organizations, assists in training breeders and cultivating the rare breed pig market. The three main foci of the initiative are marketing breeding stock and products, conserving bloodlines and supporting breed associations. As of 2010, proposals were in place for the funding of a study of porcine genetics, including variability and relationships among breeds, with the aims of maintaining genetic variability among rare pig breeds and releasing a definition of heritage pork.\[^52\]

### Poultry

A breeding program for Buckeye chickens was developed in 2005 by staff members, focusing on using selective breeding to improve the breed and expand its numbers. In 2011, the Buckeye was able to be moved from "critical" status to "threatened", based on a 2010 census that found almost 2,500 birds. The program has since become the template for similar programs focusing on the preservation of other rare chicken breeds.\[^12\][^53]\[\]

Heritage turkey breeds have been a focus for the organization since 1997, when a survey showed only 1,335 breeding stock birds of all breeds. A study conducted by the Conservancy and Virginia Tech concluded that heritage turkey breeds had stronger immune systems than those breeds typically used by industrial growers, and as such were more likely to survive disease epidemics. This study and other programs increased awareness of heritage turkey breeds and by 2003 the breeding population stood at 4,275 turkeys of all breeds. By 2007 this had grown to more than 10,000 birds and 17 breeds were no longer considered to be almost extinct.\[^51\] As of 2010, the number is estimated to be close to 15,000.\[^32\]
In 2008 the Conservancy partnered with Slow Food USA and other organizations to conduct a blind taste test of nine breeds of turkeys – eight heritage breeds and one standard industrially grown breed. When the final scores were read, first place went to the Midget White Turkey, second to the Bourbon Red and last place to the Butterball – the single non-heritage breed. This was the largest taste test among turkey breeds to date, and several of the heritage breeds were later added to the Slow Food USA Ark of Taste.[6]

References


Exhibit C: Public Correspondence
Hello Rachael,

I spoke with you the other day regarding the above case number, 3071 Kachina Trail and the zoning or permit request for running a sheep herd. We were one of the residents who got a letter about them using their land for additional expansion of their current few sheep, to herd. As they state in their letter 16-20 sheep. We all know how this number could change once or if they got the permit.

As a homeowner I’m not in favor of this, the letter doesn’t address how we as neighbor would have to smell the animals, the noise and with only an acre parcel believe me that smell of the animals and their poop etc. is not appropriate for an acre parcel.

I grew up on an acre and that is way over NORMAL code for number of animals on property.

Also the letter is stated up to 20!!! Really, we all know how that number will change to 30 or 40 if they were approved. Our community is not Farmland – currently if this is their passion, they need to live in a farming area, they need to consider their neighbors. We have lived there since 2001, and enjoy our property sitting outside, and want to have that in the future. Also, this request opens for others to start using their property for farm animals’ kind of –chickens, etc. noise and smell, plus all and this would affect our property value.

I love the quiet neighbor, fresh pine smell etc. and we have a big lot as well, but this area not zoned for it SO PLEASE DON’T change the zoning. Many of my neighbors all enjoy sitting on our decks, open windows and enjoy the peace quiet with no Smell. Don’t open the flood gates, to changing the wonderful community of Kachina Village. We live there 4 months in the summer, and up most every weekend Friday thru Monday. Soon to retire and would not want the awful smell of farm animal, if I did, I would have purchased farmland.

Rules are made to follow – they want a farm them look for farmland. Please do not give them the permit. My phone number is 602-908-3160 should you need to reach me.

Patricia O’Brien

2933 Wakas Trail in KV

Marketing Account Manager
Patricia_obrien@avesis.com | www.avesis.com

avesis
a GUARDIAN company

------------------------------------------------------------- This message, and any attachments to it, may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended
I strongly recommend Coconino County Planning and Zoning grant Kathy and Ralph LeFevre a conditional use permit to keep up to twenty (20) Shetland Sheep, excluding lambs up to four (4) months old, on their approximately one acre, agricultural residential zoned property at 3071 Kachina Boulevard.

I have known Kathy and Ralph LeFevre since approximately 1990. They are very good neighbors. Kathy and Ralph keep their property clean and orderly.

I drive past Kathy and Ralph’s farm almost every day - and multiple times on some days. I have never seen anything amiss. In fact I have to look carefully to see the sheep. Kathy and Ralph’s farm does not create any distraction, inconvenience, or problem for this long time resident of Kachina Village.

Since a complaint stated pollution as a concern, even twenty 60 to 100 pound sheep would produce no more ..ah.. fertilizer than two horses (my one gelding weighs almost 1200 pounds).

The North American Shetland Sheep Breeders Association and the Rare Breeds Survival Trust have recently changed the status of Shetland Sheep from endangered to recovering. Both of these organizations stress that genetic diversity is still a critical issue.

It is to Kathy and Ralph’s credit that they are promoting the careful breeding of these rare sheep. I have heard it takes a minimum of 20 adult sheep to promote genetic diversity. Kathy and Ralph are a credit to animal welfare and to Coconino County. As small business owners, Kathy and Ralph also contribute to the Coconino County economy.

Sincerely,
Joe Hobart
2570 Mesa Trail
Kachina Village
525-9222

---
This email has been checked for viruses by AVG.
https://www.avg.com
Ms Davis,

I’m distressed to hear of the possibility of this flock of Shetland sheep, in Kachina Village belonging to Kathy LeFevre, being reduced to perhaps four sheep. She is one of the leading breeders of Shetlands in the US. Not only that, I know that breeders of Shetlands in Scotland are looking to the US to improve their own stock. To reduce Kathy’s flock from its present size, especially as she’s living in a residential agricultural area, would be a great mistake and a disaster to the breeding lines of Shetland sheep in this country.

To have a local, historical reminder of Flagstaff’s history in our own backyard is something we all should cherish. I truly hope you and your colleagues in Planning and Zoning see your way clear to allow this wonderful blood line to continue and flourish.

Janice Woodburne
Dear Rachel Davis,

As a long-time resident of Coconino County, I am disappointed to learn that there is a threat to Ralph and Kathy LaFevre's flock of sheep. She has been responsibly raising Shetland sheep in an appropriately zoned area for over a decade. The wool from those sheep is of exceptional quality. The textiles Mrs. LaFevre produces are world renowned and, as such, shine a positive light on the community of Kachina Village and Coconino County as a whole. Our county has a long and beautiful history behind the raising of sheep and production of wool. From Native American textiles and cuisine, to the Basque shepherds who helped establish our region and economy at the turn of the last century, the LaFevres are continuing a beautiful legacy and should be permitted to do so.

In my opinion, any neighbor who has moved into the vicinity of her property and sheep after the LaFevres were already established, should have no cause to complain or seek action against them or their flock. It is the responsibility of those who move into the area to accept it as it is. If they have a problem, then they simply shouldn't live there. It would be an injustice indeed, for our local government to use its power to damage an established resident's livelihood and way of life, in favor of the proclivities of a person who actively chose to live next to it.

Thank you for your time and attention to this matter.

Sincerely,

Ian Keirsey
Dear Ms Davis,
Please find attached a letter I have written in support of the LeFevre's continued use of their property for their sheep flock.
Having dealt with similar issues here in Gila County I am concerned for what seems to be the lack of respect for their use of the land in the way they have been doing. I understand that land use changes, that zoning changes, but it seems they ought to be able to continue doing as they have been. Especially considering the lack of impact this has on anyone else.
Thank you for you time in reading the attached letter and for your consideration of the matter.
Karen Donaldson-Webb
Miami, Arizona
phone 928.812.1370

Karen Donaldson-Webb in Sunny Southern Gila County Blessings on Ewe!
Dear Ms Davis and all others concerned,  

29 January 2019

I first met Kathy and Ralph Lefevre nearly ten years ago when I decided to add wool sheep to my small urban farm. I was referred to Kathy by a sheep rancher in Oregon I met while evaluating breeds. She told me that Kathy keeps a small flock of quality Shetland sheep and is known as a responsible keeper of the breed. I was learning all I could in advance of actually getting sheep and from the first email correspondence Kathy became a mentor, knowledgeable and generous with her knowledge. I have benefited greatly from our friendship and have always appreciated her straightforward well-considered responses to my many questions.

I have visited the Lefevres, home and barn, and it is obvious that all are well cared for. Cameras in the barn aid in supervising the sheep, fences are adequate and in good repair, there is plenty of room for the flock in the barn area, though the pasture is available. I have observed pens being re-arranged as needed to facilitate which sheep are on site, for lambs, breeding groups, etc. I do the same on my lots.

Some sources site 25 sheep per acre, based on grazing and soil capacity. I'm not sure Kathy has ever had even 25 sheep. Grazing is primarily exercise for the flock, and as hay and grains are purchased the flock contributes to the local economy. I have never seen her pens or barn built up with manure. No particular fly problem, no particular odor of ammonia. As she has no close neighbors, none close to the barn, it is hard to imagine that anyone has a legitimate complaint of nuisance. When I first met her and for many years after, there were horses or mules in the lot next door. The houses were built near the road with barns and pastures below. It is a nice arrangement for keeping livestock close to home. Since the neighboring house was removed, there is no one living near Kathy's barn except for her and Ralph. Perhaps a wider poll of neighbors would reveal that they enjoy the pastoral aspect of lovely little sheep grazing nearby.

Kathy is a well-known and respected fiber artist. She raises sheep, is selective of their breeding, so that her healthy animals produce the nicest wool. She knows the value of her flock and that good care goes a long way to promoting both their welfare and the end product of quality fine wool. She spins and weaves, giving demonstrations and offering classes at the local fiber festival to promote these nearly lost skills. Kathy is a responsible producer and a valuable asset to the fiber livestock community and the community of Flagstaff, which has a very long history of sheep production. It is unfortunate that someone would rather not have sheep nearby, but it seems a pretty reckless assumption that removing livestock from an area where it was previously allowed will improve the community, and it clearly breaches the good will and property value of the landowner who has invested in good faith, and in compliance of zoning all along. When faced with a similar concern in Miami, Arizona where I live, I spoke before the town council and questioned what problem they thought banning livestock would solve? There was no problem, so nothing to solve. Lefevre's property use ought to be respected as their long-term right to use their property according to the terms that have been allowed. In the future here will be fewer and fewer RA properties close to town, yet there is a demand for such properties. Flagstaff would do well to keep that in mind going forward.

Please feel free to contact me if I can be of assistance, or provide further information.

Sincerely, Karen Donaldson Webb
Kldonaldson@yahoo.com
Phone 928. 812.1370
137 S Miami Avenue, ste 1
Miami, Arizona 85539
Dear Rachel Davis:

I would like to speak on behalf of the continuity of Kathy LeFevre's flock of Shetland sheep as a stable and valuable source of genetic diversity within the potentially vulnerable global community of this breed.

The Livestock Conservancy (https://livestockconservancy.org/) has information on the importance of maintaining genetic diversity in livestock species, including sheep. The Shetland is a listed breed on the Conservancy's priority list: https://livestockconservancy.org/index.php/heritage/internal/conservation-priority-list#Sheep

In 1989, it was in the second-most-endangered category ("rare"). From 1994 through 1999, it was in the third-most-endangered category ("watch"). From 2000 to the present, it has been in the fourth category ("recovering").

Because of the different qualities of sheep within the Shetland breed, which as a landrace has a number of different strains, some types of sheep within the overall population are still more at risk than others. Kathy is an advocate for, and breeder of, some of those valuable animals.

In the interest of supporting this ongoing valuable work, and as a former two-term board member of The Livestock Conservancy, I urge the Coconino County Planning and Zoning Commission to see its way clear to grant the LeFevre Conditional Use Permit.

Sincerely,

Deborah Robson
418 Goldeneye Dr.
Fort Collins CO 80526-3665 USA
970-226-3590 voice
970-282-3467 fax
robson@frii.com

https://independentstitch.com

Ms. Rachel Davis at P & Z,

I am writing to you in support of Kathy LeFevre's Conditional Use Permit. She and her sheep provide a service to our community. We are fortunate to have someone like Kathy in our community as she is helping to restore a breed of sheep that is just barely unlisted from endangered status. As a fiber artist I know the value of ensuring the survival of such breeds of sheep. If you have time I would refer you to a wonderful article in the Winter 2019 issue of Spin Off magazine, The Golden Hoof Sheep, Grass & the Landscape by Kate Larson. It does a great job of explaining how sheep can enrich and conserve our soil and environment. It also notes that Marin County in California has begun to utilize flocks of sheep for managed grazing in fire prevention and invasive plant species management. These small sheep have a positive impact on the environment, unlike cattle and horses. They are in fact an important component in effective land management. I would rather see the County encouraging sheep grazing than essentially punishing someone for providing this service to the community.

Sincerely,
Diana Husband
(928) 380-1029
693 W Old Territory Trail
Flagstaff, AZ 86005

Sent from Mail for Windows 10
Ms. Davis,

I wish to address the situation involving the sheep farm in Kachina Village owned by Ralph and Kathy LaFevre. This farm has been a culture icon for many years (14) with the farm zoned as residential agriculture. The farm is located adjacent to the wetlands with no neighbors to the south or behind.

Pros for the sheep:

- Great example of a working breeder farm. Children learn about care and breeding of animals, chores and responsibility, and livestock. Many children in today’s society only see sheep through pictures and internet.
- Successful small business in Flagstaff. Flagstaff developed from many small businesses and many are still here. The small businesses provide goods and services on the personal level. Kathy’s fiber business is known nationwide and around the world. She has “put Flagstaff on the map” of the fiber industry. A reduction in the size of her flock would severely limit her ability to breed genetically sound Shetland sheep. To maintain viable stock, she needs to maintain a flock of 20 sheep.
- Promotes fiber arts with purebred Shetland wool. I have several of her fleeces and they are second to none. A great asset in the wool industry.
- Kathy is deeply involved in her community by teaching spinning and weaving classes, dyeing workshops and is a significant leader in the Northern Arizona Fiber Arts organization. She is a valuable resource to those of us in the fiber arts community.

Cons for the sheep:

None at this time

Regarding the odor complaint:

I drive past the farm, often many times each day, and have never noticed an objectionable odor in the area. The area is adjacent to the wetlands where natural vegetative decomposition occurs. Perhaps that is the source of the odor in the complaint.

The neighbors do not object to the sheep and I would gladly own a home next to Ralph and Kathy.

As the LaFevre’s and their sheep are an asset to this community, I request Coconino County grant the Conditional Use Permit to Ralph and Kathy LaFevre.

Sincerely,

Janice Enloe, AGPCNP-BC
2885 Kweo Trl
Flagstaff, AZ
928 525-4641
This email is in support of the Conditional Use Permit for Kathy LeFevre and the Shetland sheep she has been raising on her property for the past 14 years. I understand the land on which the flock is located is zoned RA, Residential Agricultural. She has applied for a conditional use permit to allow her to keep sufficient breeding individuals to maintain the genetic diversity of a healthy flock.

I attended the neighborhood meeting on Friday, February 1, to see the flock and the conditions under which they are being raised. The flock is located on the edge of a large open wetland next to Raymond Park. During the times I have been to the park, I noticed the ponds and the birds, but the sheep were completely unobtrusive. The pens are located below the level of the Kachina Trail roadbed, not readily visible from the street. The flock doesn't generate noise, traffic or parking issues. They hang out quietly, producing wonderful soft wool and meat. After spending the morning in close proximity to the flock, including handling one of the ewes, I find it hard to believe that such a small, healthy, well-managed flock is a detriment to the neighborhood. Kachina Village is still a relatively rural enclave in Coconino County, and a small flock of sheep is an addition to the environment there. I don't currently live in Kachina Village, but I spent 30 years in Mountain Dell, another semi-rural community in Coconino County where I still own property. Neighbors have raised large and small horses, alpacas, goats, rabbits, sheep, chickens, turkeys, ducks and small cows. Animals are a part of a rural environment, and maintaining genetic diversity is the way to keep a breed alive. Please consider approval of the CUP.

Anna Whorton
928-600-8974
Ms. Davis,

This email is being written in support of Mr. and Mrs. LeFevre and their wonderful sheep flock here in Kachina Village. Our family has lived in Kachina Village since 2005, and enjoy the sheep. Mr. and Mrs. LeFevre take great care of their sheep, treating them as though they are family, and have even saved a rogue sheep that was found wandering in the woods during the winter (destined for certain death as she was left behind by her shepherd). We would be so sad if these sheep had to leave so are emailing you to please approve them for Conditional Use. The character that Kachina Village has is unique - some neighbors have cats and dogs, some have goats, and the LeFevre's have sheep. The Canadian Geese that fly over stop and visit the sheep, the ducks that live in Pumphouse stop and visit and we stop and visit. Our child loves to see them when we drive home and we always know when spring is here because we see the new ewes jumping around.

Please keep our happiness in our neighborhood and allow the LeFevre's to keep their flock in its entirety and not reduce it.

Thank you for considering our email.
Rhiannon Samples
(928) 853-8274
Hi, Rachel,

This is from someone I've known since I was 2. I told her thank you and I would pass it on to you.

