



La Paz County Department of Community Development

B. Scott Bernhart, Director

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**LA PAZ COUNTY
PLANNING AND ZONING COMMISSION
Regular Meeting / Public Hearing
January 7, 2009 1:30 p.m.
Board of Supervisor's Meeting Room
1108 Joshua Avenue, Parker, AZ 85344**

AGENDA

1. Call to Order.
2. Approval of December 4, 2008 minutes.
3. **Docket No. Z2009-001 Robert McLaughlin** – The applicant is requesting to rezone 40 acres within the 80 acre parcel 307-03-050Z from RA-40 (Rural Area – Forty Acres) Zoning District to RA-10 (Rural Area – Ten Acres) Property is located at 47477 Gardner Lane Bouse AZ. Township 6 North, Range 16 West, Section 20 of the Gila and Salt River Meridian, La Paz County, Arizona. District Three.
4. **Docket No. SU2008-008 – APN(S): 305-30-006A & B, 305-25-001A & B Highway 72 LLC, an Arizona Limited Liability Company** – The applicants are requesting a Special Use Permit for recycling scrap metal, processing, shredding and baling scrap metal; selling parts from dismantled vehicles; and transloading/transferring commodities between railroad cars and trucks. Previous Special Use Permit (SU2005-07) approved for this parcel in the name of Sonas Soil Resource Recovery of Arizona, Inc. The property is located on Highway 72 at Mile Marker 46, Vicksburg, AZ. It is further described as being in Section 30, Township 5 North, Range 14 West, of the Gila and Salt River Meridian, La Paz County and Section 19, Township 5 North, Range 14 West, of the Gila and Salt River Meridian, La Paz County, respectively. District Three.
5. Board of Supervisors Actions on PC Matters.
6. Call to the Public.
7. Adjournment.

MINUTES
of the
La Paz County Planning & Zoning Commission
January 7, 2009 Regular Meeting/Public Hearing
Board of Supervisor's Meeting Room
1108 Joshua Avenue, Parker, Arizona

Present were: Chairman Bob Gory, Vice-Chairman Conkie Hoover, Commissioners: Lawanda Laffoon, Jim Slawson, Al Johnson, Pat Jones and Bud Wall; Director Scott Bernhart, Acting Administrative Assistant Christine DeMoss. Others present were: Joan-Marie King/Planner, William Lemme, Chuck Siroonian, Millie Johnson

Chairman Gory called the Wednesday, January 7, 2009 Regular Meeting of the Planning and Zoning Commission/Public Hearing to order at 1:32 p.m.

Chairman Gory stated item number 2 on the agenda, is the approval of the December 4, 2008 meeting minutes.

Chairman Gory asked for a motion to approve the December 4, 2008 meeting minutes.

Commissioner Slawson noted that the commissioners did not receive a copy of the December 4, 2008 minutes in their packets, therefore, a motion was made to postpone the approval of minutes until the next Planning & Zoning Commission hearing scheduled February 5, 2009.

Commissioner Wall seconded the motion and the motion passed unanimously.

Chairman Gory read into the record, item number 3, **Docket No. Z2009-001 Robert McLaughlin** – The applicant is requesting to rezone 40 acres within the 80 acre parcel 307-03-050Z from RA-40 (Rural Area – Forty Acres) Zoning District to RA-10 (Rural Area – 10 Acres). Property is located at 47477 Gardner Lane, Bouse AZ. Township 6 North, Range 16 West, Section 20 of the Gila and Salt River Meridian, La Paz County, Arizona. District 3.

Chairman Gory called on Director Bernhart for the staff report.

Director Bernhart stated the applicant was requesting to rezone 40 acres within the 80 acre parcel 307-03-050Z from RA-40 (Rural Area – Forty Acres) to RA-10 (Rural Area – Ten Acres) in order to create a total of 4 Parcels at ten (10) acres each. Director Bernhart stated that the parcel was originally a total of 180 acres and had previous rezoning action east to this site. He stated that per

Arizona Department of Real Estate Subdivision Regulations a land division cannot exceed five (5) parcels. He recommended approval with the stipulation that the applicant provide a tentative plat for review within one year or the property would revert back to RA-40.

Chairman Gory asked if there were any questions or comments from the Commissioners.

Commissioner Wall asked if the road access was dedicated or picked up by the County.

Director Bernhart stated that the map showed two (2) strips of road each appearing to be 25 ft. in width, therefore, it appeared to be an easement more than a right-of-way dedication.

Commissioner Wall said there also appeared to be a 33 foot access road on the west side of the property where Avenue 40-1/2 might be located (between Avenue 40 and Avenue 41).

Commission Wall asked if there were any washes on the property?

Director Bernhart advised the parcel was in an area not mapped by FEMA but that the property was not in the 100 year flood zone. He stated that at the time of tentative plat review, any floodplain issues would be addressed.

Chairman Gory asked if any negative comments were received from surrounding property owners.

Director Bernhart advised that 12 surrounding property owners were notified with no comments received.

Chairman Gory opened the hearing to the public and asked if there were any questions or comments from the public.

William Lemme approached the Commission. He stated he was a civil engineer and land surveyor. Mr. Lemme stated he was representing Mr. McLaughlin and informed Director Bernhart there was an error regarding the Assessor's parcel map for this area in question.

Discussion ensued at the podium with Mr. Lemme and Director Bernhart regarding the map issue.

Commissioner Wall recommended to continue to the next Planning & Zoning hearing scheduled February 5th, 2009 due to the discrepancy in the Assessor's parcel map.

Commissioner Slawson seconded the motion and the motion passed unanimously.

Chairman Gory read into the record, item number 4, **Docket No. SU2008-008 APN's: 305-30-006A 7 B, 205-25-001A & B Highway 72 LLC, an Arizona Limited Liability Company.** The applicants are requesting a Special Use Permit for recycling scrap metal, processing, shredding and baling scrap metal; selling parts from dismantled vehicles: and transloading/transferring commodities between railroad cars and trucks. Previous Special Use Permit (SU2005-07) approved for this parcel in the name of Sonas Soil Resource Recovery of Arizona, Inc. The property is located on Highway 72 at Mile Marker 46, Vicksburg, AZ. It is further described as being in Section 30, Township 5 North, Range 14 West of the Gila and Salt River Meridian, La Paz County and Section 19, Township 5 North, Range 14 West, of the Gila and Salt River Meridian, La Paz County, respectively. District Three.

Chairman Gory called on **Director Bernhart** for the staff report.

Director Bernhart stating initially there were two (2) applicants, Highway 72 LLC, an Arizona Limited Liability Company ("Highway 72"), owner of parcel 4, and Sonas Soil Resource Recovery of Arizona, Inc., and Arizona Corporation ("Sonas"), owner of parcels 1, 2, & 3. Application was made on behalf of and for the use and benefit of Ecology Auto Parts, Inc., a California Corporation ("Ecology"). Ecology is the tenant of all 4 parcels under lease agreement. Highway 72 is the owner of parcel 4, having purchased it from Sonas, and has an open pending escrow for the purchase of the remaining parcels 1, 2, & 3. The parties are awaiting consent from ADEQ to release parcels 1, 2 & 3 for sale as soon as the consent is obtained, Highway 72 will complete the purchase and close escrow. The applicants are requesting the same identical uses approved under SU2005-07 for the same 25 year period and are also requesting that the same stipulations No. 1 through 10 under SU2005-07 be imposed as a condition of approval. The only change requested by the applicants is stipulation No. 11. Since title to parcel 4 is now in the name of Highway 72 and not Ecology, and since Highway 72 will purchase the remaining parcels 1, 2, & 3 when ADEQ gives its consent for the sale, the applicants request the following stipulation No. 11 be imposed: "Although Highway 72 owns parcel 4 and will also take title to parcels 1, 2, & 3 when consent is obtained from ADEQ, Ecology will occupy the property and Charles B. Siroonian and Deborah M. Siroonian, husband and wife, will remain personally liable for any cleanup necessary resulting from the proposed special use permit of the property and they will sign a guarantee and indemnity agreement in favor of the County of La Paz in such form as approved by the County of La Paz." Director Bernhart stated that changes in corporate structure (to Highway 72, LLC) could now present an LLC bond issue? He stated staff recommended approval.

Chairman Gory asked if there were any questions or comments from the Commissioners.

Commissioner Wall said the County Attorney could possibly give an opinion on the LLC issue?

Director Bernhart said the issue of the LLC was discussed at the Board of Supervisors level.

Commissioner Wall asked if the County Attorney gave approval would that work?

Director Bernhart stated that was what the Board was reviewing. He believed that that was the method.

Commissioner Wall said that Ecology was the best run scrap yard. He stated the buckets were painted and looked good from the highway. He said this site had single handedly clean up the County.

Chairman Gory commented that the facility had about 30 employees and that it was good for the County. He also stated that the current operators are doing a better job than Sonas.

Chairman Gory called for comments from the public.

Chuck Siroonian approached the podium. He stated his family operates Ecology Auto Parts. He said Ecology has been around since 1945 with several operations in both California and Arizona. He stated he hoped to submit financial papers to Donna Hale and Ava Alcaida by December 31st, 2008. He stated that ADEQ had given their blessing.

There being no further comments from the Commissioners, **Chairman Gory** opened the hearing to the public and asked if there were any questions or comments from the public.

There being no further questions or comments from the public, **Chairman Gory** closed the hearing to the public, brought it back to the Commission and the chair would entertain a motion.

Motion made by **Commissioner Slawson** to approve **Docket SU 2008-008 with stipulations #1-#11** as described in the staff report. Motion was seconded by **Commissioner Johnson**.

Chairman Gory called for the vote and the motion passed unanimously.

Chairman Gory welcomed new Supervisors, John Drum and Sandy Pierce and commented that in the 15 or so years of being on the Planning & Zoning Commission he had never seen 2 supervisors in audience. He told them he and the Commission appreciated their involvement.

Supervisor Pierce stated she was counting on the Commission to make their job easier.

Supervisor Drum said from what his read, the Commission has been doing a good.

Chairman Gory Call to the Public.

Chuck Siroonian advised Commissioner Wall that when he talked about the LLC deal with the County, that our County Attorney was satisfied with where this was going.

Commission Wall suggested getting something in writing from the Current County Attorney. He also stated that in Mr. Siroonian's type of business you have to be an LLC.

Chairman Gory called for update on PC matters.

Director Bernhart advised that the County Comprehensive Plan Map was approved and that a color map was on display in the Board of Supervisor's office area.

There being no further comments from the public, **Chairman Gory** read into the record, item number 7, **Adjournment.**

Chairman Gory asked for a motion for adjournment.

Commissioner Slawson moved to adjourn. **Commissioner Johnson** seconded the motion.

The motion to adjourn passed unanimously.

The meeting was adjourned at 2:20 pm.

Robert Gory, Chairman

Scott Bernhart, Director

Christine DeMoss
Acting Administrative Assistant



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LA PAZ COUNTY
PLANNING AND ZONING COMMISSION
Regular Meeting / Public Hearing
February 5, 2009 1:30 p.m.
Board of Supervisor's Meeting Room
1108 Joshua Avenue, Parker, AZ 85344

AGENDA

- 1. Call to Order.**
- 2. Approval of December 4, 2008 and January 8, 2009 minutes.**
- 3. Docket No. Z2009-001 Robert McLaughlin – CONTINUED ITEM-** The applicant is requesting to rezone 40 acres within the 80 acre parcel 307-03-050Z from RA-40 (Rural Area – Forty Acres) Zoning District to RA-10 (Rural Area – Ten Acres) Property is located at 47477 Gardner Lane Bouse AZ. Township 6 North, Range 16 West, Section 20 of the Gila and Salt River Meridian, La Paz County, Arizona. District Three.
- 4. Board of Supervisors Actions on PC Matters.**
- 5. Call to the Public.**
- 6. Adjournment.**

**MINUTES of the
La Paz County Planning & Zoning Commission
February 5, 2009 Regular Meeting/Public Hearing
Board of Supervisor's Meeting Room
1108 Joshua Avenue, Parker, Arizona**

Present were: Chairman Bob Gory, Commissioners: Conkie Hoover, Al Johnson, Pat Jones, Ron Swan, Bud Wall, Doug Wolfe, Lawanda Laffoon & Director Scott Bernhart, Acting Administrative Assistant Christine DeMoss. Others present were: Planner Joan-Marie King & Millie Johnson.

Chairman Gory welcomed and introduced 2 (two) new Planning & Zoning Commission Members, Mr. Ron Swan and Mr. Doug Wolfe, and both representing District 3 (three).

Chairman Gory called the Thursday, February 5, 2009 Regular Meeting of the Planning and Zoning Commission/Public Hearing to order at 1:30 p.m.

Chairman Gory stated Item Number 2 on the Agenda, is the approval of the December 4, 2008 and January 8, 2009 meeting minutes. Chairman Gory abstained from signing the December 4th minutes as Conkie Hoover acted as Chairman due to Mr. Gory's absence. (Staff to get Ms. Hoover's signature prior to next scheduled P & Z hearing). Commissioner Johnson **moved to approve** the January 7, 2008 meeting minutes. Commissioner Ron Swan seconded the motion. The motion was approved unanimously.

Chairman Gory read into the record, Item Number 3, **Docket No. Z2009-001 Robert McLaughlin** - CONTINUED ITEM - The applicant is requesting to rezone 40 acres within the 80 acre parcel 307-03-050Z from RA-40 (Rural Area – Forty Acres) Zoning District to RA-10 (Rural Area – Ten Acres). Property is located at 47477 Gardner Lane, Bouse Az. Township 6 North, Range 16 West, Section 20 of the Gila and Salt River Meridian, La Paz County, Arizona. District Three.

