

**Coconino County Planning and Zoning Commission**  
**Meeting of March 25, 2020**  
**Board of Supervisors' Meeting Room**  
**County Administrative Center**  
**219 East Cherry**  
**Flagstaff, Arizona**  
**(This hearing was held telephonically)**

**Members Present**

Tammy Ontiveros–Madam Chair (Telephonically)  
Don Walters – Vice-Chair (Telephonically)  
Sat Best (Telephonically)  
Ray Mayer (Telephonically)  
Tyanna Burton (Telephonically)  
Jim Clifford (Telephonically)  
Mary Williams (Telephonically)

**Members Absent**

John Ruggles

**Staff Present**

Jess McNeely, Assistant Director  
Bob Short, Principal. Planner (Telephonically)  
Zach Schwartz, Sr. Planner  
Melissa Shaw, Planner  
Aaron Lumpkin, County Attorney (Telephonically)  
Marty Hernandez, Recording Secretary (Telephonically)

Madam Chair Ontiveros called the meeting to order at 5:35PM. She noted procedures to the audience.

**I. PLEDGE OF ALLEGIANCE**

**II. APPROVAL OF MINUTES**

**MOTION:** Commissioner Walters made the motion to approve the minutes as written from the February 26, 2020 hearing.

**SECOND:** Commissioner Best seconded.

**DISCUSSION:** N/A

**VOTE:** The vote was unanimous.

**III. PUBLIC HEARINGS**

1. Case No. CUP-19-043: A request for a Conditional Use Permit for a memorial forest (cemetery) on five parcels totaling 160 acres in the G (General, 10-acre minimum parcel size) Zone. The property is located approximately 2.5 miles east of US Highway 180 on N Hart Prairie Road. It is also identified as Assessor's Parcel Numbers 300-25-001, 300-25-002, 300-28-001A, 300-29-001A, 300-29-001B.

Property Owner: Kniazze Trust Agreement DTD 5-11-99, Phoenix, Arizona  
Applicant: Better Place Forest, San Francisco, California  
Representative: Scott Roycroft, San Francisco, California  
County Supervisor District: 1 (Art Babbott)

**STAFF:** Ms. Shaw summarized the staff report.

Commissioner Best asked about the San Carlos Apache Tribe comments. Ms. Shaw read the email from Vernelda Grant, Director of Historic Preservation and Archaeology for the San Carlos Tribe. The San Carlos Tribe was asking for some time to teleconference to provide the tribes' comments. Chair Ontiveros wanted clarification of the time frame of emails from the San Carlos tribe. Ms. Shaw stated she sent mailed notification letters on March 3<sup>rd</sup> with the hearing date and information and received a response on March 19<sup>th</sup>, 2020. Ms. Shaw said she explained to Ms. Grant that we were rearranging the hearing format and asked Ms. Grant to email her with the comments. Ms. Shaw did not receive any new comments up to the time of the hearing. The Applicant has also communicated and outreached to many tribes. Of the 8 tribes contacted 3 responded with comments. Commissioner Best asked about the 5-year review for the CUP vs renewal. Ms. Shaw stated there would be follow up as stated in condition # 21 and if not compliant would have to go through another CUP renewal with the Board. Commissioner Best was pleased with the forest thinning process presented and wanted to make sure the forest service was in agreement. Forest Management Plan was reviewed by the County's Forest Restoration Director Jay Smith he commented that plan will improve forest health. Ms. Shaw stated sections of the property would be opened after thinning. Commissioner Best had concerns about egress. Ms. Shaw stated the road is two-way in case of fire. Commissioner Williams asked Ms. Shaw asked about the "no expiration date" for the CUP. Mr. McNeely stated the Zoning Ordinance does not require an expiration date, it is available as an option and has been common practice. All conditions must be met and if there is a complaint then the Compliance Officer or Staff could bring it back for the commission to review.

Ms. Shaw stated this is an ongoing project for many decades, with staff on site five days a week.

Commissioner Best wants to make sure a system is in place to check on conditions.