Also, I'd appreciate copies of the negative comments you've received for my files

Thanks, Kathy

------------- Forwarded message ---------
From: Nancy Miller <nancyequiltz@gmail.com>
Date: Thu, Jan 31, 2019 at 4:54 PM
Subject: LeFevre Conditional Use Permit
To: Kathryn LeFevre <lefevre@gmail.com>

I've known Kathy LeFevre for many years. She has always been an upstanding person and a animal lover. I believe she should be allowed to keep the number of sheep she has. Thank you, Nancy Schellenbach Miller
Ms. Rachael Davis:

It has come to my attention that a concern has been voiced regarding the raising of Shetland Sheep (by Ms. Kathy LeFevre) in the Kachina Village, Flagstaff, AZ. Ms. LeFevre has been raising Shetland Sheep for over 14 years on land zoned Residential Agricultural. She has been acting within zoning laws and with the permission of Kachina Village. This alone should negate any current complaint by an individual or individuals. Buyers of property within Kachiina Village should be aware of it's zoning prior to move in. To complain after-the-fact is simply noise to raise a ruckus. Pure and simple.

Ms. LeFevre is known as an outstanding breeder of this fine fiber breed throughout the entire State and the US. She is well thought of by both fiber enthusiasts and sheep breeders. This is an petty attack based on an individuals personal preference. Forcing her to discontinue raising these animals will have a far-reaching negative effect on breeders throughout Arizona and on the continuation of breeding these heritage sheep in our State. This should be strongly considered when making any decision.

I believe you should find in favor of Ms. Lefevre and allow her to continue her homestead as she has for the past 14 years. If you are considering changing the existing zoning, then Ms. Lefevre should be grandfathered and allowed to continue raising her sheep until such time as she makes the decision to discontinue her activity. Please, do not destroy what she has worked so hard to build and share with others over these past many years!

Sincerely,

Katherine Smith
928-925-0464

3568 Canyon Loop
Good Morning Ms. Davis,

I'm writing on behalf of the Flag Wool and Fiber Festival in support of the LeFevre Conditional Use Permit. In the 8+ years I've known Kathy LeFevre she has proven to be nothing short of an excellent steward for both her animals and her land. Families with livestock that have been 'grandfathered in' are a valuable community asset, a rich part of the history of the Flagstaff area, and deserve to be protected. It would be such a shame to see her flock decreased or removed--the work she is doing with her Shetland sheep is important to the breed itself and to those of us in the fiber arts/livestock communities of our area.

Please grant Kathy the permit she needs to continue to raise her sheep at her home in Kachina Village. People like Kathy enrich our community with their expertise and she and her flock should be allowed to continue as they have for the past 14 years.

Thank you for your consideration,
Andrea Greene
Director, Flag Wool and Fiber Festival
(928)699-2012
Exhibit D: Citizen Participation Plan
Citizen Participation Plan

Applicant Name:
KATHRYN & RALPH LEFEVRE

Mailing Address:
3071 KACHINA TRAIL, FLAGSTAFF, ARIZONA 86005

Phone:
928-380-0573

E-mail:
lefevre@gmail.com

Property Address or Parcel Number(s):
3071 KACHINA TRAIL, FLAGSTAFF, ARIZONA 86005

Brief Description of Conditional Use Permit and/or Zone Change:
CONDITIONAL USE PERMIT ON ZONED RA LOT TO ALLOW

ADDITIONAL ANIMAL UNITS

1. Which residents, property owners, interested parties and public and private agencies may be affected by the application? (This may consist of the area of notification mailing list, which can be attached to this Plan.) List the notification radius in feet or miles as identified by Community Development staff.

RESIDENTS, PROPERTY OWNERS, INTERESTED PARTIES, PUBLIC AND PRIVATE AGENCIES WITHIN A 500 FT. RADIUS OF CONSIDERED PROPERTY AS PROVIDED BY COCONINO COUNTY COMMUNITY DEVELOPMENT. SEE ATTACHED LIST.

2. How will those interested in and potentially affected by an application be notified that an application has been made?

BY WRITTEN LETTER OF EXPLANATION AND INVITATION TO A CITIZEN PARTICIPATION MEETING AT THE PROPERTY.
3. How will those interested and potentially affected parties be informed of the substance of the zone change, amendment, or development proposed by the application?

**BY INVITATIONAL LETTER AS WELL AS POSTING OF NOTICE ON PREMISES BY COCONINO COUNTY COMMUNITY DEVELOPMENT AND PLANNING & ZONING.**

4. How will those interested and affected parties be provided an opportunity to discuss the applicant's proposal with the applicant and express any concerns, issues, or problems they may have with the proposal in advance of the public hearing?

**THEY MAY EMAIL OR CONTACT ME (KATARYN LEFEBVRE) TO VOICE THEIR CONCERNS OR THEY MAY CONTACT COCONINO COUNTY COMMUNITY DEVELOPMENT FOR FURTHER HELP & ASSISTANCE.**

5. What is the applicant's schedule for completion of the citizen participation plan?

**WE WILL WORK WITH CCCD AS TO AN APPROPRIATE DATE PER THEIR SCHEDULE AND OURS, UNDER THEIR GUIDANCE.**

6. How will the applicant keep the County Community Development Department informed on the status of citizen participation efforts?

**BY SUBMITTING A SIGN-IN SHEET OF ALL PERSONS ATTENDING THE COMMUNITY MEETING. ALSO, I/WE WILL PROVIDE ADDITIONAL MATERIALS SHOULD THEY WISH TO WRITE THEIR VIEWS ON THE SPOT.**

Citizen Participation Plan Page 2
NOTE: MEASUREMENTS BY GOOGLE EARTH
18 January 2019

Coconino County
219 E. Cherry Avenue
Flagstaff, AZ 86001

Dear Neighbor,

We are the owners of 3071 Kachina Trail in Flagstaff, AZ. We have recently met with the Coconino County Planning staff to discuss a proposal for land use on this one acre parcel. We will be requesting a Conditional Use Permit for our RA zoned property as part of this project. Staff at Coconino County Planning have directed us to notify all property owners within 500 ft. of this property.

As most of you know, we have been breeding and raising purebred Shetland sheep on this property since 2005. The herd population runs from around 16 of these small sheep (the core breeding group) and can run up to 20 sheep, depending on how many lambs the ewes have each spring.
We have enjoyed sharing activities of this small flock with everyone in Kachina Village such as family visits to see the lambs, watching shearing each spring, as well as activities when the local fiber artists’ guild comes for spinning, weaving and dyeing activities with the wool from these sheep. We’ve also provided compost yearly from the flock for local residents to add to their gardens and lawns.

As required by the Coconino County Zoning Ordinances, I will be holding a Neighborhood Community Meeting at the property itself at:

3071 Kachina Trail, Flagstaff, AZ, 86005 on February 1, 2019 @ 10:00 a.m.

We have attached a basic site plan of the property. If you cannot attend the meeting, please contact Kathy by sending an email to voice your support or concerns to lefevre@gmail.com (with Conditional Use Permit in the Subject Line), or calling Kathy at 928-380-0593 and leaving a voice mail.

If we decide to move forward with a formal application for the Conditional Use Permit, it will become a case at a public hearing of the planning and Zoning Commission. You will be notified of the date and time of the public hearing if we apply. The planning and Zoning Commission meets on the First Floor Meeting Room at the Coconino County Administration Building, 219 East Cherry Avenue in Flagstaff, Arizona. The Coconino County Community Development Department can be contacted at 928-679-8850 if you have any questions about the public hearing process.

Sincerely,

Kathryn & Ralph LeFevre
Property Owners
Ralph-Yahoo <ralph.lefevre@yahoo.com>
To: Kathy LeFevre <lefevre@gmail.com>, <kathy@sheepthrillsfarm.com>

I, Michael Blair, support Ralph and Kathy's use of their property for sheep and livestock. We've never had any problems and enjoy having the livestock as our neighbors.

Sent from my iPhone
Michael Blair
480-290-8860
Exhibit E: KVID Sewer Lines Map
Hi Rachel,

We don't have an easement for that specific property. We maintain a 16 foot easement (8 feet to either side) of all of our underground piping. We would need to have access for maintenance and repair.

Thanks,

--Sam

Sam Mossman
District Manager - KVID
Coconino County Public Works
smossman@kachinawater.com
(928) 525-1775

From: Davis, Rachel [mailto:rdavis@coconino.az.gov]
Sent: Thursday, April 11, 2019 12:19 PM
To: Sam Mossman
Subject: RE: Sheep Farm and KVID Easement

Sam,

This is great - thanks so much! Very helpful.

Just a couple clarifications – does KVID have an easement that specifically runs through the property with rights to enter and repair as needed? Or were pipes installed with no mention of a formal easement? I can't seem to find records of an easement on the plat.

Again, many thanks,

Rachel Davis
Planner
Hi Rachel,

We do have a sewer line and manholes that runs along the east side of that property.

I've attached a quick screenshot of the sewer lines that might shed some light on it.

Otherwise I do have maps, but not that are readily sent digitally. If you need more detail it might be best if you were able to swing by the office and have a look.

Let me know if you need anything else.

Thanks,

--Sam

Sam Mossman
District Manager - KVID
Coconino County Public Works
smossman@kchinawater.com
(928) 525-1775

Hi Sam,

I hope this letter finds you well. I am working on a conditional use permit request for an existing sheep farm (Kathy LeFevre) in Kachina Village at 3071 Kachina Trail, Lot 155 on the subdivision plat.

I wondered if you had a map of KVID easements/pipes that run through that area that I could view. I need to determine if there is a KVID line on her parcel. I believe you mentioned to me that there is a line that runs through the wetlands adjacent her property. Are there easements for these lines? How wide are they and how are they typically accessed?
Thanks for any help/info you can offer,

Rachel Davis  
Planner

Coconino County Community Development  
2500 N. Fort Valley Road, Building #1  
Flagstaff, AZ 86001-1287  
Phone: 928-679-8895  
rdavis@coconino.az.gov  
www.coconino.az.gov

From: Davis, Rachel  
Sent: Wednesday, February 13, 2019 12:30 PM  
To: Sam Mossman  
Subject: RE: Kona Trail connections

Thank you very much, Sam!

Rachel Davis  
Planner

Coconino County Community Development  
2500 N. Fort Valley Road, Building 1  
Flagstaff, AZ 86001-1287  
Phone: 928-679-8895  
Fax: 928-679-8851  
rdavis@coconino.az.gov  
www.coconino.az.gov

* Please consider the environment before printing this e-mail. *
Exhibit F: Letter from County Regarding Keeping Horses on Subject Property
Linnea E. Aldrich
152 Kachina Trail
Flagstaff, Arizona 86001

Re: Horses on Lots 152 through 157 Kachina Country Club Village

Dear Ms. Aldrich:

The purpose of this letter is to acknowledge that Coconino County Department of Community Development recognizes the keeping of horses on your property as a legal nonconforming situation. We have made this determination based on the following facts:

- Kachina Country Club Village (KCCV) was subdivided and developed in 1965.
- At the time of development, that portion of KCCV that includes your property was in the R-E (Recreational) Zone.
- Under the Coconino County Zoning Ordinance in effect at the time (effective Oct. 6, 1964), the R-E Zone allowed the keeping of horses for private use.
- There is correspondence in the KCCV subdivision file between the developer and the Planning Director of Coconino County indicating that restrictive covenants set 30,000 square feet as the minimum size of lots upon which horses could be kept.
- There is physical evidence in the form of barns and pastures indicating the long-time keeping of horses on your property (and several others in the vicinity), and horses are presently kept on several of those properties.
- Testimony provided by yourself and other property owners indicate that horses have been kept on several of the affected properties for approximately 30 years, and the properties were represented as “horse properties” when they were sold.

In summary, it is our determination that those parcels comprised of Lots 152 through 157 Kachina Country Club Village that are at least 30,000 square feet in area have legal nonconforming horse privileges. The affected properties include the following APNs: 116-15-055A, 056B, 057B, 057C, 058 and 116-50-019, 020A, 020B. This determination is limited to allowing no more than two horses on each of the affected properties. The limit of two horses is based on the current and past practices of property owners keeping one or two horses on the affected properties, and also based on the fact that the Coconino County Zoning Ordinance requires one full acre to accommodate three horses.

I hope this clarifies the situation with respect to keeping horses on these properties. Please feel free to call if you have any further questions.

Sincerely,

[Signature]
John P. Aber
Senior Planner
Memorandum

Date:       June 30, 2003
To:         Property Owners, Lots 152 through 157, Kachina Country Club Village
From:       John P. Aber, Senior Planner
Subject:    Legal nonconforming ("grandfathered") horse privileges

As an owner of one of the affected properties identified above, please see the attached letter to Linnea E. Aldrich regarding the keeping of horses on these properties. This letter serves as documentation that the County recognizes the keeping of horses (under certain limitations) as a legal nonconforming ("grandfathered") situation on your property. Please keep this letter in your personal files for future reference. Please feel free to call if you have any questions.
Hi Bob & Rachel,

I believe you have a copy of a letter I wrote to property owners of certain lots along Kachina Trail about their ability to keep horses on those properties even though the lots in question are slightly less than the one-acre minimum normally required for the keeping of horses. The reason the letter specifically refers to horses is because I was responding to a specific question about the keeping of horses on those properties. It was not our intention at the time to disallow the keeping of other types of animals, but simply to answer the question that was asked, which was whether or not horses were allowed. Our determination at the time was that the lots in question had been intended for the keeping of horses in the original development plans dating back to the 1960s, that horses had been observed on some of those properties continuously for many years, and that keeping horses on those lots was determined to be a legal nonconforming situation. It was not our intention to disallow the keeping of other types of animals, but rather to answer the question that was asked, which was specifically about horses. I hope this helps to clarify.

John

On Tue, Mar 5, 2019 at 11:40 AM Short, Bob <bshort@coconino.az.gov> wrote:

Hello John,

I spoke to Rachel Davis about what you told me about the legal non-conforming determination you made regarding animal keeping on several properties in Kachina Village including APN: 116-15-058. She wanted to know if you would reiterate in an email that the reason you specified horses was because the property owners asked if they could keep horses and not because it was intended this was the only type of livestock they could keep. This would go a long way in helping her convey this information to the Commission. I appreciate your help as always.

Thanks,

Bob Short
Principal Planner
Community Development
Exhibit G: Health Code and Stormwater Ordinance Excerpts
According to the Coconino County Health District, livestock and manure shall be managed as follows:

RULES AND REGULATIONS FOR KEEPING OF ANIMALS - Chapter 11

SEC.11-1 GENERAL
REG.11-1-1 LEGAL AUTHORITY
    The Regulations in this part are adopted pursuant to the authority granted by Section 36-184, Arizona Revised Statutes.
REG.11-1-2
    Cattle, horses, sheep, goats, dogs, cats, birds, fowl and any other living animals and the pens, stalls, stables, yards, shelters, cages, areas, places and premises where they are held or kept shall be so maintained that flies, insects or vermin, rodent harborage, odors, ponded water, the accumulation of manure, garbage, refuse or other noxious material do not become a public nuisance and do not disturb the peace, comfort or health of any person.
REG.11-1-3
    Deleted 1991
REG.11-1-4
    Any person, firm or corporation is prohibited from keeping of sheltering animals in such a manner that a condition resulting from same shall constitute a nuisance.
SEC.11-3 SANITARY REQUIREMENTS
REG.11-3-1
    A. Manure and droppings shall be removed from pens, stables, yards, cages and other enclosures at least twice weekly and handled or disposed of in an approved manner, free of health hazard or public health nuisance.
    B. In populous districts, stable manure must be kept in a covered watertight pit or chamber and shall be removed at least twice a week. Manure on farms or isolated premises other than dairy farms need not be so protected and removed unless ordered by the State or local health department.
    C. Manure shall not be allowed to accumulate in any place where it can prejudicially affect any source of drinking water.
REG.11-3-2
    Feed troughs shall be provided for the feeding of vegetables, meat scraps or garbage, and such feeding shall be done exclusively in containers or on an impervious platform.
REG.11-3-3
    Watering troughs or tanks shall be provided, which shall be equipped with adequate facilities for draining the overflow, so as to prevent ponding of water, breeding of flies, mosquitoes or other insects, or creation of health hazards or nuisances.
CHAPTER 5 – ILLICIT NON-STORMWATER DRAINAGE AND CONNECTIONS 501 – Prohibition of Non-Stormwater Drainage 1. No Person shall throw, drain, or otherwise introduce, cause, or allow others under its or their control to throw, drain, or otherwise introduce into the County SMS4s or into a Storm Drainage System any Pollutants or waters containing any Pollutants. 2. Prohibited discharges include, but are not limited to, the following: I. Discharge or drainage of manure and urine from farm, domestic, and commercial animals directly into Waters of the U.S.