Chairman Gory called on Director Bernhart for the staff report.

Director Bernhart stated this docket item had been continued at the January 7th, 2009 Planning and Zoning Commission hearing. He stated it was continued due to a discrepancy in the Assessor's parcel map and Arizona Department of Real Estate Subdivision Regulations whereby a land division cannot exceed five (5) parcels. Director Bernhart stated that the parcel was originally a total of 180 acres and had previous rezoning action east to this site. At the last P & Z hearing, the question was raised by the Commission whether Mr. McLaughlin was attempting to create more than five (5) parcels. Director Bernhart stated that he and the applicant, Mr. Robert McLaughlin, met after the last hearing and discussed his options. One option was for the applicant to consider developing a small subdivision. Director Bernhart stated that engineering requirements for large subdivisions (i.e. 300-500 lots) are not there for the

smaller subdivisions (i.e. 10-15 lots). For instance, drainage and road issues are easier to deal with in a smaller subdivision compared to a larger subdivision. Director Bernhart stated he was interested in assisting the applicant to show that the County wanted to encourage the development of the smaller lot size subdivision. He stated that there was a perception that the County did not want to encourage the development of the smaller subdivision. The other option was for the applicant to check with the State Department of Real Estate to see if he could move forward with his proposal to create the 4 (four) parcels as requested in Docket Z2009-001 without violating their State Subdivision Regulations. Director Bernhart stated that after many discussions with the applicant, the decision was made to go forward with the rezoning request as advertised. Director Bernhart advised the applicant, the recommendation from Staff would be to deny the rezoning request. Director Bernhart also stated (just to keep in mind), that rezonings were not land divisions and that the applicant could ultimately split or sell the property, or portions thereof, as is.

Chairman Gory asked if there were any questions or comments from the Commissioners.

Chairman Gory asked how we can track land divisions versus rezonings? He commented that during the rezoning and land division processes, there needs to be a tracking system so that the next owner doesn't have a problem with development.

Commission Wall asked what would be the difference between filing a record of survey showing the lot splits versus filing a small subdivision map.

Director Bernhart advised the subdivision map would show a subdivision "name", as well as drainage and road requirements.

Chairman Gory asked if there could be a separate zoning classification that this smaller type subdivision would fit in to?

Director Bernhart discussed a new draft (about 1-1/2 years old) for possible small subdivision category customized to 20 lots or fewer. The criteria would be no sewer or water issues and an expedited process attached to encourage small subdivision development in La Paz County.

Chairman Gory note that access had to be recorded (not just 20 foot easements) but nice large dedicated roads.

Commissioner Wall said subdivision law was state law that all Counties must follow. A county could speed up the process but that subdivision creation always required a subdivision map.

Chairman Gory asked if Mohave County did something different?

Director Bernhart advised that almost two (2) years ago, Staff did a County wide comparison and stated he didn't recall seeing other policy to promote the smaller 10 to 20 lot small subdivision.

Commissioner Jones asked if the Arizona Dept. of Real Estate knew about the previous parcel split and rezoning on the eastern portion of the parcel. He stated the new owner could enjoy the new zoning and never divide, but that he could pass away and the children might propose to divide in the future.

Director Bernhart suggested focusing on this rezoning issue first.

Commission Wall stated that south of Bell Road, in Salome, a property owner was attempting to divide some properties. Staff thought he could because the parcels were separated, but, it was discovered that at one time he owned original contiguous parcels. The State said no because he was the original owner.

Commissioner Wolfe asked if an individual owned different parcels, but the parcels touched, would they still be limited to creating a maximum of 5 (five) parcels?

Chairman Gory advised yes.

Director Bernhart also advised there was a "barrier law", explaining that if a road or highway crossed the parcel, a total of five (5) parcels could be created on each side of the barrier. He advised that in some cases washes can even be a barrier.

Commission Wolfe said it appeared Mr. McLaughlin had already achieved his five (5) parcel split due to the previous rezoning action on a portion of this parcel.

Discussion ensued among the Commission that the applicant would be exceeding the State Dept. of Real Estate Law of creating more than 5 (five) parcels on this particular piece of property.

Chairman Gory went on to say that the Commission wants to promote development – just the right type of development.

Chairman Gory made a call to the public.

The Applicant, Mr. Robert McLaughlin, approached the Commission. He stated that a minor land division was legal in the State of Arizona. He stated that due to floodplain issues the West 40 acres needed to stay whole. He thought the East 40 could be split into 4 (four) 10 acre lots. He thought legally this request should go through. He said he saw no advantage going into a small subdivision, particularly when it could cost up to \$5,000.00, plus a post inspection by the State, who could ultimately deny. Applicant, Mr. McLaughlin, stated he wished to concentrate on rezoning a portion of this 80 acre parcel currently in his name.

Chairman Gory called for comments from the Public. No comments were received from the public.

There being no further questions or comments from the public, **Chairman Gory** closed the hearing to the public, brought it back to the Commission and the chair would entertain a motion.

Motion made by **Commissioner Wolfe** to deny **Docket No. Z2009-001, Applicant Mr. Robert McLaughlin** (with a request by **Commissioner Wall** for Staff and/or the Board of Supervisors to consider a possible transfer of rezoning application fees should the applicant wish to withdraw his rezoning request and apply for a small subdivision instead). Motion was seconded by **Commissioner Wall**.

Chairman Gory called for the vote and the motion passed unanimously.

Chairman Gory called for update on PC matters.

Director Bernhart announced a map website "azwater.gov/dwr". He described it as an interactive website where you can zoom in La Paz County and see individual wells, etc.

Chairman Gory explained to the new P & Z Commissioners the importance of reviewing the monthly "Activity Reports".

Director Bernhart agreed describing the report as: D.R.T. (Development Review Team) issues, P & Z Commission Hearings, past and present action, old cases, Board of Adjustment (tabled or inactive cases), finalized cases, hearing officer cases, court cases (open and pending), etc. **Director Bernhart** also described a comprehensive packet that was prepared for the new Board of Supervisors describing the functions of the Community Development Department. He said as funding allowed, he would like to present a copy to both the P & Z Commission as well as the Board of Adjustment.

There being no further comments from the public, **Chairman Gory** read into the record, item number 6, **Adjournment**.

Chairman Gory asked for a motion for adjournment at 2:20 pm.

Commission Johnson moved to adjourn. **Commissioner Swan** seconded the motion.

The motion to adjourn passed unanimously.
The meeting was adjourned at 2:20 pm.

Robert Gory, Chairman

Scott Bernhart, Director

Christine DeMoss, Acting Administrative Assistant



La Paz County Department of Community Development

B. Scott Bernhart, Director

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**LA PAZ COUNTY
PLANNING AND ZONING COMMISSION
Regular Meeting / Public Hearing
March 5, 2009 1:30 p.m.
Board of Supervisor's Meeting Room
1108 Joshua Avenue, Parker, AZ 85344**

AGENDA

1. **Call to Order.**
2. **Approval of February 5, 2009 minutes.**
3. **Docket No. SU2009-001 –Bouse Gin Building- Norman Simpson – APN(s): 307-17-006E and 006J.** The applicant is requesting a Special Use Permit for the operation at the facility for crushing rock ore and removing minerals from ore by water and gravity. The laboratory process will involve muriatic acid, hydrochloric acid, borax, silica powder, sodium hypo chlorite and other state approved chemicals. Parcel 307-17-006E is zoned HI (Heavy Industry) and C-2 (Commercial Two) on frontage on Highway 72 and parcel 307-17-006J is zoned HI (Heavy Industry). The property is located at 44815 Joshua Drive, Bouse in Township 7 North, Range 17 West, Section 26 of the Gila and Salt River Meridian, La Paz County, Arizona (District 2).
4. **Docket No. Z2008-012 – Claude H. Cranmer and Joni La Flamme – APN(s): 302-08-001F.** The applicants are requesting to rezone 11.37 acres within the 95.50 acre parcel from RA-40 (Rural Area – Forty Acres) Zoning District to C-2 (General Commercial) Zoning District for storage and maintenance of Agricultural and Commercial/Industrial equipment. The property is located Township 1 North, Range 23 West, Section 29 of the Gila and Salt River Meridian, La Paz County, Arizona (District 3).
5. **Docket No. Z2009-002 – Ehrenberg Fire Department – APN(s): 302-51-069** The applicant is requesting to rezone parcel from C-1 (Commercial One) to C-2 (Commercial Two) to come into compliance with La Paz County Zoning Regulations. The property is located in Ehrenberg at Township 3 North. Range 22 West, Section 11 of the Gila and Salt River Meridian, La Paz County Arizona (District 2).
6. **Docket No. Z2009-003 – Margarita Reyna and Angelita Delgadillo – APN: 304-08-011B.** The applicants are requesting to rezone 4.85 acres from RA-40 (Rural Area Forty Acres) to SR-2 (Suburban Ranch-Two Acres) for future land division. The property is located at 77609 581/2nd Street Salome, AZ in the Township 4 North, Range 11 West, Section 29 of the Gila and Salt River Meridian, La Paz County Arizona (District 3).
7. **Board of Supervisors Actions on PC Matters.**
8. **Call to the Public.**
9. **Adjournment.**

**MINUTES of the
La Paz County Planning & Zoning Commission
March 5th, 2009 Regular Meeting/Public Hearing
Board of Supervisor's Meeting Room
1108 Joshua Avenue, Parker, Arizona**

Present were: Chairman Bob Gory, Commissioners: Al Johnson, Pat Jones, Ron Swan, Bud Wall, Doug Wolfe, Lawanda Laffoon, Conkie Hoover & Chonna Marshall; Director Scott Bernhart, Acting Administrative Assistant Christine DeMoss. Others present were: Planner Joan-Marie King, Millie Johnson, Kent Smith, Gina Lunsford, Rafael Martinez, Patrice A. Schelcht, Claude H. Cranmer Jr., Don Chambers, Wade Peltier, Angelita Delgado, Esther Ramirez, and Virginia Beulke.

Chairman Gory called the Thursday, March 5, 2009 Regular Meeting of the Planning and Zoning Commission Public Hearing to order at 1:30 p.m.

Chairman Gory stated Item Number 2 on the Agenda, is the approval of the February 5, 2009 meeting minutes. **Commissioner Johnson moved to approve** the February 5, 2009 meeting minutes. **Commissioner Swan seconded the motion.** The motion was approved unanimously with one (1) abstention from Commissioner Hoover.

Chairman Gory read into the record, Item Number 3, Docket No. SU2009-001 Bouse Gin Building – Norman Simpson – APN's: 307-17-006E & 006J. The applicant is requesting a Special Use Permit for the operation at the facility for crushing rock ore and removing minerals from ore by water and gravity. The laboratory process will involve muriatic acid, hydrochloric acid, borax, silica powder, sodium hypo chlorite and other state approved chemicals. Parcel 307-17-006E is zoned HI (Heavy Industry) and C-2 (General Commercial Two) on frontage of Highway 72 and parcel 307-17-006J is zoned HI (Heavy Industry). The property is located at 44815 Joshua Drive, Bouse in Township 7 North, Range 17 West, Section 26 of the Gila and Salt River Meridian, La Paz County, Arizona. (District 2).

Chairman Gory called on Director Bernhart for the staff report.

Director Bernhart advised the Commission he received a letter from the applicant, Norman Simpson, requesting to continue the case to the April 2nd Planning & Zoning Commission hearing. He stated Mr. Simpson wanted to get with the operator regarding evaporation and specific processes involved in the operation. Director Bernhart stated in order for the Commission to make a good decision, the facilities operational parameters needed clarification. He recommended continuing this docket item to April 2, 2009.

Commissioner Wall made a motion to continue Docket SU2009-001 with re-advertisement, etc., to the next Planning and Zoning Commission Hearing scheduled for

April 2nd, 2009. **Commissioner Hoover** seconded the motion and the motion passed unanimously.

Don Chambers, of Bouse, approached the Commission. He stated he was there on behalf of the citizens of Bouse. He was opposed to this type of operation and didn't know why this subject parcel was not previously rezoned to a residential zoning district. It stated the parcel was very near the school and a residential subdivision across the street. He thought the proposed operation would be dirty and noisy and just a bad idea in this area. He thanked the Commission for hearing his concerns.

Pat Schlecht, of David Plunkett Realty in Bouse, approached the Commission. He stated he was representing the applicant who would be working with an environmental expert about this operation. The request to continue would give his client the opportunity to describe more accurately what the process will be. Mr. Schlecht stated the HI (Heavy Industry) Zoning District assigned to the subject parcel had been in place long before the existence of the school or nearby subdivision. He stated only one (1) truck would be needed for the operation and that the facility could potentially employ up to eight (8) local people. Mr. Schlecht also advised that no chemicals involved in the operation would pollute the ground water, etc. He requested the continuance to supply greater knowledge to the Bouse community prior to coming back to the Planning and Zoning Commission.

Chairman Gory read into the record **Item No. 4 Docket Z2008-012 – Claude H. Cranmer and Joni La Flamme – APN: 302-08-001F**. The applicants are requesting to rezone 11.37 acres within the 95.50 acre parcel from RA-40 (Rural Area – Forty Acres) Zoning District to C-2 (General Commercial) Zoning District for storage and maintenance of Agricultural and Commercial/Industrial equipment. The property is located in Township 1 North, Range 23 West, Section 29 of the Gila and Salt River Meridian, La Paz County, Arizona. (District 3).

Director Bernhart stated this docket was also asked to be continued with the applicant not asking for a specific date to come back before the Commission.

Commissioner Wall stated this particular site was a junk yard. He asked if the applicant also needed to apply for a Special Use Permit as well?

