Coconino County Planning and Zoning Commission
Meeting of January 30th, 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
Ray Mayer
John Ruggles
Tyanna Burton

Members Absent
Mary Williams

Staff Present
Jess McNeely, Assistant Director
Bob Short, Principal Planner
Zach Schwartz, Sr. Planner
Rachel Davis, Planner
Brian Furuya, Deputy County Attorney
Kendra Crawford, Recording Secretary

Chairman Walters called the meeting to order at 5:32PM. He noted procedures to the audience.

I. PLEDGE OF ALLEGIANCE

II. APPROVAL OF MINUTES

January 2nd, 2019: MOTION: Commissioner Clifford moved to approve the January 2nd, 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 two parcels totaling 425.6 acres. The subject properties are located approximately two miles north of Clints Well and west of Lake Mary Road. They are identified as Assessor’s Parcel Numbers 402-31-007A and 402-31-008E.
   Property Owner: Clear Creek 820, LLC, Phoenix, AZ
Mr. Schwartz explained that the applicant met with staff after the legal noticing of the case and staff recommended a number of changes to bring the project more in line with Comprehensive Plan goals and policies. The applicant requests a 30-day continuance to the hearing of February 27th, 2019 in order to make those changes.

**MOTION:** Commissioner Ruggles moved to continue Case No. ZC-18-009 until the February 27th, 2019 meeting. Commissioner Burton seconded the Motion. The Motion passed unanimously.

2. **Case No. CUP-18-040:** A request for a Conditional Use Permit renewal (of CUP-13-015) for an educational facility and retreat center with modifications to extend the days of operation on a 3.68 acre parcel in the AR-2 ½ (Agricultural Residential, 2 ½ acre minimum parcel size) Zone. The property is located at 6085 Leupp Road approximately .85 miles northeast of Townsend-Winona Road and is also identified as Assessor’s Parcel Number 303-09-009W.

**Property Owner:** Youth with a Mission-Northern Arizona, Inc, Flagstaff, AZ

**Applicant:** Will Toms, Flagstaff, AZ

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

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

Commissioner Ruggles asked if the letter of support was from a neighbor or someone directly impacted with the use of the property. Ms. Davis replied that the letter came from Sarah Marsitto, 6065 Luepp Rd. Flagstaff Arizona, which is a neighbor on the same stretch of easement.

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

Will Toms, 6085 Leupp Road Flagstaff Arizona, stated that he and Ms. Toms are directors at the Youth with a Mission. They have been in Arizona for 22 years, which includes time on the Hopi Reservation. He gave a history of how they became to own this property and the work that they do as a Christian mission organization working with indigenous people, from all over the world. Mr. Toms stated that they do not want to be a commercial operation, their staff are volunteers and they raise their own support.

Chairman Walters asked Mr. Toms to read the conditions and see if he approves. Mr. Toms reviewed the conditions and would like condition number seven explained (The total occupancy of the facility for day-use activities shall not exceed forty (40) people. The total overnight occupancy of the facility shall not exceed twenty-two (22))
people). He also talked about working with the County on the wastewater system, they are well within the limits, and there will be no additional impact.

Ms. Davis clarified that staff is not wanting to limit the number of retreats, seminars or schools. They are asking to limit the day use occupancy or overnight occupancy; it can be done 365 days out of the year as long as they do not go over the occupancy limits.

Mr. Toms also asked for condition number twelve (School sessions, retreats, and seminars may be held onsite as facilitated by YWAM, with no more than one type of activity held in any 24-hour period. No other activities shall occur at this facility except those expressly permitted) to be clarified. Ms. Davis explained that talking with the Environmental Quality Division, for the septic constraints, you cannot have a school and a seminar happening simultaneously.

Mr. Toms stated that he agrees with the conditions listed in the staff report but would like the expiration to be more than five years.

Chairman Walters asked if the applicant comes back to renewal, can it be administratively approved. Mr. McNeely replied that as long as there were no changes to the conditions or complaints, then yes it could be administratively approved.

There were no questions for staff, the floor was opened to the public to speak.

