ORDINANCE NO. 2019-02

AN ORDINANCE OF THE COCONINO COUNTY BOARD OF SUPERVISORS, ARIZONA, APPROVING A ZONE CHANGE FROM THE OS (OPEN SPACE) ZONE TO THE G (GENERAL, 10 ACRE MINIMUM PARCEL SIZE) ZONE FOR ASSESSOR’S PARCEL NUMBERS 402-31-007A AND 402-31-008E

WHEREAS, the subject property is two parcels consisting of 425.6 acres located adjacent to and surrounding Happy Jack Lodge and identified as Assessor’s Parcel Numbers 402.31.007A and 402-31-008E; and

WHEREAS, an application was filed by Clear Creek 820, LLC of Phoenix, Arizona, (Case No. ZC-18-009) for a Zone Change from the OS (Open Space) Zone to the G (General, 10 acre minimum parcel size) Zone; and

WHEREAS, the Planning and Zoning Commission held a duly noticed public hearing on February 27, 2019 and recommended approval of the Zone Change from the OS (Open Space) Zone to the G (General) Zone; and

WHEREAS, the Board of Supervisors has held a public hearing on May 21, 2019; and

WHEREAS, the Board of Supervisors has determined that the findings for a zone change, as follows, have been met:

1. The change is consistent with the goals, objectives and policies of the Comprehensive Plan and the Zoning Ordinance.

2. The change is in the interest of or will further the public health, safety, comfort, convenience and welfare.

3. The change will not adversely affect the established character of the surrounding neighborhood nor be detrimental to adjacent properties.

NOW THEREFORE BE IT ORDEA ND by the Coconino County Board of Supervisors that the requested Zone Change from the OS (Open Space) Zone to the G (General) Zone is hereby approved with the following conditions:

1. The use or layout of initial tracts shall substantially conform to the plans and narrative as submitted by the applicant except for any standards as modified in the conditions below. Any substantial modifications shall require additional approval from the Planning and Zoning Commission and Board of Supervisors through the Zone Change process.
2. A waiver is hereby granted for the exception parcel at 0.50 acres in size where 10 acres is required. This property shall exclusively be used for shared neighborhood facilities such as trash collection or a well site. For any utility stations or other conditional uses in the G Zone to be conducted on the property, the applicant shall obtain any necessary Conditional Use Permits prior to initiation of those uses.

3. All roadways shall be privately owned and maintained. Construction shall be all weather, with two ten-foot travel lanes as shown in the attached diagram, capable of travel by a 42,000 GVW vehicle.

4. Prior to the recordation of the survey dividing the land into 10 tracts, the applicant shall complete the following to the satisfaction of the Community Development Director:
   
a. A Phase 1 Hydrology Study shall be completed and approved by the Engineering Division. All areas identified to be within the 100 year floodplain boundary shall be set aside in a drainage easement. The easement shall be shown on the land division map and legally described by a surveyor as an area to remain completely undisturbed on each affected deed.

b. The applicant shall identify on a survey all areas with a slope of 25% or greater. All areas identified with a slope of 25% or greater shall be set aside in a slope easement. The easement shall be shown on the land division map and legally described by a surveyor as an area to remain completely undisturbed on each affected deed.

c. A Jurisdictional Determination from the US Army Corps of Engineers shall be prepared by a professional consultant. Should the applicant disturb any Waters of the US in an amount exceeding the ACOE notification and permitting threshold, the applicant shall obtain a 404 Permit. Otherwise, the applicant is obligated to obtain and submit to staff a Nationwide Permit.

d. The applicant shall annex into the Blue Ridge or Happy Jack Fire District or by subscription to either of those fire districts.

e. The applicant shall keep in perpetuity an agreement with Happy Jack lodge for emergency ingress/egress through their property.

f. The applicant shall improve the entirety of the FS 122 on the subject property and the road shown on the applicant’s site plan leading from FS 122 to the northern property boundary to the road standard noted in Condition 3.
g. The applicant shall consult with the U.S. Fish and Wildlife Service and AZ Game and Fish and meet any requirements of that agency in regard to Mexican Spotted Owl or any other endangered or threatened species habitat.

5. All future land divisions shall meet the minimum standards of the General Zone as specified in Zoning Ordinance Section 2.1. A Land Division Permit shall be submitted to and approved by the Planning and Zoning Division of Community Development prior to those splits being recorded.

6. As drafted and submitted to staff by the applicant, a homeowners association (HOA) shall be established with authority to enforce and administer the subdivision’s CC&Rs. The HOA shall be duly incorporated and shall be solely responsible for maintenance of drainage easements and of steep slopes of 25% or greater. The CC&Rs shall empower the HOA to make equitable assessments against lots to pay for such maintenance and to impose liens against lots to secure payment of such assessments.

7. Language shall be included in the CCRs that require wildlife friendly fencing, should any individual lot owner wish to fence in any portion of their property. Wildlife friendly fencing is a maximum of 42 inches in height from grade to the top, has a 20 inch minimum gap from the ground to the first wire, a 12 inch minimum gap from the top to second from the top strand, and has smooth wire on the top and bottom strands.

8. During construction of roadways, bridges, retaining walls, and other infrastructure improvements, all necessary measures shall be implemented for dust control and to protect and prevent damage to springs, seeps, wetlands, and other natural features of the open space tracts. Storm water quality shall be maintained during construction through implementation of an approved Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall include detailed plans for the protection of springs, seeps, and wetlands and any inadvertent damage to such resources shall result in an immediate halt to construction activity until a remediation plan is approved. Any and all damage to springs, seeps, and wetlands will be reported to the U.S. Army Corps of Engineers for further enforcement action as appropriate.

9. All disturbed areas that are not otherwise landscaped shall be revegetated with hydroseeding or planting of other suitable ground cover utilizing a native seed mix appropriate to the area. The native seed mix shall be identified prior to approval of construction plans and approved by the Director of Community Development prior to application.
10. Street names, none of which shall duplicate other street names in the Happy Jack or Blue Ridge areas, shall conform to the County’s Street Naming and Addressing Ordinance. Proposed names are subject to the approval of Coconino County GIS, Public Works, and Community Development staff prior to approval of the Final Plat.

11. Phasing of additional roadway improvements shall meet those written in the applicant’s submitted CC&Rs with future land owners and/or developers of Tracts 2, 3, 4, 7, and 8 improving roadways to a level of construction that shall be all weather, with two ten foot travel lanes as shown on the attached diagram and capable of travel by a 42,000 GVW vehicle.

Passed and adopted this 21st day of May, 2019 by the following vote:

AYES: S

NOES: Ø

ABSENT: Ø

COCONINO COUNTY BOARD OF SUPERVISORS

Art Babbott, Chairman
Coconino County Board of Supervisors

(SEAL)

ATTEST:

Clerk of the Board

APPROVED AS TO FORM
By:
Deputy County Attorney

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Approved May 21, 2019