Chairman Gory recalled that this was the 3rd of 4th time this particular parcel had come forward for action from the Planning & Zoning Commission. He didn't mind if progress was being made, however, he thought this might be a waste of County time as well as Commission time.

Director Bernhart advised this property was the subject of current code violations and had gone to the hearing officer for action.

Commissioner Jones asked if the citation violation worked as it appeared the property still looked the same? Mr. Jones said it was still quite messy and he had noticed no removal of debris, etc.

Director Bernhart said it was his understanding that the parcel use had not changed.

Commissioner Wall said the overgrown vegetation on site would soon dry out creating a real fire hazard with all the junk on site. He said the owner needed to be motivated to clean it up quickly.

Chairman Gory advised the Commissioners they needn't feel compelled to grant a continuance, that the Commission could move to deny.

Commissioner Hoover asked Director Bernhart status of the code violation hearing case.

Director Bernhart reported the case had gone before the hearing officer with a fine of \$50.00 per day issued. He stated that Community Development employees did see removal of some heavy equipment and thought action for clean up was being taken, so the case was closed.

Commissioner Jones said, since the owner had been previously cited, did the Planning and Zoning Commission have recourse to authorize the County to remove garbage and bill the property owner?

Director Bernhart said numerous cases were in line to go to Superior Court stating something to that effect, but that it had not occurred before. He said ultimately it was the property owner's responsibility to clean up his parcel.

Commissioner Hoover said an alternative was to bring some kind of closure to this....for instance denying the rezone request until the parcel came into compliance?

Commissioner Hoover made a motion to deny the request for continuance as well as Docket Z2008-012 request to rezone 11.37 acres of the 95.50 acre parcel from RA-40 (Rural Area – Forty Acres) Zoning District to C-2 (General Commercial) Zoning District. **Commissioner Jones** seconded the motion.

Before calling for the vote, **Chairman Gory** made a call to the public.

The applicant, Claude H. Cranmer Jr., approached the Commission. It said he had been working on the clean up of his parcel. He said a large crane had been removed along with about 20 vehicles that had been hauled away. He said money was tight and that he was doing what he could do by himself, as he could not afford to hire help. He stated he was working to clean up about four (4) years worth of accumulated junk. He stated he had cleaned up approximately 75% of the property. He stated that

adjacent property owners had no objection to his operation. He stated he wished to create a storage facility, not a junk yard. He said he purchased storage containers and had plans to fence the property.

Commissioner Jones asked if Code Enforcement should re-open the case?

The applicant, Mr. Cranmer, advised he had already been issued a \$3,000.00 fine.

Chairman Gory reminded the Commission that they were considering the request to deny continuing this docket item, and rezoning request, and that the Commission was a recommending agency only.

Director Bernhart recommended the owner, Mr. Cranmer, see Code Enforcement Officer Teri Crawford before leaving Parker today regarding the status of his property.

Chairman Gory called for a vote on the motion to deny continuing Docket Z2009-012 and request to rezone 11.37 acres within the 95.50 acre parcel from RA-40 (Rural Area – Forty Acres) Zoning District to C-2 (General Commercial) Zoning District for storage and maintenance of Agricultural and Commercial/Industrial equipment. The motion to deny passed unanimously.

Chairman Gory read into the record **Item No. 5 Docket No. Z2009-002 – Ehrenberg Fire Department – APN: 302-51-069**. The applicant is requesting to rezone the parcel from C-1 (General Commercial-One) to C-2 (General Commercial-Two) to come into compliance with the La Paz County Zoning Regulations. The property is located in Ehrenberg at Township 3 North, Range 22 West, Section 11 of the Gila and Salt River Meridian, La Paz County Arizona. (District 2).

Director Bernhart stated that during the Ehrenberg Fire Department Building Permit process, the property was identified as commercial, but, after the permit was issued, it was discovered that C-2 Zoning District was required for the classification of a Fire Station. He stated the applicants' other option was to apply for a Special Use Permit to operate a Fire Station on C-1 property, but that they choose to request to rezone the parcel from C-1 to C-2 instead. Director Bernhart advised that staff recommended approval of the rezoning (noting at least 30 years of continual use to be in place).

Chairman Gory made a call to the public.

There being no comments received from the public, **Chairman Gory** called for questions from the Commission. There being no comments or questions from the Commission, **Chairman Gory** called for a motion.

Commissioner Swan made a motion to approve Docket Z2009-002 – Ehrenberg Fire Department – APN: 302-51-069 to rezone the parcel from C-1 (General Commercial – One) to C-2 (General Commercial – Two) to come into compliance with La Paz County Zoning Regulations for construction of the Ehrenberg Fire Station. **Commissioner Hoover seconded the motion** and the motion passed unanimously.

Chairman Gory read into the record Item No. 6 Docket Z2009-003 – Margarita Reyna and Angelita Delgadillo – APN: 304-08-011B. The applicants are requesting to rezone 4.85 acres from RA-40 (Rural Area-Forty Acres) to SR-2 (Suburban Ranch-Two Acres) for future land division. The property is located at 77609 58th ½ Street, Salome, AZ in Township 4 North, Range 11 West, Section 29 of the Gila and Salt River Meridian, La Paz County Arizona (District 3).

Director Bernhart gave the staff report. He stated the subject parcel was in Salome near 71E, 72E and Salome-Buckeye Road. He said that a death in the family created a lot split possibly back in 1996? He said that subsequent probate action followed which may have played a role in solidifying how the lots were created during court action. He said currently the property had rezoning and code violation issues regarding multiple dwellings on site. Director Bernhart said that easements needed to be dedicated with roads named and signs placed as necessary. He stated staff recommended approval with the stipulation that the owners provide a copy of the probate document (to add to their file so there would be no future dispute over how the parcels were legally created). He stated the applicants wished to create 2 parcels each roughly 2+ acres in size. He stated that there were a total of four (4) homes on the parcel.

Chairman Gory stated that per the La Paz County Zoning Regulations, only one (1) dwelling was allowed per parcel.

Director Bernhart confirmed stating there were provisions for a second dwelling (i.e. a Special Use Permit for caretaker, etc.)

Applicant, Angelita Delgadillo, approached the podium. She stated her mother passed away and left the land in question to her and her sister. She said she wished to split the parcel to create two (2) parcels. She said that two (2) homes have already been removed from the parcel. She said that only one (1) dwelling would be on each created parcel. She said she and her sister would appreciate the rezoning and that they would like to do it correctly.

Chairman Gory advised Ms. Delgadillo to get the legal document, requested by Director Bernhart, to the Department of Community Development as soon as possible in order to help close this case.

Commissioner Hoover asked Ms. Degadillo if she needed an extension in order to give her more time to obtain the probate document in question.

Ms. Degadillo said she would prefer to get this settled as soon as possible so would try to get a copy of the probate document back to Community Development within the next couple of weeks.

There being no further comments from the public or questions from the Commission, **Director Gory** called for a motion.

Commissioner Hoover made a motion to approve Docket Z2009-003 – Margarita Reyna and Angelita Delgadillo – APN: 304-08-011B. Request to rezone 4.85 acres from RA-40 (Rural Area – Forty Acres) to SR-2 (Suburban Ranch – Two Acres) for future land division. This came with the stipulations that the applicants show good legal access (at least a 24 foot wide easement) along with road names and signs. Also, that the applicants to provide a copy of the probate document. **Commissioner Wall** also noted that each dwelling must have its' own working septic tank and leach field with permitting through the La Paz County Health Department. **Commissioner Wall** seconded the motion and the motion passed unanimously.

Chairman Gory called for update on PC matters, Item No. 7.

Director Bernhart announced a slight slow down in building permits during the last quarter of 2008, but that overall, the Department did meet its' estimated revenue for 2008 building permits @ \$163,000.00. Director Bernhart thought this was important considering the downturn of the overall economy. He commented that no other Department in the State met their anticipated revenue in 2008. Director Bernhart stated Community Development was on track and that that was a good thing.

Director Bernhart advised the Commission that voting for Chairman and Vice Chairman for the Planning and Zoning Commission would be on next months agenda.

Director Bernhart announced a hiring freeze for an Administrative Assistant, therefore, Joan-Marie King and Christine DeMoss would continue to prep and handle the minutes for P & Z and B o A Hearings. Director Bernhart also announced the hiring of a new Chief Building Inspector, Mr. Michael Baker, C.B.O.

Chairman Gory read into the record Item No. 8 Call to the Public.

There being no further comments from the public, **Chairman Gory** read into the record, **Item number 9, Adjournment.**

Chairman Gory asked for a motion for adjournment at 2:35 pm.

Planning & Zoning
March 5, 2009

Commissioner Hoover approved the motion to adjourn and Commissioner Jones seconded. The motion to adjourn passed unanimously.

Robert Gory, Chairman

Scott Bernhart, Director

Christine DeMoss,
Acting Administrative Assistant



La Paz County Department of Community Development

B. Scott Bernhart, Director

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LA PAZ COUNTY PLANNING AND ZONING COMMISSION

Regular Meeting / Public Hearing

April 2, 2009 1:30 p.m.

Board of Supervisor's Meeting Room
1108 Joshua Avenue, Parker, AZ 85344

AGENDA

1. **Call to Order.**
2. **Approval of March 5, 2009 minutes.**
3. **Docket No. SU2009-001 –Bouse Gin Building- Norman Simpson – APN(s): 307-17-006E and 006J. Continued Item from March 5, 2009.**

The applicant is requesting a Special Use Permit for the operation at the facility for crushing rock ore and removing minerals from ore by water and gravity. The laboratory process will involve muriatic acid, hydrochloric acid, borax, silica powder, sodium hypo chlorite. Parcel 307-17-006E is zoned HI (Heavy Industry) and C-2 (Commercial Two) on frontage on Highway 72 and parcel 307-17-006J is zoned HI (Heavy Industry). The property is located at 44815 Joshua Drive, Bouse in Township 7 North, Range 17 West, Section 26 of the Gila and Salt River Meridian, La Paz County, Arizona (District 2).
4. **Docket No. Z2009-007 – Robert McLaughlin – APN(s): 307-03-050Z.** The applicant is requesting to rezone eighty (80) acres from RA-40 (Rural Area – Forty Acres) to RA-10 (Rural Area – Ten Acres) to create eight (8) - ten (10) acre parcels for a future subdivision. The property is located at 47477 Gardner Lane in Bouse. Township 6 North, Range 16 West, Section 20 of the Gila and Salt River Meridian, La Paz County, Arizona (District 2).
5. **Docket No. FP2009-002 – McLaughlin Subdivision - Robert McLaughlin – APN(s): 307-03- 050Z.** The applicant is requesting a Final Plat for eight (8) – ten (10) acre subdivided lots. The property is located at 47477 Gardner Lane in Bouse. Township 6 North, Range 16 West, Section 20 of the Gila and Salt River Meridian, La Paz County, Arizona (District 2).
6. **Docket No. Z2009-004 – Robert T. and Shayla J. Colgan – APN(s): 310-35-160C.** The applicants are requesting to rezone 7,534 square feet of the 16,238 square foot parcel frontage on Highway 95 from TR (Transitional Residential) Zoning District to R-2 (Intermediate Density Residential) Zoning District for future land division. The property is located at 4800 Highway 95 Parker, AZ. Township 11 North, Range 18 West, Section 27 of the Gila and Salt River Meridian, La Paz County, Arizona (District 2).
7. **Docket No. Z2009-006 – Elmo Holt – APN: 310-35-169A.** The applicant(s) are requesting to rezone 8,740 square feet of the 22,235 square foot parcel frontage on Highway 95 from TR (Transitional Residential) to R-2 (Intermediate Density Residential) Zoning District for future land division. The property is located at 4768 Highway 95 Parker, AZ in the Township 11 North, Range 18 West, Section 27 of the Gila and Salt River Meridian, La Paz County Arizona (District 2).

- 8. Docket No. Z2009-005 – Patrick J. Collon and Julie A. Timmons – APN(s): 307-37-014D.** The applicants are requesting to rezone 9.54 acres from RA-5 (Rural Area-Five Acres-Medium Density) to SR-2 (Suburban Ranch – Two Acres) Zoning District for future land division. The property is located at 48371 Mountain View Road. Bouse, AZ. In the Township 6 North. Range 16 West, Section 16 of the Gila and Salt River Meridian, La Paz County Arizona (District 2).
- 9. Election of Officers.**
- 10. Board of Supervisors Actions on PC Matters.**
- 11. Call to the Public.**
- 12. Adjournment.**

MINUTES
of the
La Paz County Planning & Zoning Commission
April 2nd, 2009 Regular Meeting/Public Hearing
Board of Supervisor's Meeting Room
1108 Joshua Avenue, Parker, Arizona

Present were: Vice-Chairman Conkie Hoover, Commissioners: Chonna Marshall, Ron Swan, Lawanda Laffoon, Al Johnson, Pat Jones and Bud Wall and; Director Scott Bernhart, Acting Administrative Assistant Christine DeMoss, and Planner Joan-Marie King. Others present were: Norm Simpson, William Lemme, Pat Schlecht, Tim Dunn, Julie Timmons, Pat Collon, Kent Smith, Thomas Watters, and Robert Colgan.

Acting Chairman Hoover called the Thursday, April 2nd, 2009 Regular Meeting of the Planning and Zoning Commission/Public Hearing to order at 1:30 p.m.

Acting Chairman Hoover stated **Item No. 2** on the agenda, is the approval of the March 5th, 2009 meeting minutes. **Acting Chairman Hoover** asked for a motion to approve the March 5th, 2009 meeting minutes. **Commissioner Johnson** made a motion to approve the minutes as presented. **Commissioner Swan** seconded the motion and the motion passed unanimously (noting that the final minutes were not signed at this time due to Chairman Gory's absence). Minutes will be signed at the next available P & Z Meeting.