**APPLICANT:** Jason Morris (telephonically), representative for Better Place Forests, wanted to cover code requirements and operational aspects of the project. He stated that this is a benign and ecological use for the forest, somewhat one of a kind. He addressed the 4 findings in the use permit: 1- Objectives of the Zoning Ordinance- it is a permitted use since this is not a cemetery 2- Not detrimental to the public health, safety or welfare of the public -this is a case where less is more, access is limited, low volume use, not doing any traditional development 3- That the proposed use will comply with the applicable provisions of this Ordinance and 4-Goals and Objectives of the plan-With the interest from tribes, BPF proposes a cultural heritage policy. The policy will be a permanent living document to work with all the tribes, long term.

Scott Roycroft, San Francisco, CA, (telephonically), project representative for Better Place Forests. He thanked everyone for the interest and guidance. The plan is to have 6-8 Forest Steward staff to host and oversee the property, using the NAU School of Forestry. The project will involve the community through jobs. He expected to spend

over \$5 million to development the property, help to restore wildlife habitats, manage the forest lands with respect to all tribes. Better Place Forest reached out to tribal councils and plans engagement with the tribes yearly.

Commissioner Best expects the forest to burn eventually and asked if there will be controlled burns on this property? Jason Morris said all will be managed by Forest Service Plan and NAU School of Forestry and will make sure each section of the memorial has good forest health before opening to public.

Commissioner Clifford asked about parking and the waiver for paving the handicap parking. Mr. Roycroft said part will be paved for the ADA spots -2 out of 30. Clifford asked about appointment times. Roycroft said operation times vary dependent upon season and visitation will be by appointment only.

Commissioner Best asked if Mr. Roycroft had worked with FS about access on the road and the easement. Mr. Roycroft stated they had and have, and they have also looked into grants for forest management and are working with Forest Service and being a part of the Forest Initiative.

The entire team for Better Place Forest had read the staff report and agreed with it.

**PUBLIC:** There were no comments received from the public.

**COMMISSION:** Chair Ontiveros received a call from Mr. Madexsza from Elevated Advocacy, and she told him to provide his comments at the public hearing.

Commissioner Walters had researched the project and supports the project.

Commissioner Mayer had reviewed the project and thought it was solid top to bottom. He felt the conservation attitude was important. The Commissioner agreed the 5-year plan was appropriate for review. He liked using natural resources, NAU School of Forestry. Commissioner Best was sensitive to native American position. He was glad the applicant had reached out to them and heard back from some of them. He was concerned about the fire issues, but the applicant understands the issues. He felt the use was better than these parcels turn into something else that required building.

Commissioner Williams was also sensitive to the Native American issues regarding the property, but they did not pursue the issue, noting they have the option to appeal.

Commissioner Clifford thought that after hearing all the presentations, all his questions were answered and feels that the Tribal leaders will reach out later to Better Forest with their concerns.

Commissioner Burton thought this was a good project with good use of the land.

Chair Ontiveros concurred that it was great collaboration with NAU, and great outreach with tribes. She believed the conditions written within the staff report will accommodate the tribes.

Mr. McNeely stated Ms. Shaw's staff report spells out the waivers and needs two separate motions.

Commissioner Best hoped the applicant will sit down with Staff and see if the County can accept the conservation easement on the property.

**MOTION:** Commissioner Walters made a Motion to approve CUP-19-043 with the 23 conditions.

**SECOND:** Commissioner Clifford seconded.

**VOTE:** The vote passed unanimously.

Mr. McNeely recommended Chair Ontiveros to call for a motion to approve the requested waivers to make the findings as specified in the staff report.

**Motion:** Commissioner Walters made a Motion to approve the waivers stated in the conditions of the staff report.

**Second:** Commissioner Williams seconded.

**Vote:** The vote passed unanimously.

2. Case No. ZC-19-010: A request for a Zone Change from the OS (Open Space) Zone to the G (General, 10-acre minimum parcel size) Zone on a 121-acre area that is contained within a portion of five parcels. The total area of the five parcels is 201.55 acres. The subject properties are located 11.5 miles southeast of Blue Ridge and are identified as Assessor's Parcel Numbers 403-21-014, 403-21-015, 403-21-016, 403-21-017 and 403-21-018.