703 – General Requirements 1. The management of Stormwater on site, both during and upon completion of the land Disturbances described in Section 702.1 shall be accomplished in accordance with the standards and criteria of this Ordinance and the requirements of the Coconino County Engineering Design and Construction standards, Subdivision and Zoning Ordinances for Coconino County, the Floodplain Ordinance for Coconino County, and any other standards or criteria that are or may be adopted by the Coconino County Board of Supervisors. The design of any temporary or permanent facilities and structures and the utilization of any natural Drainage Systems shall be in full compliance with this Ordinance and any other applicable ordinance or regulation. 2. The intent of these design standards is to encourage environmentally sound Stormwater management practices that provide necessary drainage facilities while protecting the hydrologic characteristics and water quality of the site and watershed.
Exhibit H: Health Inspection Report from 2008
Case Notes

Case # EHC-18-0126
Parcel #:

Site Address: 3071 KACHINA TRAIL

Case Description: RP EMAILED A COMPLAINTS ABOUT THE ODOR OF SHEEP FECES. "The owners of the property at 3071 Kachina Trail are raising sheep. There are two serious problems with this. 1. I am almost certain that sheep feces and urine are running into Pumphouse Wash. This is almost certainly happening during monsoon events. Pumphouse wash is a a spring fed ephemeral stream. The pools that form are having high levels of algae. They stink. This is an indicator of high levels of nitrogen which is in urine and feces. I have observed this stream over the past 18 years and each year the algae levels increase. This stream is unique to Arizona. It is the home to various reptiles and amphibians. 2. The sheep feces and urine odor is horrible and is a detriment to the enjoyment of the neighborhood and to the county trail along Pumphouse wash."

<table>
<thead>
<tr>
<th>Note Type</th>
<th>Note Code</th>
<th>Text</th>
<th>Created By</th>
</tr>
</thead>
<tbody>
<tr>
<td>GENERAL</td>
<td></td>
<td>went to house and the Violator cleans poop daily and the sheep are very well cared for. There is a slight odor but I did not see anything out of the normal. Tried to call RP but voice mail is full</td>
<td><a href="mailto:wmaurer@coconino.az.gov">wmaurer@coconino.az.gov</a></td>
</tr>
</tbody>
</table>
Exhibit I: Department and Agency Input
Thank you for your feedback and this information, Cynthia. Much appreciated!

I will reach out to Geoffrey and the new Wildlife Planner separately, and will keep you all informed as to if/when this case will go to a hearing.

**Rachel Davis**  
*Planner*

Coconino County Community Development  
2500 N. Fort Valley Road, Building 1  
Flagstaff, AZ 86001-1287  
Phone: 928-679-8895  
Fax: 928-679-8851  
rddavis@coconino.az.gov  
www.coconino.az.gov

* Please consider the environment before printing this e-mail. *

From: Nemeth, Cynthia  
Sent: Wednesday, January 30, 2019 10:55 AM  
To: Davis, Rachel <rdavis@coconino.az.gov>; Krug, Liz <lkrug@coconino.az.gov>; Gross, Geoffrey <ggross@coconino.az.gov>  
Subject: RE: grazing lease

Hi Rachel,

We have significant concern with this application. We do not want grazing in the wetlands as it would be detrimental to this sensitive habitat. We’ve had issues with the parcel/owner in question. For example, ADEQ recorded E.coli in the water downstream of the sheep farm and we suspect that it could very well come from there. The wetlands are a significant source of water the Verde River watershed.

I would encourage you to speak to Geoffrey Gross (ext. 8023 and cc’d here) who is very knowledgeable about this property owner and the Pumphouse Natural Area. This is an application we will also want the Urban Wildlife Planner to weigh in on.

Thank you for reaching out, Rachel! I would have hated to have this one slip past me.
Hi Cynthia and Liz,

I am not sure who to talk to about this, but figured I’d start with you.... I am working on a conditional use permit for a sheep farm in Kachina Village that backs up to Pumphouse County Natural Area II (Parcel #11617002). I am going to visit the applicant’s property (Parcel #11615058) next week and learn more about her farming operations. (Link to ParcelViewer: https://gismaps.coconino.az.gov/parcelviewer/) She currently keeps around 20 Shetland sheep; there is an interesting history of sheep farming in the area – Dr. Raymond of Raymond County Park was himself a sheep farmer in the Pumphouse Wash wetlands until the 1950s.

I do not know if the applicant allows her sheep to leave her property to graze, but will find out soon. I am curious... does Parks and Rec maintain this natural area next to her land, and would a grazing lease be an option for this applicant? Does Parks and Rec have any comments or concerns regarding the proximity of the sheep farming activity to this natural area?

Thank you for any help you are able to offer,

Rachel Davis
Planner

Coconino County Community Development
2500 N. Fort Valley Road, Building 1
Flagstaff, AZ 86001-1287
Phone: 928-679-8895
Fax: 928-679-8851
rdavis@coconino.az.gov
www.coconino.az.gov

* Please consider the environment before printing this e-mail. *
Hi Cynthia and Liz,

I am not sure who to talk to about this, but figured I'd start with you.... I am working on a conditional use permit for a sheep farm in Kachina Village that backs up to Pumphouse County Natural Area II (Parcel #11617002). I am going to visit the applicant’s property (Parcel #11615058) next week and learn more about her farming operations. (Link to ParcelViewer: https://gismaps.coconino.az.gov/parcelviewer/) She currently keeps around 20 Shetland sheep; there is an interesting history of sheep farming in the area – Dr. Raymond of Raymond County Park was himself a sheep farmer in the Pumphouse Wash wetlands until the 1950s.

I do not know if the applicant allows her sheep to leave her property to graze, but will find out soon. I am curious... does Parks and Rec maintain this natural area next to her land, and would a grazing lease be an option for this applicant? Does Parks and Rec have any comments or concerns regarding the proximity of the sheep farming activity to this natural area?

Thank you for any help you are able to offer,

Rachel Davis
Planner

Coconino County Community Development
2500 N. Fort Valley Road, Building 1
Flagstaff, AZ 86001-1287
Phone: 928-679-8895
Fax: 928-679-8851
rdavis@coconino.az.gov
www.coconino.az.gov

* Please consider the environment before printing this e-mail. *
Good morning Rachel,

Thanks for reaching out to us, I do have some thoughts and information about the sheep farm.

- I don’t see any way that we would consider a grazing lease for the Pumphouse County Natural Area. High elevation wetlands with perennial water are a very rare and fragile ecotype for Arizona. Having concentrated grazing would be run counter to our management plan, restoration efforts and have a detrimental effect on the habitat value of the wetland. For example, the wetland supports breeding activities for a wide variety of waterfowl and other migratory birds, the amount of vegetative cover present in the wetland facilitates this activity. If the wetland vegetation were lowered the breeding birds would be subjected to higher levels of predation, or would find the habitat unsuitable. The same holds true for amphibians, reptiles and small mammals that make the wetland home.
- ADEQ is currently investigating ecoli contamination in oak creek, and have narrowed the source down to the kachina village area, while they do not have definite proof, the sheep operation is a suspected contributor. I have personally seen the operators dumping manure from their barn into the wetland portion of their property, which would bring the waste into oak creek during storm events.
- The owner has repeatedly complained about vegetative growth in the natural area adjacent to his property, we believe that the manure dumping upstream is contributing to the rate of growth due to nutrient loading.
- While we support working landscapes, we feel that operations of this nature need to be located in appropriate areas. The potential impacts to the wetland, along with impacts to park users (strong odors, being the primary one) would suggest that livestock operations in this residential area may not be appropriate.

Please feel free to reach out if you have any further questions, or hearing is scheduled so we can express our concerns, if it’s appropriate.

Geoffrey

From: Davis, Rachel
Sent: Wednesday, January 30, 2019 12:02 PM
To: Gross, Geoffrey <ggross@coconino.az.gov>
Cc: rmagill@wswildlife.com
Subject: RE: grazing lease

Hello Geoffrey,

I am following up on the e-mail exchange with Cynthia (below), and have copied Rob Magill, the new Urban Wildlife Planner. When you get a spare moment, could we discuss or correspond about the sheep farm next to the Pumphouse Natural Area? I am curious to learn of any concerns, observations, etc. that may pertain to the conditional use request (to allow 20 animals to be kept on the property). The sheep farm has been operating per the applicant since 2005, but
she did not seek zoning permits to allow the number of animals that are currently kept on the lot. A neighbor complained and that is how Community Development became aware of the potential issues on the property, as well as the need for permits. Thank you,

Rachel Davis  
Planner

Coconino County Community Development  
2500 N. Fort Valley Road, Building 1  
Flagstaff, AZ 86001-1287  
Phone: 928-679-8895  
Fax: 928-679-8851  
rldavis@coconino.az.gov  
www.coconino.az.gov

* Please consider the environment before printing this e-mail. *

From: Nemeth, Cynthia  
Sent: Wednesday, January 30, 2019 10:55 AM  
To: Davis, Rachel <rdavis@coconino.az.gov>; Krug, Liz <lkrug@coconino.az.gov>; Gross, Geoffrey <ggross@coconino.az.gov>  
Subject: RE: grazing lease

Hi Rachel,

We have significant concern with this application. We do not want grazing in the wetlands as it would be detrimental to this sensitive habitat. We've had issues with the parcel/owner in question. For example, ADEQ recorded E.coli in the water downstream of the sheep farm and we suspect that it could very well come from there. The wetlands are a significant source of water the Verde River watershed.

I would encourage you to speak to Geoffrey Gross (ext. 8023 and cc'd here) who is very knowledgeable about this property owner and the Pumphouse Natural Area. This is an application we will also want the Urban Wildlife Planner to weigh in on.

Thank you for reaching out, Rachel! I would have hated to have this one slip past me.

Cynthia Nemeth-Briehn, CPRP  
Coconino County Parks & Recreation Director  
2446 Fort Tuthill Loop  
Flagstaff, AZ 86005  
Phone: 928.679.8004  
Fax: 928.774.2572  
www.coconino.az.gov
Rachel and Geoffrey,

Thank you for having me included in the email chain via Cynthia’s cc. I am just today started reading some of the planning and management documents for the Rogers lake and Pumphouse Wash natural areas. The Pumphouse wash document is at the top of my list for tomorrow – I am getting ready to go to the Planning and Zoning Commission meeting momentarily.

I will be meeting with Cynthia on Friday at 3:30, and I am guessing that Geoffrey, you will be there as well. Rachel, I would like to join you in your property visit when you go out next week as it would give me a first-hand view of the neighbors operation and the Pumphouse Natural Area at the same time. My AZGFD email (cc’d above) is the one that is accessible at the moment so please include me in any other correspondence.

Thank you!

Rob

Robert T. Magill, MS
Certified Wildlife Biologist - TWS
Certified Associate Ecological Restoration Practitioner - SER
970-623-9369

rmagill@wswildlife.com

“A thing is right when it tends to preserve the integrity, stability and beauty of the biotic community. It is wrong when it tends otherwise.” – Aldo Leopold

---

Hello Geoffrey,

I am following up on the e-mail exchange with Cynthia (below), and have copied Rob Magill, the new Urban Wildlife Planner. When you get a spare moment, could we discuss or correspond about the sheep farm next to the Pumphouse Natural Area? I am curious to learn of any concerns, observations, etc. that may pertain to the conditional use request (to allow 20 animals to be kept on the property). The sheep farm has been operating per the applicant since 2005, but she did not seek zoning permits to allow the number of animals that are currently kept on the lot. A neighbor
complained and that is how Community Development became aware of the potential issues on the property, as well as the need for permits. Thank you,

**Rachel Davis**
*Planner*

Coconino County Community Development  
2500 N. Fort Valley Road, Building 1  
Flagstaff, AZ 86001-1287  
Phone: 928-679-8895  
Fax: 928-679-8851  
rldavis@coconino.az.gov  
www.coconino.az.gov

* Please consider the environment before printing this e-mail. *

**From:** Nemeth, Cynthia  
**Sent:** Wednesday, January 30, 2019 10:55 AM  
**To:** Davis, Rachel <rdavis@coconino.az.gov>; Krug, Liz <lkrug@coconino.az.gov>; Gross, Geoffrey <pgross@coconino.az.gov>  
**Subject:** RE: grazing lease

Hi Rachel,

We have significant concern with this application. We do not want grazing in the wetlands as it would be detrimental to this sensitive habitat. We’ve had issues with the parcel/owner in question. For example, ADEQ recorded E.coli in the water downstream of the sheep farm and we suspect that it could very well come from there. The wetlands are a significant source of water the Verde River watershed.

I would encourage you to speak to Geoffrey Gross (ext. 8023 and cc’d here) who is very knowledgeable about this property owner and the Pumphouse Natural Area. This is an application we will also want the Urban Wildlife Planner to weigh in on.

Thank you for reaching out, Rachel! I would have hated to have this one slip past me.

**Cynthia Nemeth-Briehn, CPRP**  
Coconino County Parks & Recreation Director  
2446 Fort Tuthill Loop  
Flagstaff, AZ 86005  
Phone: 928.679.8004  
Fax: 928.774.2572  
www.coconino.az.gov
Hello Rachel,

My concerns align with Randy and Cynthia, with regards to the run off into the wetland area. Having a French drain, that redirects the run off into the wetlands, is questionable. This wetland area protects and even improves water quality as well as providing habits for various wildlife and aquatic life. Wetlands are like the “kidneys” for other ecosystems.

There is a specific science when it comes to composting correctly. Composting sheep manure means the straw bedding is typically collected which isn’t bad because the bedding helps with the break down. Sheep manure is high in phosphorus and potassium which is great for a garden but how good is for a wetland area? I would definitely recommend having the Urban Wildlife Planner look into this as well.

From an Environmental Health (EH) standpoint most manure complaints are about the smell, however, the EH code does not address smells. Composting would be acceptable if done correctly, and since EH does not have guidelines in place on how to compost manure correctly, an individual would be referred to the internet or a university for guidelines. From the EH standpoint it comes down to fly breeding concerns and potential contamination of drinking water sources.

I hopes this helps.

Thanks,

Sabrina Kelley
Program Manager
Public Health Services District
Animal Management
2625 King Street
Flagstaff, Arizona 86004
Fax: 928-679-8771
Desk: 928-679-8756
Hi Rachel,

I just left you a voicemail. Yes, the water that flows through the meadow next to the applicant's property flows year-round. County Parks and Rec has in-stream water rights and has documented perennial flows for many years. Given the buffer requirements, I'm not sure how this application can be conditioned for approval. Feel free to call back to discuss.

Thank you!

Hannah Griscom | Wildlife Habitat Specialist
ARIZONA GAME AND FISH DEPARTMENT – Region 2
3500 S. Lake Mary Road
Flagstaff, AZ 86005
O: 928 214-1252
C: 307-399-5430
Email – hgriscom@azgfd.gov

On Wed, Feb 13, 2019 at 3:39 PM Davis, Rachel <rdavis@coconino.az.gov> wrote:

Hi Hannah,

Thanks so much for this information; very helpful. And thank you for your hard work ensuring sensitive habitat is protected! I am working on a conditional use permit for a sheep farm located at 3071 Kachina Trail and trying to figure out how I might condition it if I can make the findings of fact. One consideration is ensuring that animal waste will not pollute the adjacent wetlands.

I do have a clarification question for you – I’ve been working with different entities to determine if the Pumphouse county natural area down by Kachina Trail are considered a perennial water source. Each entity I talk to gives a different definition of “perennial water source.” ADWR does not list Pumphouse Wash or adjacent wetlands as perennial, but the Pumphouse Master Plan does. How would you define perennial water source, and do you have a specific resource you use for making this determination?

Thanks again, Hannah,
Hi Rachel,

Yes, that provision was based on my recommendation to the County and it happened in the final stages of ordinance adoption with approval from Jay. This was an important measure to protect water quality in the few perennial streams
we have in the County. The 150 foot buffer was based on manure management guidelines as well as my professional judgment. Please let me know if you have additional questions.

Thanks,

Hannah Griscom | Wildlife Habitat Specialist
ARIZONA GAME AND FISH DEPARTMENT – Region 2
3500 S. Lake Mary Road
Flagstaff, AZ 86005
O: 928-214-1252
C: 307-399-5430
Email – hgriscom@azgfd.gov

On Tue, Feb 12, 2019 at 1:01 PM Kate Morley <kmorley@naipta.az.gov> wrote:

Hi Rachel,

I would have to check files to be sure I am pretty sure that provision was added prior to the major changes to the animal keeping section that we did while I was there (adopted in 2015?) and before my time at the County all together (2011). Is Sabrina still in Animal Control? She has a lot of input on the animal keeping sections. Otherwise, I would guess it originally came about as a tie to a policy related to water quality in the Comprehensive Plan. We used to have files related to all zoning amendments that had ever occurred as well as a master list that was basically a cheat sheet to them. I think the cheat sheet was a blue folder that opened from the top edge if remember correctly. I am guessing they are still around- the cheat sheet was great and the files should be part of permanent records retention.

Sorry to not be more help, good luck!

Kate Morley, AICP
Development Director
NAIPTA (Northern Arizona Intergovernmental Public Transportation Authority)
3773 N. Kaspar Dr. Flagstaff, AZ 86004
928.679.8903
www.mountainline.az.gov
Hi Kate and Hannah,

Hope you are doing well. I know you both are not connected with the County in the same way as in years past, and am sorry to contact you with a zoning ordinance-related question... but you might be my last hope!

I wondered if either of you could help me determine how a specific provision came to be included in the animal keeping section of our current zoning ordinance:

“No animal may be permanently sheltered, watered, or fed within 150 feet of a perennial water source.” This provision does not exist in the 1981 zoning ordinance.