Acting Chairman Hoover read into the record, **Item No. 3, Docket No. SU2009-001 – Bouse Gin Building- Norman Simpson – APN(s): 307-17-006E and 006J. Continued Item from March 5th, 2009.** The applicant is requesting a Special Use Permit for the operation of a facility for crushing rock ore and removing minerals from ore by water and gravity. The laboratory process will involve muratic acid, hydrochloric acid, borax, silica powder, sodium hypo chlorite. Parcel 307-17-006E is zoned HI (Heavy Industry) and C-2 (General Commercial) on frontage on Highway 72 and parcel 307-17-006J is zoned HI (Heavy Industry). The property is located at 44815 Joshua Drive, Bouse, in Township 7 North, Range 17 West, Section 26 of the Gila and Salt River Meridian, La Paz County, Arizona (District 2).

Director Bernhart gave the staff report. He stated this item had been continued. He stated the applicant was proposing to crush rock ore w/lab on site. He described this property as the old Cotton Gin Building site and presented a site plan. Director Bernhart stated two letters of opposition were received . He also stated an e-mail was received from ADEQ suggesting possible permits required through them. Director Bernhart stated that ADOT requested a maximum of 3 large vehicles per hour off Hwy 72. He admitted that might be hard to monitor since it is zoned HI (Heavy Industrial). He stated he received a packet from Tim Dunn on behalf of the applicant that included

information on issues Staff had. He described the packet as containing a site plan, dust & crusher information, and other general information on the facility regarding pollutants, etc. Director Bernhart described this as a processing operation only, (not a mining operation with open pit, etc.) whereby ore is brought in for processing from the Plomosa Mountain Range area. He stated the applicant intended to use the existing large steel building. Director Bernhart advised that a neighbor in the residential subdivision across the street had real concerns and suggested the applicant contact this individual prior to this docket item going before the Board of Supervisor's. Director Bernhart presented the Commission with a site plan showing the interior of the Cotton Gin Building with a primary and secondary crusher.

Acting Chairman Hoover referred to the site plan and wanted clarification that all rock crushing would occur inside this building?

Director Bernhart confirmed that the actual rock crushing activity would occur entirely indoors.

Acting Chairman Hoover called for questions from the Commission.

There being no questions, **Acting Chairman Hoover** called for questions from the Public.

Applicant Norman Simpson, stated he purchased the property four (4) years ago, as well as approximately 71 adjoining acres. He stated this property was not directly off of Highway 72 and that he would try to put "miles" between his operation and any residential subdivisions. He stated that when he was first approached about this type of ore crushing operation, he wasn't interested in selling a portion of the land, but rather, have the buyer/operator use the existing Cotton Gin Building onsite. He stated the building was insulated. He said any technical questions about the operation should be addressed to Mr. Tim Dunn representing the buyer/operator.

Timothy Dunn, speaking on behalf of the proposed buyer/operator Mr. Ken Keltner, approached the Commission. He gave his background as being an Industrial and Environmental Chemist. He stated all crushing activity would occur in the enclosed building. He described the operation as producing 50-100 tons per day of crushed ore (100 tons being the max. per day in order to make the project economically feasible). Mr. Dunn stated the operator would work with ADOT regarding traffic. The owner/operator is also aware that the facility would need to be fenced with chain link and gate. He described the proposed hours of operation as dawn to dusk (6:00 am to approximately 7:00 pm depending on the time of year) using up to four (4) employees. He stated there would be only three (3) to four (4) trucks, maximum per day, which is well within ADOT's recommendation of traffic to and from the site. He stated the actual mine was about 7 miles away known as the Plomosa Mine site. He described the operation as taking course gravel which is pulverized with a system that has a bag house. The material would be sprayed with water to prevent dust. Once the material is liquidized, the lighter and heavier materials are sorted by a shaking method that brings

the lighter materials to the top and the heavier materials to the bottom. The lighter slurry on top is then shipped off site for the extraction of any precious metals. He said top slurry would probably be sold and shipped primarily to Japan. He stated the acids involved would be no more than what a homeowner would keep for use for their swimming pool. In fact, he said all chemicals needed for this operation could be stored in a one foot square box. He noted no chemicals would be put into the septic system. He said used chemicals would be contained and drummed and disposed of as a listed waste. He said most landfills in the state accept these wastes. He added that the operation would use nothing more than can be found under a kitchen sink. Mr. Dunn described the pre crushed pile outdoors as being no larger than 100 feet long by 25 to 50 feet wide. He said the material would be skip loaded to the inside of the building. He said the outdoor pile would be continually sprayed with water to keep the dust down. He said the indoor activities must be engineered and controlled as the employees cannot breathe the fine dust inside the building. He said swamp coolers would be used inside. He described the building as being fully insulated to reduce noise and that additional sound proofing would be done. He stated noise should not exceed 85 decibels. Mr. Dunn stated that typical traffic on Hwy 72 would produce more noise than this operation. Mr. Dunn stated the buyer/operator wanted to be a good neighbor. He stated he wished to finalize this proposal with a tentative building permit package within the next 60 days or the project could lose its' funding. Mr. Dunn closed by saying that ore chemical analysis showed no mercury or other metals at hazardous levels (only precious metals). Mr. Dunn advised that if any concerns were raised, the Arizona Department of Health or the EPA could be contacted. Timothy Dunn closed by saying if additional questions could not be answered today, he would get back to the Commission in written form. Mr. Dunn thanked the Commission for their time.

Acting Chairman Hoover asked about fencing around the operation.

Mr. Tim Dunn stated the buyer/operator's next step would be a topo survey in order to define the property boundary. A scaled plan and location of equipment would also be prepared.

Commissioner Johnson asked how high the fence would be, 6 to 8 feet?

Tim Dunn advised the buyer/operator intended to construct a security fence around the operation. The exact height of fence would be determined after the survey.

Commissioner Jones wanted clarification that all chemicals would always be enclosed in the metal building?

Tim Dunn stated yes, all chemicals (that again could fit inside a one foot square box) would be located inside on 5' x 4' table within the building.

Commissioner Wall requested that Mr. Timothy Dunn's testimony be used as the basis of stipulations on the Special Use Permit.

Mr. Dunn advised his comments could be used, but that he would like a review copy of them (i.e. a copy of the finalized minutes).

Acting Chairman Hoover asked Director Bernhart for Staff's recommendation.

Director Bernhart stated staff was not sure how much area outside the building would be used as storage. Also, the amount of noise generated by an ore crushing operation needed to be addressed. He noted it seemed the applicant, and his representatives, were willing to accommodate concerns as they arose. Director Bernhart stated possible stipulations as: 1) Including testimony of buyer/operator's representative Mr. Timothy Dunn (per Commissioner Wall's suggestion, 2) Have applicant provide maximum per day storage data (not to exceed 100 tons per day max.), 3) Noise less than 90 decibels at the property line, 4) Existing building would need to be completely insulated, 5) Responsibility for meeting terms of the S.U.P. will pass/transfer with change in ownership, 6) Construct a solid screened fence obscuring view from Joshua, 6) ADEQ permits if needed, 7) Applicant to meet with ADOT before BOS approval, 8) All processing and ore crushing to be done inside building with doors closed, 9) One year time period for review, 10) One year stockpile/feedstock, 11) Limit outside operation from dawn to dusk (approximately 6:00 am to 7:00 pm), and 12) Exit cooling air from the scrubber should be to EPA standards.

Acting Chairman Hoover called for comments from the public.

Kent Smith, a representative for Bouse school, approached the Commission. He said his concern regarding noise had been addressed but asked if anything could be in place if this operation evolved into a greater operation in the future?

Tom Walters, owner of the Sunnyside Subdivision located across the street, approached the Commission. He stated he was a miner for 30 years. His greatest concern was controlling noise. He said anytime you crush rock it is an extremely noisy operation. Mr. Walters said possible additional sound-proofing would be needed inside the existing cotton gin building. Plus he advised the heat from motors used inside the building would make it very hot inside. He stated employees may want to open the doors to get air circulating inside. Mr. Walters said if they could control these issues, the operation would fit well into the community but noted he did not want this operation to affect his business (his subdivision).

Acting Chairman Hoover stated that Special Use Permit projects could be monitored over time.

Tom Walters asked the Commission who would enforce and monitor this operation...the people in Bouse?

Director Bernhart said the SUP could be approved with stipulations to clarify the specific operator/operation. He stated we do have code enforcement but they typically don't go inside buildings. Director Bernhart stated a general noise complaint could be followed up in the Department of Community Development and if ADEQ/ADOT permits were required, those agencies would enforce their own permits.

Commissioner Wall asked if terms of the SUP would pass from current owner Norman Simpson to the new buyer/operator? Director Bernhart stated the proposed owner's/operator's name would be listed on the SUP. He said a one year time period could be placed as an option stating if the ore crushing operation stops for one (1) year, the current owner/operator would need to come back to the Commission for renewal.

Applicant Norman Simpson stated that HI (Heavy Industrial) Zoning District is the correct zoning for this operation and that SUP's allowed the Commission to establish conditions of operation with stipulations.

Commission Laffoon said outside storage was a very important issue.

Tim Dunn said the volume of ore is not consistent. He advised a 2,000 ton outdoor storage pile for working raw material which equals about 120 cubic yards. Visually, the pile would appear to be 100 to 120 feet long x 30 to 60 feet wide and approximately 10 to 15 feet tall. The crushing operation would work about 100 tons per day. Mr. Dunn said the pile would be about 20 feet from the fence line. He said the pile would be worked constantly only stopping for equipment breakdown, wind, rain, etc. which may affect the operation.

Commissioner Jones asked if they proposed to operate 365 days per year?

Tim Dunn replied yes.

Acting Chairman Hoover asked if there were any other questions or comments from the Commissioners.

Acting Chairman Hoover called for a motion. **Commissioner Jones** made a motion to approve **Docket SU2009-001** with the following stipulations. 1) Including testimony of buyer/operator's representative Mr. Timothy Dunn (per Commissioner Wall's suggestion, 2) Have applicant provide maximum per day storage data (not to exceed 100 tons per day max.), 3) Noise less than 90 decibels at the property line, 4) Existing building would need to be completely insulated, 5) Responsibility for meeting terms of the S.U.P. will pass/transfer with change in ownership, 6) Construct a solid screened fence obscuring view from Joshua, 6) ADEQ permits if needed, 7) Applicant to meet with ADOT before BOS approval, 8) All processing and ore crushing to be done inside building with doors closed, 9) One year time period for review, 10) One year stockpile/

feedstock, 11) Limit outside operation from dawn to dusk (approximately 6:00 am to 7:00 pm), and 12) Exit cooling air, from the scrubber, should be to EPA standards. **Commissioner Wall** seconded the motion and the motion passed unanimously.

Tim Dunn commented on the exact hours of operation. He said that outdoor activities would be as daylight allows, therefore, outside hours of operation could be from 6:00 am to 7:00 pm depending on the time of year. He said indoor activities could operate @ 24 hours per day.

Director Bernhart advised the next 2 Agenda Items, Item No. 4 Docket Z2009-007 and Item No. 5 Docket FP2009-002 to be switched in order of presentation/action...

Acting Chairman Hoover read into the record, **Item No. 5, Docket No. FP2009-002 – McLaughlin Subdivision - Robert McLaughlin – APN(s): 307-03- 050Z**. The applicant is requesting a Final Plat for eight (8) – ten (10) acre subdivided lots. The property is located at 47477 Gardner Lane in Bouse. Township 6 North, Range 16 West, Section 20 of the Gila and Salt River Meridian, La Paz County, AZ (District 2).

Director Bernhart gave the staff report. He said that the applicant decided at the last P & Z hearing to develop a small subdivision. The applicant provided an updated plat which was very close to being complete (maybe a few red lines). Director Bernhart stated the outstanding requirements right now were: 1) Plat's water source must meet state statute. 2) Add a note to plat regarding private or public access. 3) Provide response to subdivision requirements prior to BOS action on zoning or subdivision. Director Bernhart stated that Staff wants to show citizens that small subdivisions could be processed beneficially to all. He said that the private or public road designation should be addressed by his applicant or surveyor today? He said there were no ADEQ issues as the water source would be private wells. He advised there would be no underground utilities and that APS was in the review process. Staff recommended approval.

Commissioner Wall asked if County Road 41 provided access to the east?

Director Bernhart referred to the final plat which showed the east edge had offsite access that touched the property boundary. On the west side he noted a wash running through parcels 3 and 4 and tiny amount in parcel 2, still leaving plenty of room to develop on each parcel.

Commissioner Wall stated smaller subdivisions could occur within previous subdivisions and that the Commission needed to watch or have a note on the recorded map regarding public access. Director Bernhart stated a note on the map would help prior to recordation.

Acting Chairman Hoover called for comments from the public.

Project Engineer, William Lemme, approached the Commission. He described the proposed land division and rezone applications. He stated the site had granular soil. He described low density, winter visitor use as probable primary use. He described the roads as not being muddy or clay. He described the wash on site and stated he used the newly adopted FEMA map dated August 8, 2008 as a guideline. He said there were no plans for infrastructure (no water, sewer, or utilities to be provided). He said the applicant would grade access roads to individual driveways. He said this type of large lot subdivision gave owner's more space to develop.

Commissioner Jones asked if the roads would be private.

William Lemme advised the roadways would be graded to County standards and that access to each parcel would be private. He added that the roads within this subdivision would be open for public use, but privately maintained.

There being no more comments or questions from the public, **Acting Chairman Hoover** called for a motion.