Property Owner: Forest Lake Ranches of Mogollon Rim, LLC, Gilbert, Arizona

Applicant: Iplan Consulting, Gilbert, Arizona

Representative: Greg Davis, Gilbert, Arizona

County Supervisor District: 4 (Jim Parks)

**STAFF:** Mr. McNeely summarized the staff report. Jessica Simmons from AZ Game and Fish was available for questions.

Commissioner Best asked if there was adequate egress. Mr. McNeely had commissioners look over the site plan that showed egress information and stated FS56 is accessible in both directions.

**APPLICANT:** Greg Davis, Iplan Consulting, 3317 S. Higley Rd., (telephonically) Gilbert, AZ, wanted to get the land to a point to develop with permanent structures and maintained for long term stewardship, as the owners do not want campgrounds, or any temporary type uses.

Chair Ontiveros asked if he had read the staff report and agreed with it and he had.

**PUBLIC:** There were no comments received from the public.

**COMMISSION:** All commissioners could make the findings.

**MOTION:** Commissioner Williams made the motion for approval of ZC-19-010 for moving to the Board of Supervisors.

**SECOND:** Commissioner Clifford seconded.

**VOTE:** The Motion passed unanimously.

3. Case No. CUP-20-004: A request for a Conditional Use Permit for a campground on a 40.13-acre parcel in the G (General, 10-acre minimum parcel size) Zone. The site is located at 629 E Highgrove Road in Valle and is also identified as Assessor's Parcel Number 503-34-008.

Property Owner: Grand Canyon RV Park, LLC, Phoenix, Arizona

Applicant: CPEX, LLC, Tempe, Arizona

Representative: Rick Schuller, Woodson Engineering, Flagstaff, Arizona

County Supervisor District: 1 (Art Babbott)

**STAFF:** Mr. Schwartz summarized the staff report.

**APPLICANT:** Rick Schuller, Woodson Engineering, Flagstaff, AZ, and applicant, Hal Fienberg, Tempe, AZ, were both on the phone to answer questions. Mr. Fienberg was looking to do an ecofriendly campground, similar to yurts but with metal frames. He intends to hire locally. He agreed with the staff report. Mr. Fienberg had spoken to the fire chief at High Country Fire and will have a service agreement next week. The campground will have solar panels for water but haul water in to meet demands. A fence will be installed, as a neighbor wanted to keep his cows off the campground property. Low level lighting will be used to meet the Dark Sky ordinance. Applicant would like a 10-year approval instead of 5-year approval, which will help in pay back of the infrastructure.

Commissioner Williams asked about the color of fabric for the structures. Mr. Fienberg stated white or dessert beige but thought white would be better lighting inside the structure.

Commissioner Ontiveros asked Mr. Schwartz about the 5-year CUP vs. a 10- year CUP expiration date. Mr. Schwartz thought the 10-year expiration would work since a lot of issues would be addressed before issuing a building permit. Valle does not have a DRO ordinance, so fabric color is not an issue.

**PUBLIC:** No comments from the public were received.

**COMMISSION:** Commissioner Walters preferred a neutral color fabric, to blend in with the environment.

Commissioner Best wanted to reword Condition #6, to add “native plants and certified weed-free seed and Condition #9 -add “geodesic domes shall be an earth tone color as approved by staff”.

Commissioner Best agreed with a 10-year CUP as long as the property was inspected at 5 years.

All Commissioners agreed with the changes of the conditions and expiration date.