Derek Swire, 12410 E Comstock Dr. Flagstaff Arizona, stated that he is one of their neighbors and has known the applicant for nine years. They are wonderful neighbors, very welcoming, quiet and no upheaval of problems.

Fernando Rodriguez, 12455 Comstock Dr. Flagstaff Arizona, stated that he has been a neighbor for about six months. They are very quiet and he supports this CUP.

Ginny Beitt, 4505 E Coldstream Flagstaff Arizona, stated that she is in real estate and helped them get their original CUP. They take care of the property and their neighbors. She stated that if they have events in the evenings everyone is told to keep the noise level down and be considerate of the neighbors.

Millie Toms, 6075 Leupp Rd. Flagstaff, Arizona, stated that she is Mr. Toms wife, and is very thankful that they are allowed to do this kind of training. She explained the work they are doing with the Hopi reservation and hope to be doing this for another thirty years.

The following speakers are staff or participants in the program; they all had supportive things to say about this program. The staff members explained that in orientation they state the rules; one of which is to treat the neighbors with respect and to keep the noise down. The program participants explained that this program has helped them in their worst times and has given them hope and purpose in their lives.
Lorenda Maktima, 1385 W University #151 Flagstaff Arizona, stated she is enrolled in the Disciple Training School along with her children.

Raissa Santos, 6175 Luepp Rd. Flagstaff Arizona, stated she works on the staff and in charge of some of the trainings.

Silvana Silva, Estrada Do Belmont, KM8 P.Veffo Brazil, stated she has worked with Youth with a Mission for over 25 years.

Steve Learned, 15440 Xkimo St. Ramsey Minnesota, stated that he is a recent staff member.

Matthew Pierce, 209 Monte Vista Dr. Gunnison Colorado, stated that he is a staff member.

Martha Jones, 6085 Luepp Rd. Flagstaff Arizona stated that she is a Disciple Training School student. She explained that they have chores every day and learn to respect and keep up the land.

Alicia Valenzuela, 6085 Luepp Rd. Flagstaff Arizona, stated that she became a member after moving in with her aunt, due to her mother and grandfather passing away.

Felicia Knoth, 6085 Luepp Rd. Flagstaff Arizona, stated that she has been involved with Youth with a Mission for over 25 years.

Elnora Monongye, Po Box 54 Hotevilla Arizona, stated that she has gone through the program and now works as a staff member. She has also translated the bible into the Hopi language.

Cleber Santos, 6175 Luepp Rd. Flagstaff Arizona, stated that he is a one of the leaders at the Disciple Training School and they help people discover their purpose in life.

Chairman Walters asked for Mr. Toms to come back to the podium. He stated that the public was very powerful, and they have a great mission. Mr. Toms replied that they are showing people they can follow a unique Christian path no matter which tribe or background you are from.

There were no more public to speak on this case, and the floor was opened to Commissioner for discussion.

Commissioner Best stated that after reading bad news in the newspaper daily, it is nice to hear when good things are happening in our County. He can make the findings to support this case.
Commissioner Mayer thanked everyone for speaking and stated it shows it’s an outstanding organization. He can make the findings to approve this renewal.

Commissioner Burton stated that it sounds like the neighbors love having them as neighbors and can make the findings.

Commissioner Ontiveros stated that she went to the property prior to the last CUP hearing and received an understanding on the lay of the land and what happens with this organization. She stated she was very happy to hear the remarks and that there were no contentious statements, which shows they are doing something right. She can make the findings to approve this.

Commissioner Ruggles stated that he was also here for the last meeting and the contentious statements were because of the previous owners. There haven’t been any problems in the last five years. He can make the findings to support this CUP.

Commissioner Clifford stated that he has been on this property multiple times. He liked to hear that through this organization they are keeping the Hopi language going and can make the findings to support this case.

**MOTION**: Commissioner Ruggles moved to approve Case No. CUP-18-040 with the twelve conditions as stated in the staff report. Commissioner Ontiveros seconded the Motion. The Motion passed unanimously.