Commissioner Swan made a motion to approve **Docket No. FP2009-002 – McLaughlin Subdivision-Robert McLaughlin–APN(s): 307-03-050Z**. **Commissioner Johnson** seconded the motion and the motion passed unanimously.

Acting Chairman Hoover read into the record, **Item No. 4, Docket No. Z2009-007 - Robert McLaughlin – APN(s): 307-03-050Z**. The applicant is requesting to rezone eighty (80) acres from RA-40 (Rural Area – Forty Acres) to RA-10 (Rural Area – Ten Acres) to create eight (8) - ten (10) acre parcels for a future subdivision. The property is located at 47477 Gardner Lane in Bouse. Township 6 North, Range 16 West, Section 20 of the Gila and Salt River Meridian, La Paz County, AZ (District 2).

Director Bernhart gave the staff report. He stated Staff recommended approval to rezone from RA-40 to RA-10 to develop an 8-10 lot small subdivision.

There being no questions from the public or Commission, **Acting Chairman Hoover** called for a motion.

Commissioner Swan made a motion to approve **Docket No. Z2009-007 - Robert McLaughlin – APN(s): 307-03-050Z**. **Commissioner Jones** seconded the motion and the motion passed unanimously.

Acting Chairman Hoover read into the record, **Item No. 6, Docket No. Z2009-004 – Robert T. and Shayla J. Colgan – APN(s): 310-35-160C**. The applicants are requesting to rezone 7,534 square feet of the 16,238 square foot parcel frontage on Highway 95 from TR (Transitional Residential) Zoning District to R-2 (Intermediate Density Residential) Zoning District for future land division. The property is located at

4800 Highway 95 Parker, AZ. Township 11 North, Range 18 West, Section 27 of the Gila and Salt River Meridian, La Paz County, Arizona (District 2).

Director Bernhart gave the staff report. He described the request to rezone a portion of the above reference parcel to R-2 (Intermediate Density) in order to construct a duplex unit. He stated the duplex would be 2 attached units with a common wall and 2 garages. He stated that five (5) letters of support were received and one (1) letter of opposition. Director Bernhart stated that an access permit from ADOT was required prior to construction. He also stated that wastewater/driveway/easement/turn-around issues would need to be addressed as well prior to construction.

Acting Chairman Hoover stated the letters of approval and opposition were not in their packets. She wanted to know what the concern was in the letter of opposition?

Director Bernhart stated the letter opposed the appearance of rental units in this residential neighborhood predominantly zoned TR (Transitional Residential).

Commissioner Jones wanted clarification that most parcels in this area were zoned TR?

Director Bernhart advised the area was primarily zoned TR and that R-2 is also a residential category, but at a higher density (which should be considered).

Commissioner Wall asked if the Buckskin Fire Department was ok with the turn-around, parking, and easement issues?

Director Bernhart said the applicant should obtain a more specific letter from Buckskin Fire Department regarding those important issues.

Commissioner Jones asked about the pending ADOT road widening project in this area and whether that could affect the frontage property boundary (by possibly losing 15 feet)?

Director Bernhart believed the applicant had an update on the ADOT project after just having an on-site meeting with them.

Commissioner Wall suggested the applicant record/file a new survey map showing the R-2 designated area, if approved.

Acting Chairman Hoover asked for comments from the public.

Applicant, Robert Colgan, approached the Commission. He stated he met with ADOT for the 2nd time this morning, on-site. They discussed changing the location of a drainage culvert and have made agreement to relocate it to the south side of the property line near the launch ramp. He stated ADOT will write up the agreement to avoid eminent domain process (regarding highway

widening and drainage issues). Mr. Colgan felt they have worked things out with ADOT and all issues were now closed. In reference to possibly losing 15 feet of frontage due to an ADOT road widening project, Mr. Colgan stated ADOT told him that project would occur "way down the line". He also informed the Commission that his parcel is not part of the Holiday Harbour Subdivision.

Supervisor Drum offered that these riverfront parcels were once a part of "Ranchero Estates" which tied into Holiday Harbour, but that the original developer, Mr. Godwin, sold these riverfront parcels off to individual property owners.

Applicant, Mr. Colgan, responded to the letter of opposition and stated that there were several developments nearby that physically appeared to look like the duplex he proposes to construct. He also mentioned that several years ago when he purchased the property, he was told he could build two (2) residences on the parcel. He stated the Buckskin Fire Department had no issues when they conducted an on-site review of access, etc. Mr. Colgan said a lot was riding on this decision and asked the Commission to approve his rezone request. He thanked the Commission for their time.

Acting Commissioner Hoover advised Mr. Colgan to provide a letter from ADOT's Paul Patane regarding the 2nd on-site visit this morning and the items discussed.

Applicant, Mr. Colgan, said he would provide such letter regarding the talking points he had today with ADOT.

Commissioner Jones said he has not seen this type of proposed turn-around area on any properties upriver and wondered if it would work?

Director Bernhart stated if Buckskin Fire Department had no fire access issues, we don't.

Applicant, Elmo Holt, (Docket Z2009-006 next on the agenda) approached the Commission. He said he personally met with Buckskin Fire Department who drove their rig onto the property and drove around the driveway area. He stated they were happy with the access as shown on the site plan.

There being no questions from the public or Commission, **Acting Chairman Hoover** called for a motion.

Commissioner Jones made a motion to approve **Docket No. Z2009-004 – Robert T. and Shayla J. Colgan – APN(s): 310-35-160C**. **Commissioner Wall** seconded the motion and the motion passed unanimously.

Acting Chairman Hoover read into the record, **Item No. 7, Docket No. Z2009 006 – Elmo Holt – APN: 310-35-169A**. The applicant(s) are requesting to rezone 8,740 square feet of the 22,235 square foot parcel frontage on Highway 95 from TR (Transitional Residential) to R-2 (Intermediate Density Residential) Zoning District for future land division. The property is located at 4768 Highway 95 Parker, AZ, Township 11 North, Range 18 West, Section 27 of the Gila and Salt River Meridian, La Paz County Arizona (District 2).

Director Bernhart gave the staff report. He advised this property was adjacent to the previous docket item and the request was the same. He described the request to rezone a portion of the above reference parcel to R-2 (Intermediate Density) in order to construct a duplex unit. He stated the duplex would be 2 attached units with a common wall and 2 garages. He stated that five (5) letters of support were received and one (1) letter of opposition. Director Bernhart stated that an access permit from ADOT was required prior to construction. He also stated that wastewater/driveway/easement/turn-around issues would need to be addressed as well prior to construction. He said that ADEQ might have to get involved with 2 new units from septic system stand-point (if existing system can accommodate) but, noted the applicant advised he intended to postpone construction of the duplex pending hook-up to the Buckskin Sanitary District sewer project.

Acting Chairman Hoover called for comments from the public.

There being no comments received, **Acting Chairman Hoover** called for the motion.

Commissioner Jones made a motion to approve **Docket No. Z2009-005 – Elmo Holt – APN: 310-35-169A**. **Commissioner Wall** seconded the motion and the motion passed unanimously.

Acting Chairman Hoover read into the record, **Item No. 8, Docket No. Z2009 005 – Patrick J. Collon and Julie A. Timmons – APN(s): 307-37-014D**. The applicants are requesting to rezone 9.54 acres from RA-5 (Rural Area-Five Acres-Medium Density) to SR-2 (Suburban Ranch – Two Acres) Zoning District for future land division. The property is located at 48371 Mountain View Road. Bouse, AZ, Township 6 North, Range 16 West, Section 16 of the Gila and Salt River Meridian, La Paz County Arizona (District 2).

Director Bernhart gave the staff report. He advised that per the County's future land use map this area is designated medium density so this rezone request was compatible and appropriate with the comprehensive plan. He stated this parcel was near Utting, an area without much development at this time. Director Bernhart said good access was provided by 41 E dedication. He said Staff recommended approval.

Commissioner Wall noted that the north side of Mountain View was already a paved, dedicated right-of-way.

Acting Chairman Hoover called for comments from the public.

Applicant, Julie Timmons, approached the Commission. She told the Commission that she wanted to bring this parcel into zoning compliance. She stated access would be provided as a 30 foot easement on Mountain View. She said she intended to create parcels that were a minimum two (2) acres in size. She said there were surrounding properties to the east that were an average of two (2) acres in size, so this rezone request was compatible with surrounding land uses.

There being no additional comments received, **Acting Chairman Hoover** called for the motion.

Commissioner Wall made a motion to approve **Docket No. Z2009-005 – Patrick J. Collon and Julie A. Timmons - APN: 307-37-014D**. **Commissioner Wall** noted for the record that the dedication of 41 E was no longer required as a stipulation due to good access on Mountain View. **Commissioner Johnson** seconded the motion and the motion passed unanimously.

Acting Chairman Hoover referred to **Item No. 9, Election of Officers**.

Commissioner Wall suggested continuing the election of officers due to the absences of Chairman Gory, and Commissioner Doug Wolf. **Commissioner Jones** seconded the motion and the motion passed unanimously.

Acting Chairman Hoover referred to **Item No. 10, Board of Supervisors Actions on PC Matters**.

Director Bernhart stated the Activity Report would try to be provided to the Commission each month.

Acting Chairman Hoover said the Activity Report was a useful tool to the Commission. She said she would like to see items coming up, like code enforcement, or upcoming P & Z agendas, etc.

Director Bernhart said his department could possibly provide upcoming zoning violations somewhere on the staff report (perhaps adding a line for zoning info)...

Acting Chairman Hoover read into the record, **Item No. 11, Call to the Public**.

There being no further comments from the public, **Acting Chairman Hoover** read into the record, **Item No. 12, Adjournment**.

Acting Chairman Hoover asked for a motion for adjournment.

Commissioner Swan made a motion to adjourn. **Commissioner Laffoon** seconded the motion.

The motion to adjourn passed unanimously.

The meeting was adjourned at **3:20 pm**.

Conkie Hoover, Acting Chairman

Scott Bernhart, Director

Christine DeMoss,
Acting Administrative Assistant



La Paz County Department of Community Development

B. Scott Bernhart, Director

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LA PAZ COUNTY PLANNING AND ZONING COMMISSION

Regular Meeting / Public Hearing

May 7, 2009 1:30 p.m.

Board of Supervisor's Meeting Room
1108 Joshua Avenue, Parker, AZ 85344

AGENDA

1. **Call to Order.**
2. **Approval of April 2, 2009 minutes.**
3. **Docket No. Z2009-008 – Jay and Graciela Lewis – Milagro Acres - APN(s): 305-13-009B.** The applicants are requesting to rezone forty three point seventy (43.70) acres from C-2, RVS, SR-1, and R-1-20 (General Commercial, Recreational Vehicle Subdivision, Suburban Ranch-One Acre and Rural Area Low Density) Zoning Districts to C-2, RA-5 and RA-10 (General Commercial, Rural Area-Five Acres and Rural Area-Ten Acres) Zoning Districts for future minor land division sale. The property is located at 56250 Hwy 60 Vicksberg, Arizona. Township 4 North, Range 15 West, Section 2 of the Gila and Salt River Meridian, La Paz County, Arizona (District 3).
4. **Docket No. Z2009-009 – Guffary Lee Brown – APN(s): 302-56-016S.** The applicant is requesting to rezone nine point fifty - four (9.54) acres from RA-5 (Rural Area-Five Acres) Zoning District to SR-1 (Suburban Ranch-One Acre) Zoning District for future land development. Property is located at 52201 Ave 23E, La Paz Valley –Quartzsite. Township 3 North, Range 19 West, Section 29 of the Gila and Salt River Meridian, La Paz County, Arizona (District 3).
5. **Docket No. SU2009-002 – Ronald L. Kolbo – APN(s): 304-39-036D.** The applicant is requesting a Special Use Permit for a caregiver to reside in a mobile home on the property. The property is zoned RA-20 (Rural Area-Twenty Acres). The property is located at 37777 Sheepy Hollow Lane Salome, Arizona. Township 5 North, Range 13 West, Section 8 of the Gila and Salt River Meridian, La Paz County, Arizona (District 3).
6. **Docket No. FP2009-003 – Storage Place Road L.L.C. – APN: 311-47-014D.** The applicants are requesting a Final Plat for a subdivision for condominium commercial storage units on three point eleven acres (3.11) of the four point fifty-three (4.53) acre lot. The property is zoned General Commercial (C-2) and is located at 31564 Storage Place Road, Parker Arizona. in the Township 10 North, Range 19 West, Section 27 of the Gila and Salt River Meridian, La Paz County Arizona. (District 2).
7. **Election of Officers.**
8. **Board of Supervisors Actions on PC Matters.**
9. **Call to the Public.**
10. **Adjournment.**

MINUTES
of the
La Paz County Planning & Zoning Commission
May 7, 2009 Regular Meeting/Public Hearing
Board of Supervisor's Meeting Room
1108 Joshua Avenue, Parker, Arizona

Present were: Chairman Bob Gory, Vice-Chairman Conkie Hoover, Commissioners: Al Johnson, Pat Jones, Doug Wolfe, Ron Swan, Chonna Marshall and Bud Wall; Acting Director Joan-Marie King and Acting Administrative Assistant Christine DeMoss. Others present were: Millie Johnson, Guff Brown, Paul Matthews, Jim Downing, Jay Lewis, Jim Kunisch, Trudy Sherburne, Ron Foster and Louise Wolfe.

Chairman Gory called the Thursday, May 7, 2009 Regular Meeting of the Planning and Zoning Commission/Public Hearing to order at 1:30 p.m.

Chairman Gory stated item number 2 on the agenda, is the approval of the April 2, 2009 meeting minutes.

Chairman Gory asked for a motion to approve the April 2, 2009 meeting minutes.

Commissioner Hoover made a motion to approve the April 2, 2009 meeting minutes.