I have contacted EQ, Environmental Health, and Engineering, and no one seems to know how 150 feet was determined. Do either of you recall?

I truly appreciate any help you can give me,

Rachel Davis
Planner
Executive Summary

**Location:** 17612 Fairway Drive in Munds Park, APN# 400-37-001D

**Current Zoning:** Split Zoned- CG-10,000 (Commercial General) western half/RS-36,000 (Single Family Residential) eastern half

**Requested Zoning:** Eastern half to CG-10,000 (Commercial General) so that full parcel is the same zone

**Parcel Size:** 0.93 acres (approximately 40,510 square feet)
Staff Report
Case No. ZC-19-003
Page 2

Proposed Use: Restaurant- a permitted by right at the current location and not subject to Commission or Board approval

Supervisor District: 3 (Matt Ryan)

Owner: Sauerbrey Family Revocable Trust- Munds Park, AZ

Applicant: Bill Spain- Munds Park, AZ

Project/Development Description:

The applicant requests a zone change for half of the subject property from residential to commercial to create a consistent zoning for the entire property. The applicant proposes to remodel an existing legal-nonconforming home into a conforming restaurant and the restaurant use is not allowed on the residential portion of the property. Though conditional zoning is often applied to zone change requests, staff finds that conditional zoning is not necessary considering the unusual circumstances of this property. Conditional zoning is often applied to avoid speculation and artificial property value inflation. Staff finds that that is not the case because the property is partially zoned CG-10,000. The performance standards of the CG-10,000 Zone that apply to all uses will mitigate any impacts from the applicant’s proposed restaurant use and any future conditional uses that may have more impact will be required to come before the Commission for additional impact mitigation as the Commission finds appropriate.

Recommendations and Findings of Staff

Staff is able to make the required Findings of Fact and does not recommend any conditions of approval.
Background Information:

Subject property
- Developed with existing home
- Relatively flat topography
- Densely vegetated with mature Ponderosa Pine

Surrounding Land Uses:

<table>
<thead>
<tr>
<th>Surrounding Land Uses/Zoning</th>
<th>Land Use</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Residential</td>
<td>RS-36,000 (Res. Single Family)</td>
</tr>
<tr>
<td>South</td>
<td>Real Estate Office</td>
<td>CG-10,000 (Commercial General)</td>
</tr>
<tr>
<td>East</td>
<td>Residential</td>
<td>RS-36,000 (Res. Single Family)</td>
</tr>
<tr>
<td>West</td>
<td>Multiple Commercial Uses</td>
<td>CG-10,000 (Commercial General)</td>
</tr>
</tbody>
</table>

Proposed Development

The purpose of this request is for the applicant to convert the existing home on the western, commercial portion of the property into a restaurant and to use the residential portion of the property for parking or other uses related to the restaurant use. The restaurant use is permitted in the commercial zone and staff does not find that the proposed use as germane to the approval or denial of this case based on the scope and analysis below.
Public Participation

The applicant has submitted a citizen participation plan that indicates a neighborhood meeting was held on the property on January 4, 2019. Thirty-six neighbors were invited to the meeting and two attended. The only concern was that the business would use Boulder Trail, a private access easement. The applicant indicated Boulder Trail would not be used and landscaping would be utilized along the north property boundary to screen Boulder Trail and nearby residential properties from the restaurant use.

Staff Analysis

The applicant’s property is zoned half commercial and half residential. This makes it difficult for the applicant to conduct their proposed business on the property. Nothing associated with the applicant’s future commercial restaurant use is allowed on the residential portion of the property, including sign location or parking. The residential portion being adjacent to the nearby roadways makes it especially difficult for the applicant. Split zoning also makes staff’s administration of uses and structures on the property difficult. The existing home on the commercial portion of the property is a legal nonconforming use, as residential uses are not allowed in commercial zones without a primary commercial use. The Comprehensive Plan seeks to phase out nonconforming uses over time.

In best planning practices it makes sense for the entirety of the property to be commercial. Property to the south and west of the subject property along Pinewood Boulevard and up to the interchanges for I-17 are all commercial, with the exception of a small piece of the split zoned property directly to the south that will likely have similar future issues. Areas with interchanges and major collector roads are often designated as commercial activity centers, though there is no area plan for Munds Park that designates the area as such. The area has historically grown this way. The portion of this property that would become commercial would be a small growth of the commercial node of the area and not a strip commercial area that is typically discouraged in the Comprehensive Plan and best planning management practices.

The Board of Supervisors, with recommendation from the Planning and Zoning Commission, have often approved Zone Changes conditionally and based on a specific use, schedule for improvement, and site plan. This practice is encouraged throughout the Comprehensive Plan because zone changes without an anticipated use can be speculative and cause artificial inflation of value of undeveloped properties as well as other unintended consequences. In this case, half of the property is already zoned appropriately and the desired use is permitted by right. Though there is residential property across the streets to the north and east of this property, the typical requirements of the CG-10,000 Zone mitigate impacts from uses that are permitted by right and any conditional uses would come before the Commission where additional mitigation measures could be taken if needed. Also, as discussed above, best planning management would be applied in this particular zone change even without a
conditional zone change. Due to these unusual circumstances staff does not recommend any conditions for this request.

1. That the change is consistent with the goals, objectives and policies of the Comprehensive Plan and this Ordinance.
2. That the change is in the interest of or will further the public health, safety, comfort, convenience and welfare.
3. That the change will not adversely affect the established character of the surrounding neighborhood nor be detrimental to adjacent properties.

1. Though there are no relevant Comprehensive Plan goals or policies for this unusual circumstance, staff finds this request as consistent with the Plan and the Zoning Ordinance. The Comprehensive Plan does speak to removing nonconforming situations and approval of this request would help the applicant to remodel the existing, nonconforming home into a restaurant. If approved, the Zone Change would not constitute spot or strip commercial zoning that is also discouraged in the Plan.

2. This request is in the interest of public health, safety, convenience, and welfare considering that it will rectify a split zoning situation that is causes difficulties for the applicant and staff alike.

3. Approval of this request will not adversely affect the established character of the neighborhood considering that half of the subject property is already commercially zoned. Impacts to adjacent residential properties will be mitigated by the performance standards of the CG-10,000 Zone and the Conditional Use Permit process should any future conditional use be requested on the subject property.

Recommendation

If the Commission can make the required Findings for the Zone Change, staff recommends approval of the ZC-19-003.

Respectfully submitted,

Jess McNeely, AICP, Assistant Director
Prepared by Bob Short, Principal Planner
February 9, 2019

Coconino County Community Development  
2500 North Fort Valley Road, Building 1  
Flagstaff, Arizona 86001

Dear Mr. Bob Short, Ms. Rachel Davis, Mr. Jesse Newton, Mr. David Monihan, Ms. Jennifer Corrigan, Ms. Nina Schmidt, Mr. John Carr,

It was a pleasure meeting with you on December 5, 2018 and learning about how to proceed for our application to open a new restaurant in Munds Park and the correlating zoning change that the county is suggesting. We have enclosed the zoning change application along with detailed scaled drawings of the proposed restaurant and other pertinent information. After the meeting Thomas Ryan and I investigated the various proposals that were shared at the meeting and have decided that we want to pursue the zoning change to make the parcel all one zoned commodity versus the split between CG 10,000 and RG 36,000. We have decided that no variance or conditional use permit would be necessary as we will comply with the suggestions made at the meeting. A check for $576 is enclosed to initiate the zone change process.

The citizen participation plan was held on January 4, 2019. The only attendees were Mr. and Mrs. Paul Sauerbrey who own the adjacent property to the North. They were concerned that we were going to use the unpaved road named “Boulder,” North of our parcel. We informed them that we had learned that there was no legal access to the road and that we had determined the best option is to have an entrance in the center of the property off of Fairway. We informed them that we would be building a fence along the North side of the property that will run the length of the parcel and that we would be adding various pine trees, aspens and maples along that side of the property. They seemed relieved that we had no intention of utilizing Boulder Road in any way.

Mr. and Mrs. Sauerbrey had spoken to their neighbor to the west, Mr. Jim Murphy, raising concerns with them about the traffic on Boulder due to our plans to open Martino’s Restaurant. I received a letter from the Murphy’s a few days later and immediately sent a reply with is enclosed under the Citizen Participation plan of our submittal. There have been no other inquiries.

We have finally finished emptying out the entire contents of the house and disposing of the debris. We are ready to embark on the necessary renovations to convert the home into a restaurant. We are already painting and replacing flooring and such, but we have included the
renderings of what needs to be done to convert the property to a restaurant and address the issues that were brought forth during the pre-application meeting.

We are preparing the lighting and signing permit applications and will submit them to Rachel as soon as we have them completed. We know that they are necessary as part of the building permit package which can’t move forward until after the approval of the zone change. In the meantime, we are contacting a paving company to get estimates to pave the parking lot, a landscaping company in order to plan for the building of fences and planting and watering of additional trees along Boulder Road and a handyman to build the solid masonry wall with metal gates for the housing of the waste receptacle.

Upon learning that the restaurant would be required to install sprinklers if there were more than fifty interior diners, we have changed the occupancy to the maximum of 50 interior and 49 exterior patrons at any given time. Should business dictate expansion then we will look into the installation of a sprinkler system, in the future. The architects are working on the ADA requirements and emergency lighting as well as the restroom configurations and tell us that they will be able to meet all of the requirements.

Pinewood Sanitary District has been contacted and arrangements have been made to “hook-up” to the sewer system as soon as weather permits and the ground is unfrozen. We expect the property to be hooked up by the end of April.

Chef Thomas Ryan has completed the menu, layout, plumbing fixtures plan, food storage and appliances plan and has already purchased a good amount of the equipment. The hand sinks, food prep sinks and three basin kitchen sink is shown on the plans. What fee needs to be paid via the health district portion of the submittal? Let us now and we will initiate payment.

We are working with our architects to incorporate green building materials, energy star appliances and energy efficient lighting and low use plumbing fixtures where it is possible and monetarily prudent. A civil engineer will be procured to produce the drainage report once we have been approved for the zone change. The engineer will also conduct the traffic study at that time as well.

Since we have no legal access to Boulder Drive, we plan to construct a new entrance at the center of the property, farther North of the Pinewood Blvd intersection in order to allow for smooth access and parking. Our exterior landscaping map reflects the plans we have for the parking lot. We are excited about the progress we are making towards the realization of our goals and objectives and thank you for your assistance.

Sincerely,

William J. Spain
Thomas P. Ryan
Co-owners of Martino’s Restaurant and Lounge
Entity Information

Search Date and Time: 2/8/2019 1:19:55 PM

Entity Details

Entity Name: MARTINO'S RESTAURANT AND LOUNGE, LLC
Entity ID: 1930228
Entity Type: Domestic LLC
Entity Status: Active
Formation Date: 12/13/2018
Reason for Status: In Good Standing
Approval Date: 12/19/2018
Status Date: 12/19/2018
Original Incorporation Date: 12/13/2018
Life Period: 12/31/2099
Business Type: Last Annual Report Filed:
Domicile State: Arizona
Annual Report Due Date:
Years Due:
Original Publish Date: 12/19/2018

Statutory Agent Information

Name: WILLIAM J SPAIN
Appointed Status: Active 12/19/2018
Attention: 7830 E EVANS ROAD, SCOTTSDALE, AZ 85260, USA
Agent Last Updated: 12/19/2018
E-mail:  
Mailing Address:

Principal Information

<table>
<thead>
<tr>
<th>Title</th>
<th>Name</th>
<th>Attention</th>
<th>Address</th>
<th>Date of Taking Office</th>
<th>Last Updated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member</td>
<td>WILLIAM J SPAIN</td>
<td></td>
<td>7830 E EVANS ROAD, SCOTTSDALE, AZ, 85260, Maricopa County, USA</td>
<td>12/19/2018</td>
<td></td>
</tr>
<tr>
<td>Member</td>
<td>THOMAS P RYAN</td>
<td></td>
<td>20 W PINewood BLVD, MUNDS PARK, AZ, 86017, Coconino County, USA</td>
<td>12/19/2018</td>
<td></td>
</tr>
</tbody>
</table>

Entity Known Place of Business

Attention: Address: 17612 FAIRWAY DRIVE, MUNDS PARK, AZ, 86017, USA
County: Coconino
Last Updated: 12/19/2018

Entity Principal Office Address

Attention: Address: County: Last Updated:


https://ecorp.azcc.gov/BusinessSearch/BusinessInfo?entityNumber=1930228 1/2
ZONE CHANGE APPLICATION

Owner Information
Owner's Name
William J. Span
Thomas R. Ryan
Address
17612 Fairway Drive
City, State, Zip
Munds Park, Arizona 86017
Phone
(602) 622-1196
Email/Fax
Bill.Span@ProvidenceAZ.com

Applicant Information
Applicant's Name
Same
Contact Person
Bill Span
Address
7830 E. Evans Road
City, State, Zip
Scottsdale, AZ 85260
Phone
(480) 314-2323
Email/Fax
Bill.Span@ProvidenceAZ.com

Property Information
Assessor's Parcel # 400-37-001-D
Subdivision
Pinegrove / Pineswood
Unit # Notes / Bands / Lot #
Address/Location
17612 Fairway Drive
200 W. Pineswood Blvd., AP, AZ 86017
Zoning
Residential CR 36-002
Proposed Zoning
All Commercial
Existing Land Use
Home
Parcel Size
1.93 Acres

Proposed Land Use Description
Martino's Restaurant & Lounge

CERTIFICATION & ACKNOWLEDGEMENT

I am applying for a Zone Change and this application is complete and accurate. I understand that by applying for this permit, I am requesting inspection of the permitted development and grant the Coconino County Community Development Department and their inspectors and regulators access and permission to perform inspections.

Incomplete or inaccurate submittals may result in delays, return of submittals, or denial of this application. Design Review Overlay is a supplemental permit and other permits may be required for this project and all required permits must be obtained prior to any construction. The applicant and developer are responsible for all changes and additional time required to correct plans and/or development as a result of differences between initial and final plans.

I am responsible for contacting the Coconino County Community Development Department at (928) 679-8850 to schedule all required inspections for this permit.

Signature of Applicant
Date
12/10/18

Signature of Property Owner
(If not the applicant)
Date
12/10/18

COMMISSION ACTION
- Approved
- Denied

Resolution #
Date

BOARD ACTION
- Approved
- Denied

Ordinance #
Date
Coconino County Community Development – Updated 1/25/18

Citizen Participation Plan

Applicant Name: THOMAS P. RYAN AND WILLIAM J. SPAIN

Mailing Address: 7830 E. EVANS ROAD, SUITE A, SCOTTSDALE, AZ. 85260

Phone: (602) 622-1196

E-mail: BILL.SPAIN@PROVIDENTAZ.COM

Property Address or Parcel Number(s):
17W12 FAIRWAY DRIVE, MUNDS PARK, ARIZONA 85077
20 W. PINEWOOD BLVD, MUNDS PARK, ARIZONA 85077
400-37-001 D & 400-37-001-L

Brief Description of Conditional Use Permit and/or Zone Change:
ZONE CHANGE REQUEST TO CONVERT PARCELS FROM SPOT ZONING OF RS 36,000 TO CD 1000. THE PARCELS ARE SIDE BY SIDE AND OWNED BY APPLICANTS. COUNTY PERSONNEL STATE BOTH SHOULD BE RE-ZONED TO ENTIRELY COMMERCIAL

1. Which residents, property owners, interested parties and public and private agencies may be affected by the application? (This may consist of the area of notification mailing list, which can be attached to this Plan.) List the notification radius in feet or miles as identified by Community Development staff.

SEE ATTACHED PRINT-OUTS OF PARCELS WITHIN 500 FEET OF OUR PROPERTY.

2. How will those interested in and potentially affected by an application be notified that an application has been made?

BY ATTACHED LETTER TO THE ADJACENT PROPERTIES AS REQUIRED

BY COUNTY DIRECTION
Citizen Participation Report

Applicant Name:
THOMAS P. RYAN & WILLIAM J. SPAN

Mailing Address:
7830 E. EVANS ROAD, SCOTTSDALE, ARIZONA 85260

Phone:
(602) 622 - 1196

E-mail:
Bill.Spain@ProvidentAZ.com

Property Address or Parcel Number(s):
17102 FAIRWAY DRIVE, MUNDS PARK, AZ 85017 400-37-001-D
20 W. PINEWOOD BLVD, MUNDS PARK, AZ 85017 400-37-001-L

Brief Description of Conditional Use Permit and/or Zone Change:
CONVERT BRYANT LOT RESIDENTIAL R-36000 AND COMMERCIAL C-10000 ENTIRELY
TO COMMERCIAL ZONING.

1. Please list the dates and locations of all meetings where citizens were invited to discuss the applicant’s proposal:

JANUARY 4, 2019 - 5:00 PM AT PROVIDENT PARTNERS REALTY
CONFERENCE ROOM AT 20. W. PINEWOOD BLVD, MUNDS PARK,
ARIZONA 85017

2. Please attach and note the content, dates mailed, and numbers of mailings, including Community Meeting letter(s), other meeting notices, newsletters and other publications (if applicable):

PLEASE SEE ATTACHED LETTERS SENT TO ALL NIGHETEEN NEIGHBORS AS IDENTIFIED ON ATTACHED LIST

Citizen Participation Report Page 1
6. How will the applicant address the concerns, issues and problems that were expressed during the process?