3. **Case No. CUP-18-042**: A request for a Conditional Use Permit to use a recreational vehicle as a permanent residence on a 1.62 acre parcel in the AR (Agricultural Residential, one acre minimum parcel size) Zone. The property is located at 2528 Mission Drive in Valle and is also identified as Assessor’s Parcel Number 501-25-022. Property Owner: Itiya Aneece and Prakash Bhayade, Flagstaff, AZ Applicant: Itiya Aneece, Flagstaff, AZ County Supervisor District: 1 (Art Babbott)

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

Commissioner Best asked how they will be handling their wastewater, and if they would drive the unit to a pumping station. Mr. Short stated that it must be approved by the Environmental Quality Division. In this case they are proposing that there is a tank that collects the wastewater that will be carried off on a caddy and dumped at an RV dump station. The Building and Environmental Quality Division have approved the composting toilet she is proposing.

There was no further question for staff, the floor was opened to applicant for comment.
Itiya Aneece, 1201 E Ponderosa Pkwy Apt. 139 Flagstaff Arizona, explained that the person that mailed in the letter with concerns lives in Phoenix year around. Commissioner Ruggles asked if the solar panels will be her main source of electrical power. Ms. Aneece replied that they also would like to have an electrical generator. Commissioner Ruggles asked how much they anticipate operating the generator. Ms. Aneece replied that want to upsize the solar panels in the future, so they will not need the generator that often.

Chairman Walters asked if she has read the staff report and agreed. Ms. Aneece replied that she agreed.

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

Commissioner Clifford asked Ms. Aneece where she plans on dumping their waste. Ms. Aneece replied that there is an RV Park right across the street from them that she has asked to use. Commissioner Clifford stated that he can make the findings to approve this case.

Commissioner Ruggles stated that he ran sample calculations on her generator system and if there were any close neighbors, he would suggest a masonry enclosure. For reference, at the property lines the no-load sound level condition for operation of that generator would be 50-55 DBA. Commissioner Ruggles stated that he can make the findings.

Commissioner’s Ontiveros, Burton and Mayer stated that they can make the findings to approve this case.

Commissioner Best thanked the applicant for coming in and getting a CUP, and he indicated that he can make the findings to approve.

MOTION: Commissioner Ontiveros moved to approve Case No. CUP-18-042 with the three conditions as stated in the staff report. Commissioner Burton seconded the Motion. The Motion passed unanimously.

4. Case No. CUP-18-043: A request for a Conditional Use Permit renewal (of CUP-13-022) for a 94-foot wireless telecommunications facility with modifications to install additional equipment on a portion of a .96 acre parcel in the PS (Public and Semi-Public) Zone. The parcel is located at 475 E Pinewood Blvd in Munds Park and is also identified as Assessor’s Parcel Number 400-40-021A.

Property Owner: Pinewood Volunteer Fire Association, Munds Park, AZ
Applicant: Crown Castle, Chandler, AZ
Representative: Alexa Rhyme
County Supervisor District: 3 (Matt Ryan)
Mr. Schwartz summarized the staff report along with a PowerPoint presentation. He would like to change condition number six that states “This use permit shall be valid for a period of five years to expire January 30, 2024, before which time a new application shall be submitted for renewal if continuation of the use is desired” to a period of ten years expiring in 2029.

Commissioner Ruggles asked if condition number four was discussed with the applicant. Mr. Schwartz replied that it was not discussed with the applicant, but the company should easily be able to change the color.

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

Alexa Rhyme, 2055 S Stearman Chandler Arizona, representative for Crown Castle, stated that they agree with all the conditions listed in the staff report. She asked about the landscaping replacement listed in the conditions, would they be required in maintaining it or just replanting.

Chairman Walters asked if they understood the new color of the monopole condition. Ms. Rhyne replied that there will be no problem in painting the pole.