Commissioner Wall seconded the motion and the motion passed with two (2) abstentions from Chairman Robert Gory and Commissioner Doug Wolfe who were not present at the April 2, 2009 Planning & Zoning Commission Hearing.

Chairman Gory read into the record, item number 3, **Docket No. Z2009-008 – Jay and Graciela Lewis – Milagro Acres - APN(s): 305-13-009B**. The applicants are requesting to rezone forty three point seventy (43.70) acres from C-2, RVS, SR-1, and R-1-20 (General Commercial, Recreational Vehicle Subdivision, Suburban Ranch-One Acre and Rural Area Low Density) Zoning Districts to C-2, RA-5 and RA-10 (General Commercial, Rural Area-Five Acres and Rural Area-Ten Acres) Zoning Districts for future minor land division sale. The property is located at 56250 Hwy 60 Vicksburg, Arizona. Township 4 North, Range 15 West, Section 2 of the Gila and Salt River Meridian, La Paz County, Arizona (District 3).

Chairman Gory called on Acting Director King for staff recommendations.

Acting Director King stated the applicants were requesting to rezone 43.70 acres as described above for future minor land division. She advised that staff recommendation was approval with two (2) stipulations: 1) Provide proof of

legal access prior to the Board of Supervisor's meeting and 2) Dedicate easements where needed. Acting Director King stated she was available for questions.

Chairman Gory called for questions from the Commission.

Commissioner Wall asked about a 3rd stipulation he had read in the Staff report, whether a current record of survey was still required?

Acting Director King stated a current record of survey was on file with staff, therefore, no 3rd stipulation was required.

Chairman Gory noted the Health Department's recommendation required a minimum 50 foot set-back from the property line.

Acting Director King stated the Health Department wanted the applicant to be aware (when they go to do their minor land division) that 50 foot set-backs could be met.

Commissioner Wall asked if this property had once been scheduled for a subdivision.

Acting Director King said yes, and advised the Commission they had a copy of prior parcel history in their packets. King described actual minutes from a Board of Supervisors meeting dated 11/7/2005 which approved Docket Z2005-050 for applicants: Jack and Constance Graves for APNs: 305-13-009A and a portion of APN 305-13-009B, to rezone 43 acres from RA-40 Zoning District to RVS for the purpose of developing a subdivision.

Chairman Gory asked if there were any further questions or comments from the Commissioners. None were received.

Chairman Gory called for comments from the public.

Jim Downing approached the Commission. He provided a better drawing of the applicants' proposal to the Commission for clarity. Mr. Downing asked the Chairman to repeat Staff's stipulations for this docket item.

Chairman Gory repeated the two (2) stipulations as: 1) Provide proof of legal access prior to the Board of Supervisor's meeting and 2) Dedicate easements where needed.

Jim Downing informed the Commission to look on the drawing (that he just provided) toward the upper right hand corner. Mr. Downing stated it shows that an easement had already been granted on the immediate west side of the east property line that extends from Highway 60 all the way to the southeast corner of

the property. He noted that the easement has been recorded for ingress/egress and public utilities. He stated that what the map didn't show was on the other side of the property line, there was another 20 feet of easement which has also been recorded for ingress/egress and public utilities. Therefore, Mr. Downing confirmed that all five (5) proposed parcels had clear legal & physical access. Mr. Downing went on to say that he did not see where additional easements would be required?

Commissioner Wall stated that easement dedication was a standard request for any future rezoning or land division action.

Commissioner Wolfe made a motion to approve **Docket Z2009-008 – Jay & Graciela Lewis – Milagro Acres – APN 305-13-009B**. **Commissioner Hoover** seconded the motion and Chairman Gory added approval with stipulations: 1) Provide proof of legal access prior to the Board of Supervisor's meeting and 2) Dedicate easements where needed. The motion passed unanimously.

Chairman Gory read into the record, item number 4, **Docket No. Z2009-009 – Guffary Lee Brown – APN(s): 302-56-016S**. The applicant is requesting to rezone nine point fifty - four (9.54) acres from RA-5 (Rural Area-Five Acres) Zoning District to SR-1 (Suburban Ranch-One Acre) Zoning District for future land development. Property is located at 52201 Ave 23E, La Paz Valley –Quartzsite. Township 3 North, Range 19 West, Section 29 of the Gila and Salt River Meridian, La Paz County, Arizona (District 3).

Chairman Gory called on **Acting Director King** for the staff report.

Acting Director King stated eight (8) letters were sent to surrounding property owners. She said one letter of opposition was received. She said the letter actually represented three (3) of the surrounding parcels, which allowed for 20% opposing the rezone. She advised staff recommendation was denial due to the 20% opposition received, however, if the Commission decided to approve, she said staff would suggest rezoning to SR-2 (Suburban Ranch - Minimum Two Acre Parcel) instead of the requested SR-1 (Suburban Ranch – Minimum One Acre Parcel). Acting Director King advised she was available for questions.

Chairman Gory asked if there were any questions or comments from the Commissioners.

Commissioner Hoover remarked that no Staff Report Sheet was in their packet for this Docket Item?

Discussion ensued among the Commission and it was determined that no Staff Report Sheet was provided by Staff for this Docket Item.

Commissioner Wall asked if this rezone request was within the Comprehensive Plan?

Acting Director King said yes it was.

Commissioner Wall asked for Staff's recommendation.

Acting Director King stated staff's recommendation was "denial" based on the 20% letters of opposition received. Ms. King stated it was staff's recommendation to create parcels no less than two (2) acres in size in this area, (i.e., rezone to SR-2 Suburban Ranch – Minimum Two Acres instead of the requested SR-1 Suburban Ranch - Minimum One Acre) zoning category.

Chairman Gory and Commissioner Jones both commented that the surrounding area appeared to be predominantly SR-1 (Suburban Ranch – One Acre).

Chairman Gory called for comments from the public.

Commissioner Jones remarked that the letters of opposition seemed more concerned about future development using only underground utilities.

Chairman Gory believed there was "no rule" that required underground utilities except as a condition in certain subdivision developments.

Commissioner Wall stated it was his observation that the left portion of this L shaped had a pretty good chunk of the Tyson Wash in it. He could see staff's concern in creating one acre lots in this area.

Chairman Gory made a call to the public.

Paul Matthews approached the Commission. He stated he was a friend of the applicant. He stated the applicant intended to create 5 parcels and was well aware of the location of Tyson Wash as it runs through this parcel. He stated the applicant, Mr. Brown, had no intent on creating 10 lots in this area. He said that with the location of Tyson Wash, Mr. Brown intended to create parcels that were a minimum of 1 ½ acres to 3 acres in size. He assured the Commission there was no intent on creating up to 10 parcels in this area. He stated that he and the applicant were in contact with the neighbor who sent the letter of opposition (representing 3 surrounding properties). Mr. Brown agreed to develop with underground utilities and this could be stipulated as a condition. Mr. Matthews said that a previous developer had set a precedence using only underground utilities. Mr. Matthews said he was available for questions.

Chairman Gory advised it was the Commissions duty to look into the future. He said property can and does change ownership.

Mr. Matthews said the owner, Mr. Brown, intended to create CC & R's or deed restrictions to protect his interest (as he plans to live on one of the parcels created in the land division subsequent to this rezoning action). Mr. Matthews stated that no more than 5 parcels would be created on this 9.54 acre parcel.

Commissioner Hoover asked Mr. Matthews about Staff's recommendation of going to the SR-2 Zoning Classification?

Mr. Matthews said the SR-2 category severely limited the property and what could be created due to the location of Tyson Wash.

Commissioner Wall asked for clarification of legal access to the eastern part of this parcel was by means of 52-5/8ths Street?

For the record, discussion ensued regarding legal access and it was further discovered that good access was provided on the far West side by Avenue 23 E. Also, via 52-5/8ths coming in from Avenue 23-1/4 to the East.

Mr. Jim Kunisch approached the Commission. He said he had recently gone through a similar rezoning process on a property in this area. He commented that he provided underground utilities due to the beautiful views of the desert. Although he realized underground utilities could not be stipulated, he hoped this property owner would protect these views as well during development of his infrastructure. Mr. Kunisch described his own CC & R's for his development. Mr. Kunisch said he wanted assurance that no more than 5 parcels could be created in the future (even after resale).

Commissioner Wall asked Mr. Kunisch if 23-1/4 E went all the way to the back of the parcel referenced for this rezone request today?

Mr. Kunisch said no, 23-1/4 only makes it to Mr. Agnew's property. He stated that due to water run-off, he had constructed 23-1/4, including 2 culverts, that ended at Mr. Agnew's parcel.

Trudy Sherburne introduced herself to the Commission. She said she signed one of the letters opposing this rezone. She said her concerns had not yet been addressed. She wanted to know if a Comprehensive Plan had been completed in this area and if an aquifer study had been done. She said that density is a concern as she knows people have had to dig deeper wells in this area.

Commissioner Wall advised Ms. Sherburne that her comp plan and aquifer questions should be addressed to Director Bernhart (who was absent from this hearing).

Acting Director King suggested Jim Kunisch might have aquifer study knowledge as he just went through a similar rezoning process in this area of La Paz Valley.

Jim Kunisch said he had just received a 100 year water supply certification from the State. He advised that before he received this certification, he was instructed to research all of the wells in La Paz County. He said this study was on approximately 50 wells and was finished in August of last year (2008). He said that water levels (wells) in this general area have actually come up. He stated he reported his findings to the Board of Supervisors.

Trudy Sherburne said this area was very rural and beautiful. She said all aquifer questions should be answered prior to the development of any more subdivisions. She said she and current surrounding property owners know how to conserve water. She was afraid future owners might not be as conservative with water usage. Trudy Sherburne talked about the upper and lower levels of the aquifer system. She said water usage was her main concern in La Paz Valley.

Chairman Gory reminded Ms. Sherburne that the item before the Commission today was a rezone request.

Ms. Sherburne stated it was her opinion that density in this area be looked at now. She asked how Mr. Kunisch could have received a certification for 100 years?

Mr. Kunisch stated his certification was based on a “worst case scenario”.

Chairman Gory stated that the Commissioners were not water experts. He acknowledged that the people in La Paz Valley were very educated on water usage in this area. He stated that the request to rezone to SR-1 was conducive with the Comprehensive Plan for the La Paz Valley area.

Paul Matthews advised the Commission that a verbal agreement had been made today to ensure that infrastructure include underground utilities. Therefore, if approval is recommended, deed restrictions should be the only stipulation for the record.

There being no additional comments from the Public, **Chairman Gory** called for a motion.

Commissioner Wolfe made a motion to approve **Docket Z2009-009 – Guffary Lee Brown – APN: 302-56-016S**. Motion was seconded by **Commissioner Jones** with the stipulation that deed restrictions be made to create **no more** than five (5) parcels on this 9.54 acre parcel (now & in the future, should ownership change).

Chairman Gory called for the vote and the motion passed unanimously.

Chairman Gory read into the record, item number 5, **Docket No. SU2009-002 – Ronald L. Kolbo – APN(s): 304-39-036D**. The applicant is requesting a Special Use Permit for a caregiver to reside in a mobile home on the property. The property is zoned RA-20 (Rural Area-Twenty Acres). The property is located at 37777 Sheepy

Hollow Lane Salome, Arizona. Township 5 North, Range 13 West, Section 8 of the Gila and Salt River Meridian, La Paz County, Arizona (District 3).

Chairman Gory called on **Acting Director King** for the staff report.

Acting Director King stated the applicant, Mr. Kolbo was present and wearing a mask as a precaution, not that he had the swine flu. Acting Director King referred to a letter from the applicant's doctor explaining Mr. Kolbo's health condition and the need for assistance from a caregiver. Ms. King stated staff recommended approval of the 2nd dwelling for a caregiver with the following stipulations 1) That the 2nd dwelling be removed when it is no longer needed, stating the caretakers name, or two (2) years after, whichever occurs first and 2) The owner to verify that the existing septic system is adequate. Ms. King referred to a letter from the Health Department stating the current wastewater system could accommodate a total of 3 bedrooms. Acting Director King said she was available for questions.

Chairman Gory called for questions from the Commission.

Commissioner Hoover stated a number of Special Use Permits have gone through and asked if staff had a means of tracking these to see if the need still existed and how many of these 2nd dwellings for caregivers have actually been removed?

Acting Director King advised that staff would make note of her request to research this and stated that currently the Department of Community Development was working on a list regarding Special Use Permits for a 2nd dwelling for a caregiver.

Commissioner Jones wanted to know if this was currently a code enforcement issue and if there was an open code violation on this property?

Acting Director King advised this parcel was not in violation.

Commissioner Wall asked for clarification that the primary dwelling was a hanger home.

Acting Director King confirmed Mr. Kolbo's principal dwelling was a home within his hanger and that the 2nd home for his caretaker would be a manufactured home located outside the hanger.

Chairman Gory called for comments from the public. No comments were received.

Commissioner Wall made a motion to approve **Docket SU2009-002 – Ronald L. Kolbo – APN(s): 304-39-036D**. Motion was seconded by **Commissioner Wolfe** with the stipulation that the 2nd home be removed when the need no longer exists, or 2 years, whichever comes first.

Chairman Gory called for the vote and the motion passed with seven ayes and one nay from Commissioner Hoover.

Chairman Gory read into the record, item number 6, **Docket No. FP2009-003 – Storage Place Road L.L.C. – APN: 311-47-014D**. The applicants are requesting a Final Plat for a subdivision for condominium commercial storage units on three point eleven acres (3.11) of the four point fifty-three (4.53) acre lot. The property is zoned General Commercial (C-2) and is located at 31564 Storage Place Road, Parker Arizona. in the Township 10 North, Range 19 West, Section 27 of the Gila and Salt River Meridian, La Paz County Arizona. (District 2).