_Both the Sauerbrey's and the Murphy's concerns were addressed when we informed them that we have no legal access to the Boulder road and that we would not be using the road._

7. Please list any concerns, issues and problems the applicant is unwilling or unable to address, and why:

_N/A_

8. Any further comments from the applicant?

_The neighbors appear to be fine now that they know we will not use Boulder Road._
Monday December 17, 2018

We are the new owners of the property located at 17612 Fairway Drive, formerly Annie Booth's home, and we are writing you today to inform you that we plan to renovate the building, clean-up the premises and convert it to an upscale restaurant named Martino's. The establishment is planned to open in 2019 and our initial thoughts are to serve a variety of offerings mostly catering to a Italian/Continental flair.

As part of the process, we met with Coconino County Planning and Development department on December 5th and learned that we need to coordinate a Community Citizen Participation Plan to insure that we are making our neighbors aware of our plans and to work through any and all questions that you may have regarding the proposal. The home itself is located on a commercial portion of the parcel, but county personnel suggested that rather than applying for a conditional use permit for the parking that will be necessary, we should apply for a zoning change to make the entire parcel commercial versus half CG 10,000 and the other half RS 36000. In their opinions, this would be the best long term solution to the crossover zoning currently in place. We are contacting you at their request and direction since you own a property in the vicinity. A meeting will be held at Provident Partners Realty conference room at 20 W. Pinewood Blvd, Munds Park, Arizona, 86017, on January 4, 2019 at 5:00 pm. You are invited to attend if you have any questions you would like to present.

When we move forward with the zoning change, the project will be presented for a Zone Change review at a public meeting with the Planning and Zoning Commission and you will be notified of that date and time by the county. Our dilemma is the need for adequate parking. A fortunate coincidence for us is that Provident Partners Commercial Properties is able to accommodate a significant amount of parking space for the restaurant and is going to do so from the onset which will alleviate the need for significant on-site parking. However, we would like to add a parking lot on the North side of the parcel which will accommodate about some parking spots and add another parking area in the south side of the parcel which would accommodate as well. (See example map).

We will be making a number of aesthetic changes to the building which will enhance the look and maintenance of the dwelling. Additionally, we will be adding some fencing, paving and landscaping to the lot to improve the elevation from the street and meet all of the requirements of the county for a parking lot.

We look forward to seeing you at the meeting on January 4th, where we will have some renderings to the plans and be able to spend some time explaining our d plan s for this exciting venture. Until then, have a blessed Christmas holiday season and Happy New year.

Sincerely,

Thomas P. Ryan

William J. Spain
January 5, 2019

Mr. and Mrs. James Murphy
8034 S Grandview Avenue
Tempe, Arizona 85285

Dear Mr. and Mrs. Murphy,

Thank you for your letter dated January 2, 2019 and received January 5th. We held the Citizen Participation Plan meeting yesterday as required by Coconino County. The timing of the event was in correlation with our desired business opening and not the time of year. We purchased the property in October and this was the first available time for the meeting after having the required pre-application meeting with the county in December.

We have no plans to utilize Boulder Road for access to our property from the North side as there is no legal easement to the property. We were unaware of this when we purchased the property but became educated via meeting with county personnel. Since the property has had continual use of the road and has had a driveway opening to Boulder for more than ten years, we could pursue legal access by filing for “Adverse Possession.” However, we have developed other plans as we want to be as easy to get along with as any neighbor could expect, so we will be adding a separate entrance via Fairway Drive instead of utilizing Boulder. We explained this to Mr. and Mrs. Sauerbrey, who were the only people attending the meeting and they seemed to be happy with that news.

Ultimately, we intend to build a fence that will separate our property from Boulder Road for the length of our parcel and then add blue spruce and aspen trees to that side of the property in order to provide an attractive screen from the road.

It was a pleasure meeting you Jim, when we spent some time discussing our restaurant plans with you personally last fall. WE look forward to having a positive relationship with you and all of the adjacent neighbors when we open our restaurant later this year,

Sincerely,

Thomas P. Ryan

William J. Spain
January 2, 2019

Thomas P. Ryan
William J. Spain
Martino's Restaurant and Lounge
17612 Fairway Dr.
P.O. Box 18917
Munds Park, Az. 86017

Dear Sirs,

Thank you for your letter of December 17, 2018 advising us of the property you are requesting new zoning for at 17612 Fairway Drive. We are unable to attend your informal meeting on January 4, 2019 and find this to be quite an inconvenient time to schedule this due to the holiday season, as well as, the fact that probably %75 or more of Munds Park homeowners are not living in Munds during the winter season.

We would like to inform you that we have grave concerns about some specific items on your agenda at this time. First, it is not in the best interests of the residents of Boulder Trail to have a zoning change made to allow bringing in a commercial property so close to our property. Our major concern is the potential for considerable traffic to spill over onto our street which has been a quiet dirt road that a majority of residents don't even know exists. You may recall about a year ago when road improvements were taking place on Fairway that all traffic was rerouted off that main road and detoured onto Boulder Trail for a considerable amount of time. It was a disaster for the Boulder Trail residents and was an incredible disruption to our lives. Boulder Trail is a dirt road which takes a beating each winter after snow season and huge potholes appear up and down it. You may not be aware that any road improvement on Boulder comes from the owner's pocketbooks and is not maintained by the city. The thought of additional outside traffic usage of this road is unacceptable. Particularly, when it is the result of a business operation.

The sketch you included of your construction site indicates that your parking lot design allows customers to exit onto Boulder Trail. This makes no sense whatsoever and the least disruptive solution to residents of our street would be for you to only allow access to your restaurant from Fairway. Boulder homeowners did not purchase their homes believing that their road would become an access to a business. Furthermore, this just compounds the necessity for us to pay for more road maintenance which would be a cost to us personally. We do not support this plan for traffic in any way and, in addition, find it unsettling that we would be coping with a business operation at the entry to our road.

We are opposed to the plan presented to us at this time and plan to attend the future Zoning Change Review with the city of Flagstaff. We are hopeful you do not intend to schedule this during the winter season when so many homeowners are not residing in Munds Park.

Sincerely,

James Murphy
Gerry Murphy
80 W Boulder Trail
Gymurphy@cox.net
ALTA Commitment for Title Insurance

ISSUED BY
Pioneer Title Agency, Inc. as agent for
First American Title Insurance Company

Commitment

COMMITMENT FOR TITLE INSURANCE
Issued By
FIRST AMERICAN TITLE INSURANCE COMPANY

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRANEGOTIATION LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, First American Title Insurance Company, a Nebraska Corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I—Requirements have not been met within six months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

First American Title Insurance Company

Dennis J. Gilmore
President

Jeffrey S. Robinson
Secretary

Pioneer Title Agency, Inc.
100 N. Eiden St.
Flagstaff, AZ 86001
(928) 779-0371

If this jacket was created electronically, it constitutes an original document.

This page is only a part of a 2015 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

Copyright 2006-2016 American Land Title Association. All rights reserved. The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of issue. All other uses are prohibited. Reprinted under license from the American Land Title Association.
COMMITMENT CONDITIONS

1. DEFINITIONS
   (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
   (b) "Land": The land described in Schedule A and all improvements that by law constitute real property. The term "Land" does not include any property lying outside the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
   (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
   (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued to or by the Company pursuant to this Commitment.
   (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
   (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
   (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
   (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:
   (a) the Notice;
   (b) the Commitment to issue Policy;
   (c) the Commitment Conditions;
   (d) Schedule A;
   (e) Schedule B, Part I—Requirements;
   (f) Schedule B, Part II—Exceptions; and
   (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND
   The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY
   (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
      (i) comply with the Schedule B, Part I—Requirements;
      (ii) eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
      (iii) acquire the Title or create the Mortgage covered by this Commitment.
   (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
   (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
   (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
   (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
   (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
   (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

This page is only a part of a 2018 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

Copyright 2006-2016 American Land Title Association. All rights reserved.
The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited.
Reprinted under license from the American Land Title Association.
6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT
   (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
   (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
   (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
   (d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
   (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
   (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company’s only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT
   The issuing agent is the Company’s agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company’s agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY
   The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION
   The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is $2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at http://www.alta.org/arbitration.
ALTA Commitment for Title Insurance

ISSUED BY
Pioneer Title Agency, Inc. as agent
for First American Title Insurance Company

Schedule A

Transaction Identification Data for reference only:
Issuing Agent: Pioneer Title Agency, Inc.
Issuing Office's ALTA® Registry ID: 0000097
Escrow Officer: Cindy Turas
Examiner: Sue Trumpp
Property Address: 17612 Fairway Drive, Munds Park, AZ 86017

Issuing Office: 100 N. Elden St., Flagstaff, AZ 86001
Loan ID No.: 77100488-071-CTG

1. Commitment Date: September 28, 2018 at 7:30 am

2. Policy to be issued:
   (a) ALTA Homeowners Policy (2-3-10)
       Proposed Insured: Thomas Ryan
       Proposed Policy Amount: $240,000.00
   (b) None
       Proposed Insured:
       Proposed Policy Amount: $0.00
   (c) None
       Proposed Insured:
       Proposed Policy Amount: $0.00

3. The estate or interest in the Land described or referred to in this Commitment is Fee Simple.

4. The Title is, at the Commitment Date, vested in:
   Mark Booth, Successor Trustee of The Booth Family Living Trust dated May 4, 2010

5. The Land is described as follows:
   See Exhibit A attached hereto and made a part hereof.
   First American Title Insurance Company
   
   By: [Signature]

   Authorized Signature

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

Copyright 2006-2015 American Land Title Association. All rights reserved.
The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.
Commitment No.: 77100488-071-CTG

EXHIBIT A
Legal Description

The Land referred to herein below is situated in the County of Coconino, State of Arizona, and is described as follows:

That portion of the Northeast quarter of the Northeast quarter of the Southeast quarter of Section 16, Township 18 North, Range 7 East of the Gila and Salt River Base and Meridian, Coconino County, Arizona, described as follows:

BEGINNING at a point on the East line of said Northeast quarter of the Northeast quarter of the Southeast quarter of Section 16 that lies South 00° 16’ 08” West, a distance of 436.00 feet from the Northeast corner of said Northeast quarter of the Northeast quarter of the Southeast quarter of said Section 16;

Thence South 00° 16’ 08” West, a distance of 193.00 feet;

Thence North 86° 15’ 17” West, a distance of 270.00 feet;

Thence North 00° 16’ 08” East, a distance of 193.00 feet;

Thence South 86° 15’ 17” East, a distance of 270.00 feet to the POINT OF BEGINNING.
SCHEDULE B, PART I
Requirements

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.

2. Pay the agreed amount for the estate or interest to be insured.

3. Pay the premiums, fees, and charges for the Policy to the Company.

4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

5. PAY first installment 2018 taxes.

6. RECORD Release and Reconveyance of Deed of Trust:

   Amount       $65,000.00
   Dated        January 29, 2004
   Recorded     February 4, 2004
   Instrument No. 04-3247233
   Trustor      JOHN LOUIS BOOTH and ANN F. BOOTH, husband and wife
   Trustee      FIRST AMERICAN TITLE INS CO
   Beneficiary  WELLS FARGO HOME MORTGAGE, INC., a California corporation.

7. NOTE:
   This Company has examined the Trust Agreement wherein the Trust, named below has been granted adequate powers to consummate this transaction to be insured:

   Trustee      John M. Booth
   Location of Agreement  GreenFolders.

SCHEDULE B, PART I

Requirements (Continued)

9. Submit for review an original Certification of Trust in the form prescribed by this Company dated and executed within thirty days prior to closing by an acting trustee of the Booth Family Living Trust dated May 4, 2010. Per A.R.S. 14-10402, the same person cannot be the sole trustee and the sole beneficiary.

10. PROPER showing as to the marital status of the Buyer on close of escrow. The right is reserved to make additional exceptions or requirements based upon information furnished.

11. RECORD Deed from John M. Booth, Successor Trustee of the Booth Family Living Trust dated May 4, 2010 to Proposed Insured Owner.

NOTE: ARS 11:1133 may require the completion and filing of an Affidavit of Value.

12. Compliance with Section 33-404 A.R.S., which states essentially that the names and addresses of the beneficiaries under a trust must appear on the face of any conveyance of Real Property wherein the Grantor or Grantee is named Trustee. Pursuant to A.R.S. 14-10402, the same person cannot be the sole trustee and the sole beneficiary.

13. NOTE: Disclosure of beneficiaries in compliance with A.R.S. 33-404 is recorded in:

Instrument No. 15-3717467.

TAX NOTE:

Year 2018
Parcel No. 400-37-001D
Total Tax $2,852.96
First Half $1,426.48
Second Half $1,426.48
PRIOR to recording, obtain current tax information from:

Coconino County Treasurer
https://treasurer.coconino.az.gov/treasurer/treasurerweb/search.jsp
219 E. Cherry Ave.
Flagstaff, AZ 86001
(928) 679-7120

NOTE: The only conveyance(s) affecting said land recorded within 24 months of the date of this commitment is (are) as follows:

NONE.

NOTE: The owner’s policy of title insurance committed to be issued will contain Deductible Amounts and Liability Limits relative to certain Covered Risks as follows:

Covered Risk 16 (Subdivision Law Violations) has a deductible of 1% of the Policy Amount or $5,000 whichever is lesser, and a Maximum Dollar Limit of Liability of $25,000.

Covered Risk 18 (Building Permits) has a deductible of 1% of the Policy Amount or $5,000 whichever is lesser, and a Maximum Dollar Limit of Liability of $25,000.

Covered Risk 19 (Zoning) has a deductible of 1% of the Policy Amount or $5,000 whichever is lesser, and a Maximum Dollar Limit of Liability of $25,000.

Covered Risk 21 (Encroachment of Boundary Walls or Fences) has a deductible of 1% of the Policy Amount or $5,000 whichever is lesser, and a Maximum Dollar Limit of Liability of $25,000.

NOTE: Upon the completion of this transaction and issuance of an ALTA Homeowner’s Policy, the following location will appear therein:
SCHEDULE B, PART I
Requirements (Continued)

Street Address is purportedly known as: 17612 Fairway Drive, Munds Park, AZ 86017.

The Company assumes no liability as to the validity and/or accuracy of any such address.

NOTE: The company hereby informs the parties that it has not made a determination of whether or not this transaction is subject to the provisions of ARS 33-422 entitled "Land Divisions; Disclosure Affidavit; Recording and ARS 11-831 entitled "Review of Land Divisions; Definitions." It will be the responsibility of the parties to make this determination, therefore, the company assumes no liability with respect to these matters.
Commitment No.: 77100488-071-CTG

SCHEDULE B, PART I
Requirements (Continued)

Note: Pursuant to Arizona Revised Statutes 11-480, effective January 1, 1991, the County Recorder may not accept documents for recording that do not comply with the following:

- Print must be ten-point type (pica) or larger.
- Margins of at least one-half inch along the left and right sides one-half inch across the bottom and at least two inches on top for recording and return address information.
- Each instrument shall be no larger than 8 ½ inches in width and 14 inches in length.
SCHEDULE B, PART II

Exceptions

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met.

2. a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.

3. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession thereof.

4. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.

5. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the Public Records.

6. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.

7. Any lien or right to a lien for services, labor or material not shown by the Public Records.

(Nota: The above Exceptions Nos. 2 through 7, inclusive, will be eliminated from any A.L.T.A. Extended Coverage Policy, A.L.T.A. Homeowner’s Policy, A.L.T.A. Expanded Coverage Residential Loan Policy and any short form versions thereof. However, the same or similar exception may be made in Schedule B of those policies in conformity with the remaining Exceptions of this Commitment shown below.)

This page is only a part of a 2016 ALTA® Commitment for Title Insurance Issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.
SCHEDULE B, PART II

Exceptions (Continued)

8. TAXES AND ASSESSMENTS collectible by the County Treasurer, a lien payable but not yet due for the following year:
   Second half of 2018.

9. WATER RIGHTS, claims or title to water, and agreements, covenants, conditions or rights incident thereto, whether or not shown by the public records.
   This exception is not limited by reason of the disclosure of any matter relating to Water Rights as may be set forth elsewhere in Schedule B.

10. OBLIGATIONS imposed upon said land by its inclusion within any district formed pursuant to Title 48, Arizona Revised Statutes, excluding however Municipal or County Improvement Districts.

11. Any facts about the land that an inquiry of the government entities, regulating building permits and zoning laws would disclose and that are not shown by public record.
    (Owner's Policy Only)

12. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.

