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 deed 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 overall 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 waiver 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 the 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 convene 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 Nielson, 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
Applicant: Terrascape Consulting, LLC, Phoenix, AZ
Representative: Lisa Nelson
County Supervisor District: 3 (Matt Ryan)

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
counter 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 purposed 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,
states 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 Pinewood 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 4,700 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