At this time, Chairman Gory excused himself due to a conflict of interest.

Acting Director King stated staff recommended approval of the Final Plat with the following stipulations: 1) Issues regarding rights-of-way or easements be addressed with ADOT and WAPA, 2) The owners shall provide a written statement from an Arizona Attorney approving condominiums, declarations, and covenants and certifying the project meets the requirements of A.R.S. 32-2183 and 32-2183EH and, 3) Provide a bond for any outstanding improvements required by Public Works design manual.

Acting Chairman Hoover asked if there were any questions or comments from the Commissioners.

Acting Chairman Hoover called for comments from the public.

Ron Foster introduced himself to the Commission as being one of the owners of this project. Regarding the first item, he advised that easements have been provided and set-backs are met. He described the project as be nearly completed with engineered plans built to spec. He said they now intended to go to a condominium type format for resale purposes. Regarding the second item, he advised he just received a copy of document, State Statute A.R.S. 32-2183, today. He said he wasn't sure what he was supposed to do?

Acting Chairman Hoover offered Mr. Foster some time to review and read the State Statute document A.R.S. 32-2183.

Commissioner Wall stated that Staff presented the document A.R.S. 32-2183 as a requirement by the State as these were now classified as "condominiums". Mr. Wall said that the classification of "condominiums" on the final plat probably triggered Staff to request stipulation: #2) Owners shall provide a written statement from an Arizona Attorney approving condominiums, declarations, and covenants and certifying the project meets the requirements of A.R.S. 32-2183 and 32-2183EH.

There being no further questions **Acting Chairman Hoover** called for a motion.

Commissioner Wall made a motion to approve Docket No. FP2009-003 – Storage Place Road, L.L.C. for APN: 311-47-014D, with stipulations 1 & 3 noted as: 1) Issues regarding rights-of-way or easements be addressed with ADOT and WAPA, and 3) Provide a bond for any outstanding improvements required by Public Works design manual. **Commissioner Swan** seconded the motion and the motion passed with one (1) abstention from Chairman Gory who excused himself due to a conflict of interest.

Chairman Gory read into the record, item number 7, **Election of Officers.**

Commissioner Johnson recommended leaving the Chairman and Vice Chairman “as is”.

Commissioner Wall made a motion to nominate Robert Gory as Chairman and Conkie Hoover as Vice-Chairman. The motion passed unanimously.

Chairman Gory read into the record, item number 8, **Board of Supervisors Actions on PC Matters.**

Acting Director King advised no PC Matters, however, noted that there would be a language change on applications regarding “waiver rights and remedies” per Director Bernhart and Deputy County Attorney Glenn Buckelew.

Chairman Gory read into the record, item number 9, **Call to the Public.**

Jim Downing approached the Commission and asked when undeveloped subdivisions officially “died” referring to the Indian Hills Airpark - Unit 2 Subdivision which was never completed, and the parcel(s) subsequently sold.

Discussion ensued among the Commission Members and Mr. Downing regarding no final plat recorded, if zoning transfers to a new owner, tentative map approved for 37 lots, noting there were paved streets and curbed gutters, and balance of job completion...Mr. Downing questioned if the new owner can use the approved plat or did he need to start over?

Chairman Gory said he didn’t know but it seemed logical that the new owner could take the tentative map and match what had been previously approved.

Robert Wall took the podium as a citizen of La Paz County. He stated he was currently employed with Census 2010. He was extremely worried that citizens would die in our County because they do not have their 911 street address posted on-site. He wondered if Staff should come up with a house numbering policy or ordinance to ensure property owners are correctly identifying their 911 street addresses as assigned by the County. He said currently, owners who do not show their assigned 911 street address, are putting a strain on emergency service response as well as special delivery services (i.e., Fed X, etc.) He noted that most emergency service requests in Bouse were for heart attacks and strokes (unlike fires whereby smoke would indicate the exact

location). He said it was time for the Board of Supervisors to get serious about the posting of 911 street addresses on parcels developed in La Paz County.

Commissioner Wolfe stated he was a firefighter in Salome. He said this was a major issue in Salome as well. He said the County's numbering system was very difficult to follow. He said addresses differed greatly from one side of the street to the other.

Staff advised Commissioner Wolfe that Colleen McVey was the GIS 911 Address Coordinator for the County and worked under the Department of Community Development at (928) 669-6138. Staff also advised that Colleen McVey was working with Buckskin Fire Department on developing new and updated maps. Staff said Ms. McVey could assist the Salome Fire Department as well with accurate maps, etc.

Supervisor Sandy Pierce advised the Commission that about 4 years ago she approached Supervisor Gene Fisher about the importance of posting 911 street addresses. She said owners were supposed to be cited if they didn't have their numbers posted. Ms. Pierce said this issue of people not posting their addresses was quite frustrating when previously working at APS.

There being no further comments from the public, **Chairman Gory** read into the record, item number 10, **Adjournment**.

Chairman Gory asked for a motion for adjournment.

Commissioner Swan moved to adjourn. **Commissioner Wolfe** seconded the motion.

The motion to adjourn passed unanimously.

The meeting was adjourned at 3:25 pm.

Robert Gory, Chairman

Joan-Marie King, Acting Director

Christine DeMoss
Acting Administrative Assistant



La Paz County Department of Community Development

B. Scott Bernhart, Director

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LA PAZ COUNTY PLANNING AND ZONING COMMISSION

Regular Meeting / Public Hearing

June 4, 2009 1:30 p.m.

Board of Supervisor's Meeting Room
1108 Joshua Avenue, Parker, AZ 85344

AGENDA

1. **Call to Order.**
 2. **Approval of May 7, 2009 minutes.**
 3. **Docket No. TR2009-004 –Alta Vista Ranch – Scott Aldinger – APN(s): 305-36-003 and 305-36-004.** The applicant is requesting a Tentative Plat for the development of large residential lots. Parcel 305-36-003 being one hundred and sixty acres (160) and 305-36-004 being three hundred and twenty acres (320). Both parcels are zoned RA-5 (Rural Area – Five Acres). The property is located at 52376 68th Street, (south of 68th St. and one mile west of McVay Road) Hope, AZ in Township 5 North, Range 15 West, Section 7 of the Gila and Salt River Meridian, La Paz County, Arizona (District 3).
 4. **Docket No. SU2009-003 – Dawna and Joseph Santos – APN: 307-16-014B.** The applicants are requesting a special use permit to install an internet Wi-Fi (a wireless networking technology) tower and antenna and to be operated and monitored by Plugngo Computers. Property is zoned C-2 (General Commercial). The property is located at 27566 Hwy 72 Bouse, AZ and in Township 7 North, Range 17 West, Section 23 of the Gila and Salt River Meridian, La Paz County, Arizona (District 2).
 5. **Docket No. Z2009-010 – Sergio Pasillas and Maria D. Mesa De Pasillas – APN: 304-57-006E.** The applicants are requesting to rezone parcel from R-3/PD (High Density Residential and Planned Development) Zoning District to MHS (Manufactured/Mobile Home Subdivision) Zoning District to develop the parcel with a manufactured home. The property is located at 66276 Main St. Salome, AZ in the Township 5 North, Range 13 West, Section 16 of the Gila and Salt River Meridian, La Paz County Arizona (District 3).
 6. **Docket No. Z2009-011 – H. Wayne Sprawls – APN: 302-004-001.** The applicant is requesting to rezone 7.85 acres from RA-40 (Rural Area-Forty Acres) Zoning District to RA-5 (Rural Area-Five Acres) for future land division. The property is located at 6250 Levee Road La Paz Valley, AZ in the Township 1 North, Range 23 West, Section 21 of the Gila and Slat River Meridian, La Paz County Arizona (District 3).
 7. **Docket No. Z2009-012 – Fred Barker – Prickley Pear RV Park Inc.– APN: 307-14-005D.** The applicants are requesting to rezone ten acres (10) from C-2 and RA-5 (General Commercial and Rural Area - Five Acres) Zoning District to RVP (Recreational Vehicle Park) Zoning District to expand the current RV Park for more spaces. The property is located at 27510 Highway 72, Bouse, AZ and in the Township 1 North, Range 23 West, Section 21 of the Gila and Slat River Meridian, La Paz County Arizona (District 2).
 8. **Board of Supervisors Actions on PC Matters.**
 9. **Call to the Public.**
- Adjournment.**

Planning

Building & Safety

Floodplain Coordinator

GIS Services

MINUTES
of the
La Paz County Planning & Zoning Commission
June 4, 2009 Regular Meeting/Public Hearing
Board of Supervisor's Meeting Room
1108 Joshua Avenue, Parker, Arizona

Present were: Chairman Bob Gory, Vice-Chairman Conkie Hoover, Commissioners: Al Johnson, Pat Jones, Doug Wolfe, Ron Swan, Chonna Marshall, Bud Wall and Lawanda Laffoon; Director Scott Bernhart and Acting Administrative Assistant Christine DeMoss. Others present were: Scott Aldinger, Millie Johnson, Fred Barker, Sergio Pasillas, Lee Moody, Mark Moody, George Feitz, Gloria Klein, Andy Klein, and Jim Downing.

Chairman Gory called the Thursday, June 4, 2009 Regular Meeting of the Planning and Zoning Commission/Public Hearing to order at 1:31 p.m.

Chairman Gory stated item number 2 on the agenda, was the approval of the May 7, 2009 meeting minutes.

Chairman Gory asked for a motion to approve the May 7, 2009 meeting minutes.

Commissioner Johnson made a motion to approve the May 7, 2009 meeting minutes.

Commissioner Hoover seconded the motion and the motion passed unanimously.

Chairman Gory read in to the record, Item Number 3, **Docket No. TR2009-004 –Alta Vista Ranch – Scott Aldinger – APN(s): 305-36-003 and 305-36-004**. The applicant is requesting a Tentative Plat for the development of large residential lots. Parcel 305-36-003 being one hundred and sixty acres (160) and 305-36-004 being three hundred and twenty acres (320). Both parcels are zoned RA-5 (Rural Area – Five Acres). The property is located at 52376 68th Street, (South of 68th St. and one mile West of McVay Road) Hope, AZ in Township 5 North, Range 15 West, Section 7 of the Gila and Salt River Meridian, La Paz County, Arizona (District 3).

Chairman Gory called on Director Bernhart for staff recommendations.

Director Bernhart stated the applicant Scott Aldinger and Engineer, Jim Downing were both present and available for questions. He stated the proposed lot size of 5 (five) acres, was in compliance with the Comprehensive Plan. Director Bernhart said a couple of comments were received from the review committee. The Health Department stated a complete review would be completed prior to this docket going to the Board of Supervisors. The Public Works Department stated they did not

have a standard for gravel roads. The Right-of-Way Agent recommended to prime and chip the full width of 68th Street. ADOT requested to review and comment on a Traffic Impact Analysis with any new access from the State Highway to be obtained through an ADOT encroachment permit. Staff recommended approval with the following stipulations: 1) Meet the requirements of the County Engineer comments prior to Final Plat approval (noting that his comments were related more toward the Tentative Plat review which would be more appropriate for construction planning purposes). 2) No double frontage lots allowed on the West side of the property. 3) Respond to Tentative Plat redlines as provided by the County Engineer and Planning prior to BOS meeting. 4) Complete a waiver prior to the BOS meeting (with a comment from Director Bernhart that he and the Deputy County Attorney were still working on a draft copy of this new waiver requirement. It was also noted that no re-subdivision is allowed in the CC & R's and/or covenants. Director Bernhart said he and the Project Engineer, Jim Downing, were available for questions.

Commissioner Wall commented it was hard to distinguish between roads and property boundary lines on the Tentative Subdivision map. He brought up the stipulation of no double frontage lots on the West side but it seemed to him that if the vertical lines were roads, every parcel would be a double frontage lot? Commissioner Wall suggested they make the roads clearer on the map so there would be no worry about double frontage lots.

Director Bernhart said one of his red line comments was to take the topo and existing roads and put them on a different sheet, so there's less confusion on the Tentative Map. He said they showed the roads as a dashed line pattern. He said another thought would be to show roads as "Tracts" on a revised tentative map?

Commission Wall asked if the right-of-way dedication on 68th was a full dedication, meaning both sides of the road? He said it appeared the dedication was 33' on the South side until you go East, then it switched to a 33' on the North side. He said that made it appear that at the intersection, the junction appeared as a "dot".

Director Bernhart said that is an item that needs to be addressed by the applicant and his engineer, adding that continuous right-of-way was extremely important.

Chairman Gory made a call to the public.

Jim Downing approached the Commission. He advised he was one of the engineers on this project. He stated the subject property was subdivided in to 40 acre parcels many years ago. He said 33 foot wide easements surrounded every 40 acre portion confirming 33 foot easements on each parcel. That means there are easements around the entire perimeter confirming good access. Mr. Downing stated the owner/developer was working with Public Works to obtain the 33 feet south of this property which is currently BLM land (Mr. Downing said he believed that was mentioned in the narrative report turned in with the application. After obtaining the 33 foot easement on the BLM portion, the developer would construct a street within the right-of-way that goes all the

way to the property. He also noted that another future development (different owner) was planned to the North of this property. Therefore, the applicant proposes to improve 68th Street on the south side only for his north property line. Then when the property owner to the North develops, he can develop that Northern portion of 68th Street at the section line. Mr. Downing said there was no other way to develop without using double frontage lots. He said that La Paz County Public Works had standards allowing double fronted lots on area service highways. Regarding the waiver as described in Director Bernhart's recommended stipulations, the document would be signed by the property owner if the final draft/form gets produced prior to the next BOS meeting. Mr. Downing agreed that Public Works has no standards for gravel roads. He said they came up with one, however it was never adopted. He also advised that the County does not have a standard for chip sealed streets as well. Regarding the County Engineer's comments that streets must be paved. Mr. Downing said the interior streets would be private and not maintained by the County, therefore he wanted to know what County policy was in place (that has been formally adopted) that requires this? Regarding other comments made by the County Engineer, Mr. Downing addressed the Comprehensive Plan as "Rural" for this area. He also talked about the County's development standards. Mr. Downing commented that if the County wished to maintain a rural nature with large lots developments, our development standards should be adjusted allowing for unpaved interior roads in a rural subdivision. He said the applicant did not propose to pave these streets and if they don't pave them, it would not be the first time a subdivision has been approved without paved streets (noting subdivisions in both Bouse and Wenden). Mr. Downing said he was available for questions from the Commission.