   No coverage under Paragraphs 21, 22, 23, and 24 of Covered Risks of the Homeowner's Policy of Title Insurance shall be afforded for this matter.
   (Owner's Policy Only)
MASTIN'S LOUNGE
"The Bar, Pub & Lounge"

1) New Running Drain
2) Remove Front Window
3) Make Front Door Durable & Sturdy
4) Add 2 Door to Restaurant & Front Elevator Lift
5) Install Exterior Fresh Air Ducts

ACORN ISSUES

1) Run Water Lines to Bar Area and Install Sink and Ice Machine
2) Address Stairs to ADA Standards
3) Ensure Exterior Doors Open Outward
4) Replace Lounge to Restaurant Door with Solid Core 36" Door
5) Rearrange the Patio and Put Bar Outside Sidewalk to Front Elevator Lift
6) Install Ten 3-Way Hinges For Additional Crucial Exit

LED OUTSIDE SPOTLIGHTS
- Cover walls with "AF-7" in all food prep, pastry, and storage areas.
- Divide bathroom in half - remove tub, add two stalls, two showers.
- Finish plumbing and electrical in laundry room.
- Add employees only door at bottom of staircase adjacent to the bathroom.
- Remove three sinks, area, and replace with dishwashing area and hand sink.
- Remove all sheetrock in food prep cooler and frozen areas, and replace with vinyl. Door. Cave.
Executive Summary

Conditional Use: Hotel/motel and wedding and events facilities
Supervisor District: 3 (Matt Ryan)
Owner: AMMR LLC, Flagstaff, AZ
Applicant: Dina Riggs, Flagstaff, AZ
Location: 6401 N. State Route 89A in Oak Creek Canyon/APN 405-20-010A
Current Zoning: CG-10,000 (Commercial General, 10,000 sq. ft. minimum parcel size) Zone
Site Size: 2.42 acres
Project/Development Description: Conditional Use Permit renewal (of CUP-15-034). The permit expired on December 2, 2018, which precludes administrative approval of the conditional use permit.
Masonry enclosure with an iron gate to screen the dumpster has not been installed

Paved disabled parking spaces have not been installed
Background

The subject property was originally the location of the Slide Rock Lodge that was developed in the late 1950s or early 1960s. In 1981, the zoning of the property was changed from G (General) Zoning to the current CG-10,000 (Commercial General), and the hotel continued to operate as a legal non-conforming use until October 2014 when the use was discontinued. Once the use was discontinued for more than 180 days, the business was not able to reopen as a hotel/motel without meeting the current standards of the Zoning Ordinance through the Conditional Use Permit process. The subject property is also located in the Oak Creek Plan Area and subject to the Design Review Guidelines of this plan.

The conditional use permit allowed the applicant to remodel and reopen the hotel. The number of rooms was reduced from 18 to 10 by combining rooms into suites and adding kitchenettes. It is a self-check in and self-checkout hotel with reservations made online without the need for an office to be located on site. Laundry and room cleaning services are provided under contract to a local company.

The CUP also allowed for events such as weddings and family reunions with as many as 80 guests. This required that the entire hotel be reserved by the same guest in order for these events to be held and guest room restrooms to be used by guests attending events. An existing house on the property was removed to provide more area for parking for these events. The reduction of rooms reduced the parking requirement for the hotel to 10 spaces.

The applicant proposed 20 parking spaces including two disabled spaces, so that extra parking is available for large events. Shuttle buses are used to transport event guests to and from the site, and an exit would be located on the north side of the parking lot that can be opened to allow for easier circulation during these events. Staff supports the requested paving waiver as the parking area has remained unpaved since the original development of the hotel. The applicant would also be required to observe quiet hours as conditioned below.

Compliance with Conditions

The applicant has provided a narrative attached as Exhibit 1 that requests a 20 year term for the CUP and unlimited large events, which are currently limited to 40 per year. The applicant has complied with most of the original conditions of approval and the hotel and grounds have been kept in good condition. However, two conditions have not been met. These include the requirement to pave two parking spaces and designate them as disabled spaces and the requirement to provide a waste receptacle on the site. Because the applicant has not completed these conditions in the three years since this CUP was approved, staff is reluctant to
recommend approval for an extended term without these conditions being completed. Staff recommends a continuance to provide the applicant with additional time to complete these conditions. Once these conditions are completed, staff recommends a ten year term be applied to this CUP. As an alternative, the Commission may provide a timeline for completing these conditions as outlined in the conditions below.

Based on the number of parking spaces, the applicant is only required to install one disabled space and staff has reduced that number to one in the conditions. The applicant has also indicated they would like to use a rusted corrugated metal in lieu of masonry for the waste receptacle, and staff would support an alternative design as indicated in the conditions below. The 40 large events per year would also appear to be sufficient based on the seasonal nature of the business.

Public Participation

Property owners within 300 feet have been notified of this application, and no comments have been received by staff. This is an existing CUP with no complaints, and the requirement for a public participation plan and report has been waived by the Director.

Recommendations and Findings of Staff

Findings of Fact: Staff is able to make all four required Findings of Fact consistent with the original approval with the recommended conditions.

1. The project shall substantially conform to the site plan and drawings as approved by the Commission including site design, materials and colors, landscaping and signage and use as modified by the following conditions.

2. A waiver is granted for the existing shed on the property at a setback of 4' 8" from the property line as shown on the site plan.

3. The project shall comply with all applicable performance standards for commercial zones listed in Section 2.7.D of the Zoning Ordinance.

4. A paving waiver is granted allowing for use of aggregate in lieu of paving for the parking and circulation areas on the site.

5. Parking shall conform to Section 4.1 of the Zoning Ordinance. Additional spaces shall be provided for event parking as proposed by the applicant. One disabled parking space shall be paved and located adjacent to the sidewalk in front of the hotel. This condition shall be completed within 90 days of approval.
6. The driveway on Staggs Loop shall be expanded to 20 feet to support the fire apparatus. The applicant shall meet all the additional conditions of the Fire Marshal.

7. Lighting shall conform to Section 4.3 of the Zoning Ordinance.

8. The applicant shall maintain a “barn wood” decorative fence surrounding the event venue on the north and east sides.

9. A waste receptacle of a masonry design or an alternative design approved by the Commission shall be provided for the site. The wall and metal gate on the enclosure shall be of material and colors to complement the colors of the buildings consistent with the DRO guidelines subject to the approval of the Community Development Director. The waste receptacle shall be installed within 90 days of the approval of this CUP.

10. The following conditions shall apply to any large events held on the site:

   a. All rooms in the hotel shall be reserved by the host of the event, and a minimum two hotel rooms shall be reserved for public use as restrooms during these events. Additional portable toilets shall be provided when required by the Community Development Environmental Quality Division.

   b. The maximum number of people allowed to attend an event on the site shall be 80.

   c. If there are more than 45 people at an event, an on-site manager shall be present to periodically monitor the event. A security person will be contracted by the applicant, and an event planner hired by the applicant shall be on-site once the number of people exceed 60. A security person will be present one hour before the event and two hours after the event. The applicant shall provide temporary signage approved by the County at all events to mark areas not permitted for guest access. Signage will be placed in unobtrusive areas, which are easy to see and shall be installed and removed before and after each event.

   d. The maximum number of events attended by more than 60 people shall not exceed 40 per year. This number may be increased by the Planning and Zoning Commission upon successful renewal of this conditional use permit. There shall be no limit placed on the number of events including 60 people or less.

   e. Noise shall not be generated by any use to the point of disturbing the peace, quiet, and comfort of neighboring residences or adjacent businesses. Amplified bands are not permitted; however, acoustic music or a DJ may be used to provide music at events, and music may be amplified so long as quiet hours are maintained. Quiet hours shall be observed between the hours of 9:00 pm and 9:00 am.
f. No motor coaches shall be used for transportation to and from the site. Only shuttle vans such as 15 passenger vans or 30 person mini-buses are permissible.

g. Event lighting shall be shielded to minimize light spilled into the night sky and adjacent properties.

11. The existing landscaping shown on the site plan is approved as sufficient to meet the requirements of the Conditional Use Permit and the Design Review Overlay.

12. Signage shall conform to all requirements of Sections 4.2 and 4.3 of the Zoning Ordinance and Oak Creek Canyon Area Plan DRO guidelines.

13. This conditional use permit shall be valid for a period of ten years to expire April 24, 2029, before which time an application for renewal shall be submitted if continuation of the use is desired beyond that date.

**Recommendation:** Staff recommends a 90 day continuance to provide the applicant additional time to complete the conditions of approval. If the Commission can make the Finding and approves the application, staff recommends the applicant be given 90 days to complete the conditions that have not been completed.

Respectfully submitted,

Jess McNeely, AICP, Assistant Director
Prepared by Bob, Principal Planner

Attachments:

Exhibit 1: Applicant’s Narrative
Conditional Use Permit Renewal Request

Destination @ Oak Creek

6401 N State Route 89A, Sedona, AZ 86336

February 20, 2019

We are applying to renew our conditional use permit to continue to operate our self-check in, self-check out, VRBO style lodging accommodations and event venue as per original guidelines set forth in the December, 2015 approved conditional use permit on file with Coconino County.

We have run the operations of the facility as set forth and stayed within our guidelines with no registered complaints since 2015 and would continue to run our business under those same guidelines.

We request this renewal to be approved for a 20 year term. We also propose that any restrictions for the amount of events to be held on the property in a calendar year be lifted as we have proven to be respectful of neighbors and noise ordinances and have not had any registered complaints through the county. We have addressed any and all issues that had been brought to our attention in a timely and respectful manner and went above and beyond to make sure all concerned were satisfied with results of our events held. We currently host 5-10 events per calendar year and project that the business will continue to build in a natural progression over time. We will continue to work with neighbors and all concerned as we have in the past to resolve any issues that come up as a result of growth within our business.
Date: April 11, 2019
To: Planning and Zoning Commission
From: Department of Community Development
Subject: Public Hearing and consideration of Case Number CUP-19-014

Executive Summary

Location: 1949 State Route 260, APN# 403-68-016A

Current Zoning: CG-10,000 (Commercial General, 10,000 square foot minimum parcel size)

Parcel Size: 2.16 acres

Requested Conditional Use: Renewal of RV Park, RV Storage, and Caretaker’s Residence
Supervisor District:  4 (Jim Parks)

Owner: Rocking J RV Ranch, LLC- Sun City West, AZ

Applicant: Fred James- Sun City West, AZ

Project/Development Description:

The applicant seeks renewal for a twenty year period for a nineteen space RV Park, RV storage area, and caretaker’s residence. The park is typically seasonally occupied but some units are left on site all year round. The original approval was in 1996 with compliance issues beginning in 2016. Compliance issues were still noted in staff’s most recent visit to post the case. Many compliance issues were resolved, but because some compliance issues still remain, staff recommends a five year approval period.

Recommendations and Findings of Staff

**Conditional Use Permit:** RV Park, RV Storage, and Caretaker’s residence

**Staff Findings:** Staff is able to make all four Findings of Fact required for approval

**Recommendation:** Staff recommends approval of Case Number CUP-19-014 subject to the six conditions below.
Background Information

Subject Property

- Flat and densely populated with mature Ponderosa Pine
- Maneuvering areas improved with compacted AB
- Occupied with 19 RV Spaces, an RV storage area, and a caretaker’s residence

Surrounding Land Uses

<table>
<thead>
<tr>
<th>Surrounded Land Uses/Zoning</th>
<th>Land Use</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Vacant</td>
<td>RM-10/A (Multifamily)</td>
</tr>
<tr>
<td>South</td>
<td>(across HWY 260) Motel</td>
<td>CG-10,000 (Commercial)</td>
</tr>
<tr>
<td>East</td>
<td>Single Family Dwelling</td>
<td>CG-10,000 (Commercial)</td>
</tr>
<tr>
<td></td>
<td>US National Forest</td>
<td>N/A</td>
</tr>
<tr>
<td>West</td>
<td>RV Storage</td>
<td>CG-10,000 (Commercial)</td>
</tr>
</tbody>
</table>
Property History

The 19 space RV Park and associated Caretaker’s Residence was first approved by the Commission in 1996 (UP-96-14). In 2006 the use permit was renewed with a new condition that required the applicant to create a Forest Stewardship Plan (CUP-06-027). The plan was to include tree thinning, keeping all units in a state where they could easily be moved, and any other items as noted by the Forest Lakes Fire Department to reduce the risk of wildfire or aid responders in addressing wildfire evacuations. The new condition was largely in response to the Rodeo-Chedeski Fire that burned hundreds of homes and several trailer parks in the area in 2002 as well as fire hazard conditions on the site. Hazardous conditions included severe overgrowth of vegetation, lack of separation distance between units, and year round storage of units on the property. In May of 2006, the chief of the Forest Lakes Fire District confirmed that the applicant thinned their property, cut branches lower to the ground to remove fire fuels, removed propane cylinders from the property on the off season, and kept the units movable in case of wildfire.

In 2016 the applicant filed for an Administrative Renewal of the CUP. Staff noted that many of the units were permanently set on the property with fences and other barriers leaving them unmovable and sixteen decks were constructed in association with the RV units without the required Building Permits. Because the previous conditions of approval had not been met and because of the building code violations the case was set for a public hearing for May 2016. Staff also asked the applicant to contact the Forest Lakes Fire District and verify that the property was kept in compliance with fire code because ten years had passed from the last fire chief visit. Continuances were approved by the Commission for five months to the September 28, 2016 hearing as the applicant worked toward compliance and worked with the fire district to supply staff with documentation that the property was safe. By the November 30, 2016 hearing the applicant had addressed the compliance issues except for obtaining Building Permits for the sixteen decks. They had provided staff with a letter from the Forest Lakes Fire District chief that verified that the property was meeting fire code at that time. The Commission approved the case at the November 2016 hearing with a condition that the applicant submit and diligently pursue the applicable Building Permits within 30 days of approval. The Building Permit (BD-16-1153) for all relevant structures was submitted January 1, 2016 and Finaled on April, 26 2017.

This renewal request was submitted March 13, 2019, approximately three and a half months after the 2016 use permit’s expiration date of November 30, 2019.
Proposed Renewal with Time Extension

The applicant proposes a renewal of the RV Park, RV Storage, and Caretaker’s Residence with a twenty year time period. The applicant’s narrative notes an alternative way to deal with compliance checks: staff would inspect the property annually or ‘at an interval set by them while an inspector is already in the area’ and if a violation is found ‘and not a safety hazard’ Rocking J would be given three months during May through October to make the correction. Violations that are a safety hazard would need to be remedied within two weeks. Community Development would have full authority to close the park if violations were not remedied in the allotted time.

Analysis

Staff documented violations during the site visit and posting for this case, including an unpermitted freestanding sign within the ADOT right of way adjacent to the subject property and at least three RV units that were completely enclosed within fences or other barriers. The lack of movability is a fire hazard issue discussed above and the Zoning Ordinance and Comprehensive Plan discuss at length the benefits of sign regulation relating to natural aesthetic of properties, lack of clutter in right of ways and on commercial properties, and consistency and fairness to all County businesses.
Two permanent units set in an unmovable state

Considering that there have been recurring issues with compliance of CUP conditions and Zoning Ordinance requirements since 2016, staff does not support a twenty year approval period for this case. Though the applicant provides an alternative for checking in on compliance, it is not an alternative that would be reasonable for staff to make. Forest Lakes is approximately a five hour round trip drive for staff to make and there would be considerable expense and staff time involved. The Board of Supervisors has not approved a fee for annual checks on Conditional Use Permits and it is not within the purview of the Planning and Zoning Commission to create fees. The arrangement that the applicant requests would be a special privilege not given to other property owners and it is the applicant’s responsibility to ensure that there are no violations on the property for the duration of the use. Shorter approval periods are the currently the method through which compliance with CUPs is verified on a more regular basis. Longer approvals are generally recommended when the applicant is able to document a good track record of compliance. For this request, staff is recommending an approval period of five years rather than the approval period of two years that was approved in 2016 because some compliance issues have been addressed.

Recommendation

If the Planning and Zoning Commission can make the required Findings of Fact, staff recommends approval of CUP-19-014 subject to the following conditions:

1. The use shall be operated in substantial compliance with the applicant’s site plan and narrative. RV Units spaces for occupancy shall be limited to 19 and RV storage shall be limited to the areas as shown on the submitted site plan. Any substantial modifications shall require additional review by the Planning and Zoning Condition.
2. The applicant shall remove all barriers and obstructions to movability of any RV units within 30 days. No fencing or other obstructions shall be placed between the RV and driveways within the site for the duration of the use.

3. The applicant shall remove all unapproved signage from the right of way. If any change in signage is requested, it must meet Zoning Ordinance Section 4.2: Signs and a Sign Permit must be issued prior to construction.

4. The applicant shall maintain the property in accordance with the applicable fire code as verified by the Forest Lakes Fire Department. A letter from the Forest Lakes Fire Department verifying compliance with applicable fire codes shall be provided to staff the next renewal of this use permit.

5. This use permit shall be valid for an initial term of five (5) years to expire April 24, 2024. Upon renewal, the Planning and Zoning Commission will consider compliance with these conditions of approval and may extend the renewal period.

6. Failure to comply with any of these conditions may result in enforcement action or Revocation of this permit.

Respectfully submitted,

Jess McNeeley, AICP, Assistant Director
Prepared by Zach Schwartz, Senior Planner
Good evening Board of supervisor members and Community Development Staff.

Thanks for hearing and addressing the renewal of the conditional use permit for the Rocking J RV Ranch in Forest Lakes, Arizona.