**MOTION:** Commissioner Best made the Motion to approve CUP-20-004 with modifications to add the wording to Condition #6 “native plants and certified weed free seed mix, Condition #9 geodesic domes shall be an earth tone color as approved by staff, and modify Condition 7# “expires on March 25, 2030 with an inspection by staff in March 2025”

**SECOND:** Commissioner Burton seconded.

**VOTE:** The vote passed unanimously.

4. Case No. CUP-20-005: A request for a Conditional Use Permit renewal (of CUP-05-002) for a 63-foot wireless telecommunications facility on a 3.84-acre parcel in the RR-2 ½ (Rural Residential, 2 ½-acre minimum parcel size) Zone. The site is located at 4367 N A1 Mountain Road and is also identified as Assessor’s Parcel Number 116-67-031A. Property Owner: Nelson Family Trust UDT dated 4-16-10, Manhattan Beach, California Applicant: Todd Daoust, Commscapes, LLC, Phoenix, Arizona Representative: Todd Daoust County Supervisor District: 1 (Art Babbott)

**STAFF:** Mr. Schwartz summarized the staff. Applicant was asking for a continuance.

**APPLICANT:** Todd Daoust, Commscapes LLC, Phoenix, AZ, was not available for questions.

**PUBLIC:** There were no comments received from the public.

**COMMISSION:** NA

**MOTION:** Commissioner Walters made a Motion to continue CUP-20-005 to the April 29, 2020 hearing.

**SECOND:** Commissioner Williams seconded.

**VOTE:** The vote passed unanimously.

5. Case No. ZC-20-002 and SUB-20-001: A request for a Change of Zoning Regulations in the PC (Planned Community) Zone with approval of a Master Development Plan to allow modified RM-20/A (Residential Multiple Family, 20 units per acre) zoning standards and an 88-lot Subdivision and on a 4.5-acre parcel. The subject property is located in Grenehaven and is identified as Assessor's Parcel Number 601-43-005.

Property Owner/Applicant: 4.5 Acre, LLC, Scottsdale, Arizona

Representative: Tony Cullum Law Office, Flagstaff, Arizona

County Supervisor District: 5 (Lena Fowler)

**STAFF:** Mr. Short summarized the staff report. He asked that Condition #13 be removed since would be no cluster mail boxes in this development.

**APPLICANT:** Tony Cullum, Tony Cullum Law Office, Flagstaff, AZ, and Owner Mike Crowthers were on the phone. Tom Avanti, Iron Rock Engineering, was also available telephonically for questions. Mr. Cullum reviewed the overall plan of the development, stating the neighborhood meeting almost turned into a sales meeting with neighbors wanting a unit. This new subdivision meets all the zoning requirements. The request for rezoning is for allowing landscaping more appropriate for the local desert environment and remove covered parking so it does not obstruct the views. He would like to see Condition #13 removed since it does not apply.

Commissioner Best understands how anxious people are for affordable housing in the area but has concerns that people will buy the units for vacation rentals. Is it possible to limit the number that can be purchased for vacation rentals through CC&Rs?

Mr. Cullum can almost guarantee this will mainly be owned by locals. He will be in charge of sales.

Commissioner Burton asked how the current buyers could be stopped from selling to others that will use as vacation rentals. She wanted to see something in the CC&Rs as well.

Mr. Cullum stated Grenehaven was developed with strong CC&Rs and that would take care of that situation.

**PUBLIC:** No one from the public had turned in comments.

**COMMISSION:** Commissioner Walters had reviewed and talked to applicant previously. The market will dictate sales.

Commissioner Mayer stated Page is in dire need of affordable housing. He thought this was a good project for area.

Commissioner Best reviewed the Citizen Participation Report and stated citizens were concerned these will go to vacation rentals. He asked if the Board could create a condition stating something regarding rentals?

Aaron Lumpkin, County Attorney, could not advise on the condition of imposing on CC&Rs. He could provide the answer in a few days.

Commissioner Best thought the case should be continued until the Commission had the answers.

Mr. McNeely stated that state statutes limit local government from getting involved and regulating rental limits. This is a zoning request and our Zoning Ordinance does not allow the county to regulate rentals.