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

Commissioner Ruggles stated that he has visited the site multiple times, a black monopole contrasts with a blue sky. This is an open area and the antenna array that is currently there is either the metallic supports, galvanize or aluminum (light grey color). He stated that the proposed ray is much larger than what is there, and a flat black will contrast with a cloudy or bright blue sky in an open area. Commissioner Ruggles stated that when the Navy was looking at colors for their ships, they looked for a color that gave the lowest contrast with a very open area. They came up with battleship grey; haze grey, which works better than camouflage. He suggests changing the color to light to medium grey, a lot of the poles come in this color during manufacturing.

The Commission discussed what the new condition should state, “color determined by staff”.

Commissioner Best stated it should state “shall be a color approved by staff”.

Commissioner Ruggles stated “All new equipment on the tower including arrays, antennas, microwaves, etc. shall be of a color as specified by the Director of Community Development.”

The rest of the Commissioners can agree with the new wording and can make the findings to approve this case.
MOTION: Commissioner Ruggles moved to approve Case No. CUP-18-043 modifying condition number four to read “All new equipment on the tower including arrays, antennas, microwaves, etc. shall be a color as specified by the Director of Community Development.” and modifying condition number six to state “This use permit shall be valid for a period of ten years to expire January 30th, 2029, before which time a new application shall be submitted for renewal if continuation of the use is desired”. Commissioner Best seconded the Motion. The Motion passed unanimously.

5. 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
   Applicant: Stephen Palmer, Flagstaff,
   County Supervisor District: 3 (Matt Ryan)

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

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

   Chairman Walters asked how the feet or bounds of the spring are being determined. Ms. Davis replied that she would need to consult with the surveyor who would be performing the survey and asking a hydrologist.

   Ms. Davis stated the applicant or representative could not attend but does agree with the conditions listed in the staff report.

   The floor was opened to the public for comment.

   Dirch Foreman, 3350 Old Munds highway, Flagstaff, Arizona, Fire Chief for Highlands Fire, stated that in the staff report it states Summit fire, this should be changed to Highlands Fire District. He requests that the annexation occur with the entire parcel as it sits before the split. Mr. Foreman stated that on November 20th, 2018, his district sent all the annexation paperwork completed to the property owner and is awaiting his signature.

   Doug Burke, 2722 Kachina Trl., Flagstaff, Arizona, stated that he is a home owner across the canyon from this property. He stated that he attended the public meeting and spoke with the applicant, he understood that the applicant was only splitting off the one acre around the house. Mr. Burke stated that the County recommended to not do any spot divisions and are the ones proposing the multiple parcels. He also asked what the owners are proposing for their fire wise plan.
Ms. Davis explained that the County worked with the applicant to develop this proposal, spot zoning is not favored in the County and they were looking for a larger development plan. They requested to be shown what is possible; this does not mean it will happen exactly this way. She stated that if the applicant does obtain this zoning, the applicant does not have to split the property or do anything. The County is not telling the applicant that he has to split his property this many times or this many ways, but saying to show a plan with the possibilities of what this property could be.

Eric Gold, 2791 Kachina Trl., Flagstaff, Arizona, stated that he lives across the street. He asked if the higher density does pass, where the access to the lots will come from; Kachina Trl. or Kona. The Commission replied that the staff report states Kona Trl.

Andrea Graber, 2749 Tolani Trl., Flagstaff, Arizona, stated that her property is right across the drainage that is mentioned in the staff report. She showed the Commission a picture on her phone of a picture of the snow from her back deck. Ms. Graber explained that her property hits at the bottom of the creek and has at least one spring. Her concern is losing her view of the creek and trees. If eight one-acre parcels were developed, she thinks the area she looks at will be gone. Chairman Walters asked her how big her parcel was. Ms. Graber replied an acre and a half. Mr. Furuya stated that her lot is 22,330 square feet.

Susan Williams, 2646 Nakai Trl., Flagstaff, Arizona, stated that no one is objecting to splitting off the one acre around the house, they are objecting to splitting it off more. She is also concerned about losing the view due to more buildings going up in the open space. Chairman Walters asked how large their lots were. Mr. Furuya replied that her lot is 8,580 square feet.