Health and safety is the main concern by Development Staff in the operation of the RV Park and we share this concern also. We are just a small mom & pop operation with our main emphasis of providing a summer getaway out of the heat in the valley for ourselves and providing that same opportunity to a few families at an affordable cost.

Margaret and I built this park starting with acquisition of the land in 1995, personally cutting down many small trees in 1996 to accommodate the laying out of a plan for the placement of the RV spaces. Our construction plans were done in late 1996 to facilitate the requirement of attaining building permits. The construction was completed in the fall of 1997 and the park became fully operational in 1998.

We have operated the park for the past 20 years without a single incident related to health or safety.

In the past, we have abided by ever planning and zoning requirement brought before us. It is not our intention to skirt around any code or building requirements.

Through ignorance on our part, and definitely not by design, of the need to apply for permits, decks were built by Tenants and became compliant through the Building Permit Process. This was done and completed in 2017/2018

Through forgetfulness on my part, except for submitting an application for Renewal on or before November 30, 2018, of which this application does through its filing, all other Staff recommendations stated in the approval of Case Number CUP-16-016 have been adhered to.

We understand that violations of any nature, no matter when they occur, are subject to Code Enforcement and we would be required to correct any such issue.

Concerning condition #5, we propose the following:

1. The new renewal permit shall be valid for a period of twenty (20) years saving time and money for both the county and us.
2. Planning and Zoning shall inspect the park for violations once each year or an interval set by them, to be done at a time when the inspector is making a trip for other building inspection work in the community.
3. If a violation is found, and is not a safety hazard, Rocking J will be given 3 months during May through October to make corrections. If a safety hazard, correction shall be made within two weeks of notification.
4. Community Development will have full authority to close the park down if corrections are not made as stated above.
September 27, 2016

To Whom It May Concern,

I am writing this letter in support of letter dated May 28th 2006, from former Fire Chief, Charles McGee.

I have reviewed with Mr. Fred James the removal process of propane cylinders in the advent of a wildland fire and we have on record his utilization of the Hazardous Fuels Grant that verifies removal of 131 trees from the property. I have inspected Rocking “J” RV Ranch Lots 911 and 912 and they comply with Fire Wise Standards.

Respectfully,

[Signature]

David V. Rodriquez
STAFF REPORT

DATE: April 24, 2019
TO: Planning and Zoning Commission
FROM: Department of Community Development

SUBJECT: Case No. CUP-19-016 and DRO-19-001: A request for a Conditional Use Permit and Design Review for a 15-space RV park on a 2.76-acre parcel in the CG-10,000 (Commercial General - 10,000 sf min parcel size) Zone.

Applicant: Jay Douglass
Property Owner: Jay Douglass Revocable Trust, Flagstaff, AZ
County Supervisor District: 4 (Jim Parks)

LOCATION: The subject property is located at 8025 State Route 89 and is identified as Assessor’s Parcel #301-26-003C. It is located within the Doney Park-Timberline-Fernwood Area Plan boundaries.

RECOMMENDATION

Staff recommends approval of Case No. CUP-19-016 and DRO-19-001 subject to the fourteen (14) conditions within this staff report.

SUBJECT PROPERTY AND SURROUNDING LAND USES

The subject property is north of Townsend-Winona Road at the corner of East Burris Lane and Highway 89 (Arizona Department of Transportation Right-of-Way). Access to the facility is provided off of both Burris Lane and Highway 89. Individual driveways (paved) are located off of Burris Lane and lead to seven (7) of the proposed RV spaces. The remaining spaces are accessed from a main driveway off Highway 89 (see Exhibit A). An abandoned building (formerly “The Turquoise Nugget Trading Post,” a store/restaurant) and a legal non-conforming sign are at the southwest corner of the lot, partially in the ADOT right-of-way.
BACKGROUND AND PROPOSED USE

The owner is requesting a conditional use permit for a Recreational Vehicle (RV) Park, a conditional use in the CG-10,000 zone. This site has been operating as a legal non-conforming mobile home park (Al’s Trailer Park) since 1975. Since that time the right-of-way boundary for Highway 89 has extended and pushed the property bounds eastward. Many of the current residents have lived on the property for decades. The owner’s intention is to phase out the existing mobile homes over time as tenants move out and replace them with park model RVs.

In addition to the legal non-conforming mobile home park, a conditional use permit was granted (CUP-87-015 and CUP-94-037) for a caretaker’s residence, a manufactured home. This use permit has since expired, however the home remains occupied, and staff has determined it is a home within the manufactured home park rather than a caretaker’s quarters.

The current request includes signage, landscaping, and use of the existing onsite wastewater system. Planning staff and the owner have consulted with the Environmental Quality Division to determine appropriate sizing for the septic system and ensure that the proposal for switching out mobile homes for park model RVs can be
Per the Zoning Ordinance Section 4.4: Landscaping, there are frontage (buffer/screening) landscaping requirements as well as general site landscaping requirements. For screening, one Plant Unit for every 100 lineal feet of frontage is required per Section 4.4.15.a. One Plant Unit consists of two (2) 6’-tall evergreen trees, one (1) 3”-caliper deciduous tree a minimum of 10’ in height, and four (4) 2’-tall shrubs or 5-gallon minimum. On the subject property there is roughly 500 feet of frontage along Highway 89, so five (5) Plant Units would typically be required.

Staff is recommending a waiver from the plant unit requirements for the site and along the frontages of the property (Highway 89 and Burris Lane) due to the site layout and limitations created by the abandoned building/remaining slab and the size of the driveways off Highway 89, as well as the drainage ditch and individual driveways off Burris Lane.

**Lighting**
The light pole on the subject property is considered pre-existing to the current lighting code. No complaints or comments from surrounding property owners have been received in regard to this light. New fixtures must comply with the lighting code and Lighting Zone II requirements of the Area Plan and must be approved with a Lighting Permit. No additional lighting is proposed for the property at this time.

**Signage**
The owner is proposing a seven foot -wide sign face (see Exhibit C) to match the shape of the existing non-conforming sign on the property; it stands roughly 20 feet tall. Further analysis is included in the DRO section of this staff report.

**Paving**
Much of the site is not paved and has a hard-packed dirt and gravel base. Paved driveways exist along Burris Lane. The owner has requested a paving waiver for all existing unpaved areas of the site. Staff is recommending a condition related to maintenance of gravel on all unpaved driving surfaces.
Architectural Style
The owner is not proposing any permanent structures as part of this conditional use permit request. While the park model RVs proposed will function as semi-permanent dwellings, the DRO guidelines technically do not apply. Traditional park model RVs appear to meet the intent of the Area Plan design standards regarding design, materials, textures, and colors.

Staff is not considering design standards for the abandoned building since the owner’s intent is to demolish it, and it is not part of the conditional use request. Staff is recommending a condition related to demolition as there are safety concerns.

Materials and Colors
A six foot, solid, white vinyl fence is proposed along the eastern boundary where the subject property abuts residential property. In the Doney Park-Timberline-Fernwood Area Plan, a design standard reads: “6. Fencing material shall be of a muted natural color that blends in with the natural landscape. The use of bright, reflective fencing shall not be permitted. Where practicable, the use of wood and native stone for fencing materials is encouraged.” The proposed fencing appears to meet the intent of the Area Plan design standards. An example of white vinyl fencing is show to the right.

Site Design
Design standards (pages 50-54 of the Doney Park-Timberline-Fernwood Area Plan) that pertain to this request are: controlling invasive weeds, xeriscaping and low-flow irrigation systems, screening of dumpsters, and delineation of pedestrian pathways.

The applicant has submitted a landscape plan as part of the submitted site plan (see Exhibit A). The submitted narrative states that many of the long-term residents of the mobile home park have planted and cared for landscaping on the property, and 16-24” diameter trees and shrubs are currently growing along Burris Lane. All existing trees will be kept, and the owner plans to install new landscaping along Highway 89 to include drought-resistant plants in compliance with the Zoning Ordinance landscaping section. No irrigation is proposed, and staff is recommending hand-watering of the proposed
Coconino County Comprehensive Plan Compliance

*Economic Development, Policy 15: Seek businesses that are compatible with the environment and are a benefit to their communities.*

*Land Use and Growth, Policy 8: To eliminate land use or zoning conflicts, transition nonconforming uses to a conforming use and work to alleviate the negative impacts of nonconforming uses over time.*

*Land Use and Growth, Policy 9: The County encourages affordable housing efforts and it will work to create incentives through Zoning Ordinance revisions that would promote a variety of housing types as well as accessory rental units.*

The owner’s goal is to improve the aesthetics and safety of the property and phase out a non-conforming use. Allowing the current residents to remain in their mobile homes until they move maintains affordable housing, as well as replacing the units with park models. The highway viewshed and aesthetics for the neighborhood off Burris Lane would be improved with the removal of the abandoned building. The owner’s proposal for an RV park phases out the non-conforming mobile home park use, which meets the intent of the Zoning Ordinance as well as the Comprehensive Plan.
and shall primarily serve the planning area residents.

2. New commercial projects are located in specifically designated rural activity centers intended to serve and meet the needs of the local community.

3. New commercial development that requires commercial zoning occurs on existing commercially zoned land.

Commercial Policies that pertain to this project include:

10. To minimize adverse impacts to adjacent neighborhoods, “nine to five” businesses are favored. Otherwise, hours of operation shall be limited to 6 a.m. to 9 p.m. No 24-hour businesses shall be allowed. All illuminated signs shall be turned off at the close of business or at 9 p.m., whichever is later.

The applicant intends to improve the site aesthetically with the installation of new park model RVs to replace aging mobile homes. The applicant has also indicated a willingness to demolish the abandoned building along the Highway 89 right-of-way, which will improve the viewshed. RVs will hook up to existing utilities without the need for generators, so there are no noise concerns beyond that of a normal residential setting. Landscaping and fencing is proposed and discussed previously within this staff report.

The applicant and planning staff have consulted with the Engineering and Environmental Quality divisions regarding existing and proposed operations on this site. There are other RV Parks near the subject property that serve travelers (short-term) and long-term tenants alike, the subject property is zoned Commercial General, and it lies within an identified activity center (Burris Lane) per the Doney Park-Timberline-Fernwood Area Plan.

FINDINGS OF FACT

In order to approve a Conditional Use Permit, the Planning and Zoning Commission must make the following findings of fact:

1. That the proposed location of the conditional use is in accord with the objectives of this Ordinance and the purpose of the zone in which the site is located.
2. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
3. That the proposed conditional use will comply with each of the applicable provisions of this Ordinance, except for approved variances.
9. Landscaping shall be maintained in a healthy, living condition according to the submitted landscape plan. Landscaping additions shall be selected from Native Plants for Northern Arizona Landscapes compiled by The Arboretum at Flagstaff. Dead plant material shall be replaced as needed, and the site shall be kept free from invasive weeds. Regular hand-watering is required for establishing new plants.

10. A waiver is granted from the automatic irrigation requirements pertaining to landscaping per Zoning Ordinance Section 5.7.B.4. and a waiver is granted from the landscaping requirements for plant units on site and along the Highway 89 and Burris Lane frontages per Zoning Ordinance Section 5.7.B.4.

11. Inoperable and unlicensed vehicles shall be removed from the premises. Outdoor storage must be adequately screened. The storage of unoccupied RVs (not connected to utilities) on the premises is prohibited.

12. The waste receptacle shall maintain a setback of 20 feet from any residential zone boundary. This area and the premises shall be maintained in a neat and sanitary condition. The waste receptacle shall be screened and/or enclosed subject to the approval of the Community Development Director per Zoning Ordinance Section 2.7.D.3.c.

13. The abandoned building shall be maintained in a manner that is not detrimental to public safety, health, or welfare. Entry and access from the public shall be appropriately restricted. The applicant shall coordinate with ADOT to obtain an Encroachment Permit to pursue to completion the demolition of the abandoned building within one year.

14. This conditional use permit shall be valid for a period of five years to expire April 24, 2024, before which time a new application shall be submitted for renewal if continuation of the use beyond the expiration date is desired.

Respectfully submitted,

[Signature]

Jess McNeely, AICP, Assistant Director / Planning Manager
Prepared by Rachel Davis, Planner

Attachments

Exhibit A: Site Plan and Narrative
Exhibit B: Site Survey and Correspondence with ADOT
Exhibit C: Proposed New Sign Face
EXHIBIT A: SITE PLAN AND NARRATIVE
8025 N. Hwy. 89 – Project Narrative

8025 N. Highway 89 has operated as a “legal non-conforming” 15 unit, mobile home park for the past several decades known as “Al’s Trailer Park”. I would propose to slowly convert this property to an RV park, “The Doney”. There are currently several vacant spaces in the park that would be utilized immediately for RV placement. Over time, as residents move out, I would replace some or all, of the existing mobile/manufactured homes with RV’s. I will keep the existing park layout with all driveways, utilities, patios, landscaping, etc already in place.

As the CUP for space 15 has expired, I would like to renew the approval of this existing home as it sits. It is currently a doublewide mobile/manufactured home that has been occupied by the same family for over twenty-five years.

The property currently has paved driveway entrances for each space accessed off Burrils Lane. These consist of approximately 14’ long asphalt driveways leading to gravel parking areas. The remainder of the property utilizes gravel drives and parking areas at each home. I would request a paving waiver to continue utilizing these existing gravel access points and parking areas.

A new fence is currently being installed along the Eastern property line separating my commercial property from the neighboring residential property along Burrils Lane. This fence will be a 6’ tall, solid, white vinyl fence, effectively screens the “commercial” operations of my property from neighboring residential use.

In keeping with the areas dark sky initiative, there will be no additional lighting on the property other than the individual exterior lights of each RV/mobile or manufactured home. There is currently one light pole on the property near the southeast corner of space 15.

There is an existing pole sign advertising the property on its South West corner near the intersection of Highway 89 and Burrils Lane. This sign is not illuminated. I will change the face of this sign to reflect the new name and operations at the property. The sign is approximately 7’ wide with an unusual shape. Please see the attached image of the new sign face.

There is an existing commercial building on the South West corner of the property. Only about half of this building is on my property. The other half is located on a strip of land with ownership discrepancy. I am currently working with ADOT officials to determine ownership of this building and its future. In all likelihood, this building will eventually be torn down and not replaced. This building has been an eyesore for several decades and severely detracts from the esthetics of the area. I would work with state officials to get the building removed and the area cleaned up.

As this property has been operational as a mobile/manufactured home park for decades, much mature landscaping is already in place. Many residents have lived in their homes here for decades. They have planted and cared for their own landscaping around their individual spaces. There are many deciduous trees and shrubs along Burrils Lane as well as the newly installed drainage swale. These trees have diameters of approximately 16” to 24”. All existing trees will be kept. New landscaping will be installed along Highway 89 to include drought resistant plants, shrubs and small trees to comply with Section 4.4 of the Zoning Ordinance. No irrigation is proposed.
EXHIBIT B: SITE SURVEY AND CORRESPONDENCE WITH ADOT
Rachel,

ADOT does not consider the area in question as no man's land. It is ADOT right of way as legally secured. Attached are ADOT Right of Way Plans reflecting a variety of surveyed information, and which do not reflect a no man's land issue.

This information should be shared with the interested parties.
It is recommended the survey performed October 2018 which reflects the no mans' land be revised accordingly. The surveyor should access the ADOT on-line Plans Index at: https://www.azdot.gov/business/RightofWay_Properties/existing-plans-index for further information. It appears they are missing conveying documents to ADOT, which are of public record.

To address all your questions, any work performed in or using the ADOT Right of Way will require an ADOT Encroachment permit.

The ADOT District Office will provide further guidelines upon filing of an application.

Please let me know if there are any questions. Feel free to provide my contact information to others.

Paula Gibson
Right of Way Administrator

Arizona Department of Transportation, IDO

205 S. 17th Ave., Mail Drop 612E

Phoenix, AZ 85007-3212

O (602) 712-8758
C (602) 316-8497

pgibson@azdot.gov

On Fri, Apr 12, 2019 at 9:35 AM Davis, Rachel <rdavis@coconino.az.gov> wrote:
EXHIBIT C: PROPOSED NEW SIGN FACE
Executive Summary

Location: 251, 451, and 500 Lower Indians Garden Drive in Oak Creek Canyon, also known as Assessor’s Parcel Numbers 405-28-003A, 004, and 005.

Current Zoning: AR (Agricultural Residential, 1 acre minimum parcel size)

Requested Zoning: RS-16,000 (Residential Single Family, 16,000 square foot parcel size min.)

Parcel Sizes: 405-28-003A is 0.92 acres, 405-28-004 is 0.81 acres, and 405-28-005 is 0.55 acres

Supervisor District: 3 (Matt Ryan)
Owners: David and Marcia Ellis- Sedona, AZ, Elizabeth Kauffman- Scottsdale, AZ, and Cameron Family- Sedona, AZ
Applicant: David Ellis on behalf of the two other property owners

Request:
This request is for a Zone Change from the AR-1 Zone to the RS-16,000 zone. The Zone Change would bring the subject properties into conformance with size requirements of the zone, as each property is under an acre in size. The request would also allow the Ellis property (003A) to split into two parcels, resolving a second legal non-conforming situation on that property with three dwelling units. The request proposes no additional development beyond the existing dwelling units on the three parcels.