Commissioner Williams thought this was a great project but has reservations about vacation rentals. She did not think it was in the Board's purview to get into.

Commissioner Clifford thought it was a great project, very nice looking, and it was the developer's prerogative about CC&Rs.

Commissioner Burton thought it was a great project but was also concerned about vacation rentals.

Commissioner Ontiveros was not in favor of continuing as she felt like the information Mr. McNeely provided was accurate and not in favor of advising a developer what they can do with CC&Rs.

Commissioner Best wanted counsel to report back at the next study session regarding this issue.

**MOTION:** Commissioner Williams made a Motion to recommend approval of ZC-20-002 to the BOS.

**SECOND:** Commissioner Clifford seconded.

**VOTE:** The vote passed unanimously.

**MOTION:** Commissioner Clifford made a Motion to recommend approval of SUB-20-001 to BOS striking Condition #13.

**SECOND:** Commissioner Walters seconded.

**VOTE:** The vote passed unanimously.

6. Case No. CUP-20-011: A request for a Conditional Use Permit modification (of CUP-19-044) to add a meteorological tower to a two-acre portion of an 11,507.19-acre parcel in the G (General, 10-acre minimum parcel size) Zone. The site is located approximately 20 miles east of the intersection of US Highway 180 and US Highway 64 on Babbitt Ranches and is located within Assessor's Parcel Number 301-68-004K.

Property Owner: Babbitt Ranches, LLC, Flagstaff, Arizona

Applicant: RWE Renewables Americas, LLC, Austin, Texas

Representative: Morgan Schwenn, Austin, Texas

County Supervisor District: 1 (Art Babbott)

**STAFF:** Mr. Short summarized the staff report.

**APPLICANT:** Morgan Schwenn, RWE, Austin, TX, was on the phone. She had read the staff report and agreed with them.

Commissioner Clifford asked if the company will need more towers to cover the gap in the future.

Ms. Morgan Schwenn said it was not typical to ask for one but was waiting on a study and found out after the last approval they needed two. The company was taking a conservative approach.

**PUBLIC:** No one comments received from the public.

**COMMISSION:** All commissioners could make the findings.

**MOTION:** Commissioner Williams made a motion to approve CUP-20-011.

**SECOND:** Commissioner Walters seconded.

**VOTE:** The vote passed unanimously.

7. Case No. DRO-20-002: A request for a Design Review Overlay for the addition of a deck and a pavilion on a 2.77-acre parcel in the CG-10,000 (Commercial General, 10,000 sq. ft. minimum parcel size) Zone. The subject property is located at 1080 Mountaineer Road in Mountaineer and is identified as Assessor's Parcel Number 115-06-014.

Property Owner: Comerford Holding, LLC, Glendale, Arizona

Applicant: Eric Foster, Flagstaff, Arizona

County Supervisor District: 4 (Matt Ryan)

**STAFF:** Mr. Schwartz summarized the staff report. He asked Condition #6 be removed.

**APPLICANT:** Eric Foster, Flagstaff, AZ, agreed with the staff report and asked for an extension due to COVID-19 to 120 days from 60 days.

Commissioner Best asked if there was overflow parking. Mr. Foster stated no.

Commissioner Best asked if any neighbor's had comments and there had been none.

MR. Schwartz stated the neighbors were notified and no comments came back.

**PUBLIC:** No one from the public had turned in comments.

**COMMISSION:** All Commissioners could make the findings.

**MOTION:** Commissioner Clifford made the motion to approve DRO-20-002 with Condition #2 changed to 120 days instead of 60 days, and striking Condition #6 regarding the landscape plan.

**SECOND:** Commissioner Burton seconded.

**VOTE:** The vote passed unanimously.

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

No one from the public spoke.

Chair Ontiveros adjourned the hearing at 9:07 pm.

#### **V. CONTINUATION OF STUDY SESSION IF NEEDED**

  
Chairperson, Coconino County  
Planning and Zoning Commission

**ATTEST:**



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Secretary, Coconino County  
Planning and Zoning Commission