Joseph Anderson, 2646 Nakai Trl., Flagstaff, Arizona, stated he agrees with the previous speakers. He stated that they have the County saying they want to increase the density, but the community is saying they love looking to the east to see the forest and all the different animals walking through the property. He doesn’t think the increase in density will support quality of life for the community.

There were no more public members to speak; the floor was closed and opened to the Commission for discussion.

Commissioner Best stated that the two policy documents that govern what they do are the Flagstaff Regional Plan and the County Comprehensive Plan. He stated that the County Comprehensive Plan is a conservation-based document, but they both recognize conservation values strongly. The Commission’s job is to balance those values and sometimes they are in conflict. The conflict presented today is that they have chosen infill over sprawl; it is appropriate and written in the Regional plan. Commissioner Best stated that he is sensitive to what the neighbors are saying but the owner of a private property has the right to proceed. The important thing to him is the conservation asset: the spring, especially since the spring is the headwaters for Pumphouse Creek and ultimately down
to Oak Creek Canyon. If the property owner/applicant just wants to break out that one acre, he can make an exception if in the long run they can preserve the spring and its water course. Commissioner Best recommended they continue the case until the owner/applicant can attend and asked staff to work with the applicant to permanently preserve the spring.

Commissioner Mayer stated that given the statements, he can see all sides. We live in this area for a certain lifestyle and he would like to conserve what’s possible. He also recommends continuing until the applicant can attend to explain what his future plans are for the property.

Commissioner Burton stated that she does not have any issues with the applicant splitting off the one acre but would also like to hear what the applicant’s ideas are for the future of the property.

Commissioner Ontiveros asked where the spring is and who is going to determine where it is; this will help them know exactly what they are dealing with. She stated that she appreciates all the comments from the community members, but she needs to balance that with the rights of the property owner. The analysis that is written in the report is very good and their decision always needs to go back to the three Findings of Fact, which guides their decisions. Commissioner Ontiveros stated that she is unable to make those Findings (Finding number 3 “That the change will not adversely affect the established character of the surrounding neighborhood nor be detrimental to adjacent properties.”) tonight because she does not know exactly where the spring is located. She also recommends a continuance to allow the applicant to find out where the spring is and get the property annexed into Highland Fire district.

Commissioner Ruggles stated that he concurs with Commissioner Ontiveros about the continuance of the case and the balance between the community and property owner.

Commissioner Clifford stated that he agrees with his fellow Commissioners to continue this case; they have a lot of questions (spring, fire annex) that need to be answered by the applicant.

Chairman Walters gave a history about working with a contractor in this area fifty years ago. He stated that the expectation of having open space in this area for the smaller properties is not reasonable because of the zoning. The situation happens where they become accustomed with open space, but it is someone’s private property that has overlay zoning rights. Chairman Walters explained that in the Zoning codes and Regional plan there are protections for slope, protections for water resources and protections for riparian areas. The staff report has a lot of important details, but it is also missing details such as where the spring is; they come out of the ground based on an impervious surface and they seep out of the ground. He stated that the spring area could be the entire rock ledge that comes out of the side of the slopes; there needs to be some hydrologic studies done by somebody with expertise, like Dr. Abe Springer who works with the Museum of Northern Arizona and NAU. Chairman Walters stated they were also given the slope
resources, but he cannot properly identify the slope resources that could be protected. If they are going to go forward with the proposed zoning, he would like to see: building envelopes, sizes of the building envelopes, the entire property before its split be annexed into the fire district and into KVID. This way the Commission will know there are adequate resources to provide both sewage and water supply, which you need to fight fires in a heavily treed area. Chairman Walters stated a continuance is required for the applicant to provide these answers and data for the Commission.

The Commissioners discussed how long the continence should be to allow the applicant to get the data and information needed.

**MOTION:** Commissioner Best moved to continue Case No. ZC-18-011 for ninety days to the April 24th, 2019 meeting. Commissioner Mayer seconded the Motion. The Motion passed unanimously.

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

There was no public to speak.

The meeting adjourned at 7:50pm

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Chairperson, Coconino County Planning and Zoning Commission

ATTEST:

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Secretary, Coconino County Planning and Zoning Commission