Recommendations and Findings of Staff
Staff feels that the required three Findings of Fact to approve a zone change could be made by the Commission if the zone change is conditioned to ensure that additional dwelling units will not be placed on the properties resulting in no increase in density.

Background Information:
Subject properties:
The subject properties are three separate parcels in the AR Zone.

405-28-003A
- 0.92 acres in size (40,075.2 square feet, legal non-conforming for size)
- Developed with a two-story site built single family residence and two single story site built residences (three dwelling units is a legal non-conforming situation where zoning limits a property to one primary and one accessory dwelling unit)
- Includes portion of creek and dense, mature vegetation

405-28-004
- 0.81 acres in size (35,283.6 square feet, legal non-conforming for size)
- Developed with one site built residence
- Includes portion of creek and dense, mature vegetation

405-28-005
- 0.55 acres in size (23,958 square feet, legal non-conforming for size)
- Developed with one site built residence
- Includes portion of creek and dense, mature vegetation

Nonconforming Situations
The proposed Zone Change would have the effect of reducing legal nonconforming (grandfathered) situations. Generally, a legal nonconforming use or situation can remain but cannot expand and cannot be replaced if it is destroyed.
Parcel 005

Parcel 004

 Parcel 003A Primary home

Parcel 003A Accessory Dwellings
Floodplain/floodway
The subject properties are each highly affected by floodway. Homes are placed on each parcel with little room left outside of the floodway. Floodway is the channel where flooding occurs during a 100-year event. Construction can occur in the floodway only if an engineer can demonstrate no impact to the channel. This factor limits any future development on the subject properties.

Floodway Impacts on the subject properties

Surrounding Land Uses:

<table>
<thead>
<tr>
<th>Surrounding Land Uses/Zoning</th>
<th>Land Use</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Single Family Residential</td>
<td>AR (Agricultural Residential)</td>
</tr>
<tr>
<td>South</td>
<td>Manufactured Home</td>
<td>AR (Agricultural Residential)</td>
</tr>
<tr>
<td>East</td>
<td>Single Family Residential</td>
<td>AR (Agricultural Residential)</td>
</tr>
<tr>
<td>West</td>
<td>Single Family Residential</td>
<td>AR (Agricultural Residential)</td>
</tr>
</tbody>
</table>
Parcels labeled 3A, 4, and 5 are part of this request. Darker Orange is also the AR-1 Zone and legal non-conforming for size but in the Indian Garden Homes Subdivision. Properties associated with this request are denoted with stars.

The nearby neighborhoods of Shangri La and Staggs Loop are examples of similar neighborhoods in Oak Creek Canyon where the RS-6,000 zone exists in the entire neighborhood, resulting in all lots being legal conforming for size.

**Property History**

All three properties have been zoned AR-1 for over two decades. The 003A property was created by a land division in 2000. The original 003A parcel was 1.7 acres and the previous owner of the parcel requested a Variance in 1999 to split the parcel into three separate parcels under the one acre minimum for the AR Zone. The subject property at 0.92 acres and the two parcels directly south of this parcel at 0.39 and 0.37 acres were requested. At their meeting of July 20, 1999, the Board of Adjustment approved V-99-13.

The current property owner of 003A, and applicant for this request, met with staff in 2016 to discuss a path forward allowing them to split off one of their three homes on the property. This would resolve the legal non-conforming situation and allow the owners to eventually pass two separate parcels on to
separate family members. Staff discussed that a Variance could allow for an undersized parcel in the AR-1 zone, but a Zone Change including more of the neighborhood might be more advisable. The owner then requested a variance which the Board of Adjustment denied on June 21st, 2016. The findings required to approve a variance are different than those required to approve a zone change as they are more focused on uniqueness of the property and hardship brought on the property by the Zoning Ordinance. The applicant then met with staff leading up to the current request. Staff suggested including the entire neighborhood in a Zone Change, making the entire area conforming. Including a larger area would also avoid spot zoning one parcel, bringing a larger area into zoning conformance. Spot zoning, while not mentioned in the Comprehensive Plan or the Oak Creek Area Plan, is generally considered to be not good planning practice if it creates conflicting land uses. The owner of 003A was able to get the two other parcels to join in this request. The 16,000 square foot lot size was chosen specifically to include the two parcels south of 003A in the request. Those parcels chose to not join in the request as they are developed with manufactured homes, and manufactured homes are not permitted in the RS zone. If either of these properties redevelop in the future with site built homes, they may chose to also rezone to the RS-16,000 district, as that zone would allow for reduced building setbacks from property lines and increased lot coverage percentage.

Proposed Development
The applicants have no development plans as none of them indicate a desire for additional development. The 003A owner indicates in their application narrative that they intend to split their parcel, leaving one dwelling unit on one parcel and two on the other. The existing AR-1 and the requested RS-16,000 zoning districts both allow for one primary and one accessory dwelling unit on a parcel. The 004 and 005 properties are each developed with one dwelling unit. While the 004 property is large enough to split with RS-16,000 zoning, the existing residence on that parcel consumes nearly all available space outside of the floodway, making a lot split or even a permissible accessory dwelling unit highly improbable.

Public Participation
The applicants held a neighborhood meeting on September 26, 2018. Thirty-six surrounding property owners (within a 400-foot radius of the application parcels) were invited. Seven people attended the meeting, no objections were noted. One participant had questions regarding setbacks and slopes. The question was forwarded to staff and answered. Two neighbors have called staff regarding this case, both were generally opposed to the request with concerns of increased density in the area and a concern with setting precedent for other nearby parcels which could split if similarly rezoned. One call also expressed concerns over a shared wastewater system between the 003A parcel and two parcels to the south (not part of this request). The system was permitted in 1999 and meets all current standards. Any additions of dwellings, bathrooms, bedrooms, or plumbing fixtures with or without a zone change would require permit approval through the Environmental Quality Division. Staff received one email opposed to the zone change with no specific concerns.
Findings of Fact
The Zoning Ordinance requires that the Planning and Zoning Commission make the following three Findings of Fact to approve a zone change request:

1. That the change is consistent with the goals, objectives and policies of the Comprehensive Plan and this Ordinance.
2. That the change is in the interest of or will further the public health, safety, comfort, convenience and welfare.
3. That the change will not adversely affect the established character of the surrounding neighborhood nor be detrimental to adjacent properties.

Staff Analysis of Finding 1
Comprehensive Plan Analysis

To eliminate land use or zoning conflicts, transition nonconforming uses to a conforming use and work to alleviate the negative impacts of nonconforming uses over time. When amendments to the Zoning Ordinance are adopted, thought should be given as to whether existing uses should be considered nonconforming or granted legal status. –Land Use & Growth Policy 8

This request would eliminate multiple legal nonconforming situations as discussed above.

Development projects will be located outside of floodplains to prevent property damage, protect riparian areas, and facilitate water infiltration into the ground. Floodplains will be delineated by the county using the best available data. –Natural Environment Policy 6

Existing development is outside the floodplain, no additional development is proposed.

Oak Creek Canyon Area Plan (as an amendment to the Comprehensive Plan) Analysis

All future development of undeveloped lands within the Canyon shall be restricted to single family uses at a density not to exceed one unit per net developable acre. "Net developable acre" shall be interpreted to mean the gross or total land area proposed for development less that portion of the property located within the floodway of Oak Creek and that portion where existing slopes exceed 25 percent. –Policy 21

REDEVELOPMENT. "Redevelopment" shall mean the altering of developed land by the addition, removal, or change in structures or their use or the significant altering of the land. It does not include the repair, maintenance, or refurbishing of existing structures thereon or a parcel of land that has been legally altered for human occupancy. All future redevelopment of private land in Oak Creek Canyon shall seek by the year 2000 to achieve a net reduction in density of dwelling units and intensity of use of non dwelling units. It is not intended that reductions shall apply uniformly to all properties on redevelopment, but rather on the Canyon as a whole. To accomplish this the following policies shall be implemented: a. All future redevelopment shall minimize human activity on the Canyon, preserve the viewshe defined in the
Scenic Highway designation, minimize visual, air, water, light and noise pollution by the application of the best available technology, minimize the removal of trees and retain the historic character of the Canyon- Policy 23

The applicants in this rezoning indicate no desire to add development or to redevelop. Approval of this Zone Change could allow parcel 003A and 004 to split into two properties. As stated, the existing home on parcel 004 does not have enough land area outside to the floodway to feasibly split or add dwellings. Parcel 003A, if split, could in theory add another accessory dwelling unit, the applicants indicate they do not wish to do so.

**Zoning Ordinance Analysis**

The Zoning Ordinance has purpose statements for each zoning district giving the intended purpose and densities of the zones. The AR Zone purpose to “...designate areas of the County for low-density residential Use on minimum Lot sizes of one (1) acre where those light agricultural activities can be conducted which are related to rural family living and pursuits.” Staff notes that most of the AR-1 zoned parcels in this area are not large enough to permit livestock, and generally not large enough for many agricultural uses. The purpose statement of the RS zones is to allow for “...low density single family residential development on minimum Lot sizes of [16,000] square feet and at maximum densities of (2.0) Dwelling Units per acre. Only those additional Uses are permitted that are complimentary to, and can exist in harmony with, a suburban residential neighborhood.” The Zoning Ordinance Section 3.13: Historic and Nonconforming Uses purpose is to “...limit the number and extent of Nonconforming Situations by prohibiting or limiting their enlargement, their reestablishment after abandonment, and the alteration or restoration after destruction. The overall purpose is the gradual elimination of Nonconforming Uses or conversion to conforming Uses in order to further the goals of the Coconino County Comprehensive Plan, special area plans, and this Ordinance.” This request is consistent with the Zoning Ordinance intent to convert nonconforming situations to conforming.

**Staff Analysis of Finding 2**

Making nonconforming situations conforming is in the public interest. A more significant benefit to the public would be to include more nonconforming properties in the area in a similar request without increasing density. The Commission, the Board of Supervisors or the greater neighborhood could initiate such a rezoning of the larger area and it would solve the legal nonconforming issues for the larger area. This occurred in Maine Townsite in the Parks area in 2013 and in the Mount Elden Estates neighborhood in 2014. An area plan update could indicate policies to deal with the many size nonconforming parcels in Oak Creek Canyon. As stated, the applicants invited more property owners in their area to join in this request.

Any increase in density (as measured in dwelling units per acre) would not be in the public interest per the Oak Creek Area Plan. The applicants indicate no desire to increase the number of existing dwelling units.
Staff Analysis of Finding 3
Additional dwelling units as a result of the rezoning would be detrimental to the character of the neighborhood as determined in the Oak Creek Canyon Area Plan. If no dwelling units are added to the subject properties, staff does not see that the character of the neighborhood or adjacent properties would be negatively impacted.

Recommendation
Staff notes the opposition from several neighbors with concerns regarding increased numbers of dwelling units and concerns about precedent for zone changes that could result in increased numbers of dwelling units. If the Commission can make the required Findings of Fact for the Zone Change, then staff only recommends approval of ZC-18-008 as a conditional zoning to ensure consistency with Oak Creek Area Plan. As stated in this report, the owners of parcel 003A indicate a desire to split their parcel resolving legal nonconforming situations. While parcel 004 enough gross area to split with the requested zone change, the existing home on the property and existing floodway make this highly improbable. Therefore, staff recommends the following condition:

1. A deed restriction shall be recorded with the County Recorder on the following property with the following language: Parcel 405-28-003A, including and together with any future parcels split therefrom, shall be limited to a combined total of no more than three dwelling units.

Respectfully submitted,

[Signature]

Jess McNeely, AICP, Assistant Director/Planning Manager
Significant contribution from Zach Schwartz, Senior Planner

Attachments:
- applicant provided narrative
- comments from neighboring property owners
- packet from an attorney on behalf of an opposed neighbor
Zoning Change Narrative for
Lower Indian Gardens Drive, Sedona AZ, 86336

Overview

- Lower Indian Gardens Drive is a lovely residential street with high resident pride, meticulous landscaping, maintenance and demonstrates for the entire area what can be done when residents “really care”. It is a true showcase for the Oak Creek Canyon area.

- There are 9 lots that face on/or access Lower Indian Gardens Drive. They vary in size from .1 to .92 acres. The total size of the 9 lots is 3.68 acres. The big difference in the lot sizes does not lend itself to a single zoning classification for Lower Indians Drive.

- The three largest lots, however account for 2.28 acres, (62% of the lot acreage on the street), are contiguous, and constitute the area included in this rezoning application. Their addresses, parcel numbers, and lot sizes are enclosed with the application.

- David and Marcia Ellis, along with two other parcel owners, are applicants in this zoning request. David and Marcia will coordinate the applicant process for the group.

- All three property owners have attended an information meeting at the home of David and Marcia Ellis on June 21, 2018. Jess McNeely also attended that meeting and provided valuable information to the group.

- The existing AR-1 classification is a poor fit for these three lots – this is strictly a residential area and there is no agricultural activity on this street. Nobody on the street meets or ever did meet the one acre minimum for zoning classification AR-1.

- This is a simple request for a zoning change from agricultural AR-1 to residential classification RS – 16000. There is no associated development, and the application will not increase the number of houses in the zone change area, and it does not change anything physically.
• The RS-16000 size Zone is requested to allow for the future inclusion in the zone of two lots to the south, which are .40 and .37 acres in size. They presently contain mobile homes and the present owners were not interested in the RS classification at this time. However, both of these lots have been up for sale in the past year. Should the new owners be interested in joining in the future, the 16000 Sq. Ft. minimum lot size would accommodate their inclusion (this could bring the RS 16000 zone acreage to 86% of the total acreage on Lower Indian Gardens Drive.) This could be a wise future planning decision.

• The Ellis parcel is the largest of the three lots and is the only one that has two occupied houses. It would be the Ellis’s intentions to request a simple lot split either associated with the zoning change or immediately thereafter to change a longstanding grandfathered non-conforming situation to a conforming one.

• All three lots have direct access from paved Lower Indian Gardens Drive. Internet and phone facilities are in place. APS provides the electricity and propane/trash collection is provided by various suppliers.

• An assessors map of the proposed zone area and a list of the parcel numbers and lot sizes is attached.

The applicant submits that the zone change meets the finding for both the zoning ordinance and the Coconino County Area Plan for Oak Creek Canyon.

**Finding #1** - That the change is consistent with the goals, objectives, and policies of the Coconino County Comprehensive Plan and Zoning Ordinance.

**Oak Creek Plan objective is to limit growth in the Canyon.**

The zone change to RS-16000 will not result in any additional density since the number of houses on Lower Indian Gardens drive will not change - the minimum square foot required by the proposed zoning classification combined with the topography and
Oak Creek flood plain boundary will not allow any additional houses to be built.

The proposed zoning will allow 62% of the acreage on lower Indian Gardens Drive to become conforming – a stated P & Z objective.

**Oak Creek Plan Major objective in the is to insure water quality**

The largest lot has an advanced aerobic digestion waste- water treatment system that is professionally managed. This type of treatment is far superior to typical septic systems and improves overall water quality and reduces the possibility of groundwater contamination.

**Coconino County Comprehensive Plan encourages water recycle/reuse**

The above-mentioned waste water system recycles the treated effluent from the treatment system by placing it on the lawn/vegetation on the property directly to the north. This displaces/saves an equivalent amount of fresh water.

**Finding #2-** That the change is in the interest of, or will further the public health, safety, comfort, convenience, and welfare.

**Coconino County Comprehensive Plan Major objective**

"Conserve and promote stable, attractive, rural communities where residents share a sense of pride". Lower Indian Gardens Drive is a shining example of this type of community. It is a lovely residential street with high resident pride, meticulous landscaping, excellent property maintenance, and demonstrates for the entire area what can be done when residents “care” It is a true showcase for the Oak Creek Canyon area.

Allowing the majority of the acreage on Lower Indian Gardens drive to become conforming protects the substantial investment of the existing homeowners and increases the likelihood this Canyon showcase will remain as is. This residential development is
specifically cited in a very positive manner in the Oak Creek Area Plan on page 27.

**Coconino County Comprehensive Plan embraces Community Character**

"Community Character" is discussed in the Plan stating that "maintaining this character is important" and "It discusses the ordinances, regulations, and other mechanisms that help us to protect the community characteristics we value" Providing zoning that fits well with existing land use enhances community character without increasing density.

The plan also speaks to the Importance of "Community Character" in the following: "Coconino County features a rich mosaic of cultures, communities, residents, and physical attributes. Residents and property owners have expressed considerable interest in conserving the diverse landscape, maintaining community character, and improving the aesthetics of their homes. These are important for supporting the quality of life and for promoting economic development, attracting visitors, and protecting the environment..."

Lower Indian Gardens has that cohesive character in spades. It has a completely residential, not rural agricultural character.

**Finding #3-** That the change will not adversely affect the established character of the surround neighborhood nor be detrimental to adjacent properties.

Since no development is associated with the proposed zone change, nothing physical is to change at all. There should be no negative effect on surrounding neighborhoods whatsoever. In fact, this zoning request advances P & Z's objective to bring more non-conforming situations into conforming status.