Commissioner Wall what's going to happen to the Old Church Road? (noting that it meandered down through these parcels).

Jim Downing said it was not their intention for that road to continue. He commented that he knows of only a few people that access that road to check corrals and water wells. He said that that road was pretty beat up, with people preferring to use Avenue 69 or Avenue 72.

Scott Aldinger, the Developer, approached the podium. He said Mr. Downing answered most of the technical questions but wanted to give a brief history. He purchased the property, via auction, about 7-8 years ago. He said it was originally owned by the Brooks Realty Company who rezoned to 40 (forty) acre portions. Mr. Aldinger's first intention was to sell off each 40 acre parcel as is. He had second thoughts because he didn't want to turn the property into a "wild cat subdivision". Therefore, in keeping with the Comprehensive Plan, he decided to offer large 5 acre lots and try to do something that was "planned" with CC & R's in place not allowing future land divisions. He commented to Commissioner Wall that Old Church Road was a 10 foot strip of sand that no one needs or uses, therefore, it will be abandoned.

Commissioner Wolfe made a motion to approve Docket No. TR2009-004 – Alta Vista Ranch – Scott Aldinger – APN(s): 305-36-003 and 305-36-004. Commissioner Hoover seconded – then asked for clarification from Chairman Gory that Commissioner Wolfe’s motion for approval was made “with or without” the stipulations as described by Staff. **Commissioner Wolfe** advised his motion was “without” the stipulations. **Chairman Gory** called for the vote and the motion passed with one nay from **Commissioner Wall** and one abstention from **Commissioner Hoover**.

Chairman Gory read in to the record, Item Number 4, **Docket No. SU2009-003 – Dawna and Joseph Santos – APN: 307-16-014B**. The applicants are requesting a Special Use Permit to install an internet Wi-Fi (a wireless networking technology) tower and antenna to be operated and monitored by Plugngo Computers. Property is zoned C-2 (General Commercial). The property is located at 27566 Hwy 72 Bouse, AZ and in Township 7 North, Range 17 West, Section 23 of the Gila and Salt River Meridian, La Paz County, Arizona (District 2).

Chairman Gory called on Director Bernhart for staff recommendations.

Director Bernhart stated staff needed to readvertise and post the property as application was inadvertently made using APN: 307-16-014B and it should have been APN: 307-16-012. Director Bernhart advised this Docket Item would return with the necessary corrections at the July 2nd Planning and Zoning Commission meeting.

Chairman Gory made a call to the public. No comments were received

Chairman Gory called for a motion to continue this Docket item.

Commissioner Wall moved to continue Item Number 4, **Docket No. SU2009-003 – Dawna and Joseph Santos – APN: 307-16-014B**. The applicants are requesting a Special Use Permit to install an internet Wi-Fi (a wireless networking technology) tower and antenna to be operated and monitored by Plugngo Computers. **Commissioner Hoover** seconded the motion and the motion passed unanimously.

Chairman Gory read in to the record, Item Number 5, **Docket No. Z2009-010 Sergio Pasillas and Maria D. Mesa De Pasillas – APN: 304-57-006E**. The applicants are requesting to rezone parcel from R-3/PD (High Density Residential and Planned Development) Zoning District to MHS (Manufactured/Mobile Home Subdivision) Zoning District to develop the parcel with a manufactured home. The property is located at 66276 Main St. Salome, AZ in the Township 5 North. Range 13 West, Section 16 of the Gila and Salt River Meridian, La Paz County Arizona (District 3).

Chairman Gory called on Director Bernhart for staff recommendations.

Director Bernhart stated Staff recommended approval categorizing this request as a “down zone” bringing the parcel into compatibility with surrounding land uses. He said that R-3 was unusual in this area and that the requested MHS did not go against the Comprehensive Plan designated as this is a rural community. Approval is with the stipulation that the new waiver be signed prior to the BOS meeting in July. Director Bernhart also noted that the wastewater system must meet the Health Departments requirements.

Commissioner Wall advised the house numbers on that street were actually on the wrong side. He thinks the picture provided by Staff is actually of the property across the street.

Director Bernhart said Staff would investigate and provide new pictures if necessary, prior to the BOS meeting in July.

Chairman Gory called for questions from the public. None were received.

Commissioner Wall made a motion to approve Item Number 5, **Docket No. Z2009-010 Sergio Pasillas and Maria D. Mesa De Pasillas – APN: 304-57-006E.** Motion was seconded by Commissioner Wolfe and the motion passed unanimously

Commissioner Hoover asked **Director Bernhart** to better explain what exactly these new required “waivers” were.

Chairman Gory stated a general description of the “Waiver of Rights and Remedies” Form (used in the application process) would be appreciated...

Director Bernhart stated the **Deputy County Attorney, Mr. Glenn Buckelew**, was working with him to create a revised “rights and waivers” document. This document would be a part of all Rezoning, Special Use Permits, Tentative Maps, etc., applications. He referred to State Statute #12-1134, in general terms it states that if we as the County diminish the value of a property due to action we have taken, then the County would be liable (under the statute) for paying for the loss of value. That has caused Staff to create a new waiver form, for the property owner to sign, relieving the County of this liability. However, Director Bernhart stated he didn’t know if this waiver would work in court as it has not been tested yet. Director Bernhart advised they only have a template drafted at this time.

Commissioner Laffoon asked if the old waiver of rights and remedies form signed by the Pasillas’ would suffice?

Director Bernhart said he didn’t think so, saying the County Deputy Attorney has asked that we use the new template (which is in the works at this time).

Chairman Gory read into the record, item number 6, **Docket No. Z2009-011–H. Wayne Sprawls – APN: 302-004-001.** The applicant is requesting to rezone 7.85

acres from RA-40 (Rural Area-Forty Acres) Zoning District to RA-5 (Rural Area-Five Acres) for future land division. The property is located at 6250 Levee Road, La Paz Valley, AZ in the Township 1 North, Range 23 West, Section 21 of the Gila and Slat River Meridian, La Paz County Arizona (District 3).

Chairman Gory called on Director Bernhart for staff recommendations,

Director Bernhart stated that staff recommended approval. Director Bernhart stated he received a nebulous (not sure where they're coming from) comment from Arizona State Fish & Game about the legal description. Director Bernhart suggested the applicant and his attorney to try to resolve the legal description on the property. He stated he considered this a private matter between the applicant and AZFG and that it shouldn't involve Community Development or the Commission. Director Bernhart stated the property did have a parcel number and an exception on a deed. Director Bernhart said he believed the issue was with that exception on the deed noting a past land sale.

Commissioner Wall advised the docket description as stating the parcel was located in La Paz Valley, but the parcel is actually located off the river in Cibola. He thought this could have possibly led to confusion or the aforementioned objection?

Director Bernhart confirmed the parcel was adjacent to River Road on the Arizona side of the river in Cibola.

Commissioner Wall stated he read the letter from the attorney (provided in their packet). He stated those mobile homes and trees in the area are perhaps over 40 years old. He said this was an old farm headquarters site. He also noted the piece below this 7.85 acre parcel was sold to a water development company. He stated the rezoning of this portion would bring the parcel into compliance which is good.

Commissioner Laffoon said she was curious about the aerial map provided.

Director Bernhart approached Commissioner Laffoon and described the aerial photograph as showing the location of River Road.

Chairman Gory called for comments from the Public. None were received.

Commissioner Swan made a motion to approve, **Docket No. Z2009-011 – H. Wayne Sprawls – APN: 302-004-001**. The motion was seconded by **Commissioner Wall** and the motion passed unanimously.

Chairman Gory made a statement to the Commissioners to please make a motion “with” or “without” the stipulations as requested by Staff...

Chairman Gory read into the record, Item Number 7, **Docket No. Z2009-012 – Fred Barker – Prickley Pear RV Park Inc.– APN: 307-14-005D**. The applicant is requesting to rezone ten acres (10) from C-2 and RA-5 (General Commercial and Rural

Area - Five Acres) Zoning District to RVP (Recreational Vehicle Park) Zoning District to expand the current RV Park for more spaces. The property is located at 27510 Highway 72, Bouse, AZ and in the Township 1 North, Range 23 West, Section 21 of the Gila and Slat River Meridian, La Paz County Arizona (District 2).

Chairman Gory called on Director Bernhart for staff recommendations,

Director Bernhart stated this parcel was subject to previous rezone action by then owner, Mr. Culpepper, several years ago. He said the applicant, Mr. Barker has since purchased Mr. Culpeppers property and has combined it to the existing Prickley Pear RV Park. Currently the park is being operated by means of a Special Use Permit to operate an RV Park in a C-2 Zoning District. He said this action would bring the RV Park into zoning compliance as long as the following Staff stipulations are met: 1) The applicant/owner shall provide a detailed survey of the area NOT within the floodway including a legal description to be considered for rezoning from RA-5/C-2 to RVP. 2) the applicant/owner shall provide an RV Park plan to be reviewed by La Paz County prior to expansion of the RV Park. This park plan shall meet the requirements of the Health Department and/or ADEQ and the La Paz County Regulations Article 5, Section V-7 Recreational Vehicle Park Design . 3) No construction of any type of structure or sewage disposal system, allowed in the floodway as shown on FEMA Map Panel #767C dated August 28th, 2008, La Paz County Floodplain Management Ordinance FCD #96-01 and FCD #2006-01. 4) Any future land division or sale of the property shall provide notice to the buyer of the location of the floodway on any deed of sale, providing notice that construction activity may not be allowed within the floodway and that residential construction is strictly not allowed in the floodway in accordance with FCD #2006-01. Basically, if this entire property (roughly 10 acres) was rezoned to RV Park it would have the minimum lot size of 5 acres and would bring the use into compliance. Director Bernhart stated the applicant Mr. Barker, met with him prior to this hearing in the office of Community Development. He expressed interest in selling of a portion of this property once it has been rezoned. He was advised he could as long as the RV Park was a minimum 5 acres in size.

Chairman Gory stated he was worried about putting more than five of these types of parcels being put together and the possibility of future larger subdivision in this area. He said an RV Park was one thing, but future subdivisions was another.

Director Bernhart stated that was a good point to bring up because actually an RV Park is NOT a subdivision. He described an RV Park as leasing or renting spaces and a subdivision as selling lots.

Chairman Gory asked Director Bernhart about any letters of opposition.

Director Bernhart said 4 (four) letters of opposition were received. A comment was received about a fire burning issue. The comment was forwarded to ADEQ by Code Enforcement. Director Bernhart said there were no current/active violations on this

property. He said the major issue was explaining to the owner/developer that the floodway did run through this property.

Commissioner Jones said it appeared only one letter was received from an actual adjacent property owner within 300 feet.

Director Bernhart said one was received within the 300 foot boundary. He said 35 letters were sent out with 4 letters received. In any event, no 20% has been met therefore, the BOS decision did not have to be unanimous.

Commissioner Hoover asked if there were any details on the burn issue?

Director Bernhart said the burn issue was checked out by Code Enforcement and that Mr. Barker did have a permit to burn through ADEQ.

Chairman Gory made a call to the public.

Mark Moody, an adjacent property owner, approached the Commission. He stated he was at this podium five years ago regarding the first rezoning on this parcel. He said the first rezoning was denied due to an easement issue (a 40' road that separates his property and this property). He described himself as a mesquite flour producer/farmer. He showed the Commission a sample of his mesquite flour. He said Tucson just made a large order for his flour. He described his farming operation as dusty and noisy. He described his harvest as "vacuum harvesting". He said his harvest season is in the Fall. He said that winds often depict when and if he can harvest. If the winds are continually North to South, this could affect the residence at the Prickly Pear RV Park. He felt that those tenants would complain about his operation during harvest. Mr. Moody stated his goal was to have 3-4 employees on site within 3 years time. He doesn't want his operation stopped by this trailer park. He said the agriculture needed to be protected, especially near the floodway. He said he could plant a whole grove of mesquite trees in the floodway. He said that temporary RV'ers could protest his operation during the few months they reside here. He said if these temporary tenants complained enough to ADEQ, it could shut down his operation due to airborne particulates.

Chairman Gory stated that Mr. Barker should disclose Mr. Moody's type of farming operation prior to the tenants renting their space(s).

Mr. Moody said he would appreciate having Mr. Barker have his potential tenants sign a waiver that they are aware of the type of farming operation that takes place next door and that they will not complain to ADEQ. He said farmers were there first in Bouse, not RV Parks.

Commissioner Jones told Director Bernhart he had a concern. He said several past situations (particularly the recent Cotton Gin Building site request for an ore crushing

facility) came to mind. Mr. Jones agreed that the farmers were there first. He said that the idea of a waiver was good as Mr. Moody started his farming operation first.

Director Bernhart stated that in the past, developers were informed to sign and record an "Acknowledgment of Agricultural Activities Form" that gets the current owner (in this case Mr. Barker) on the record stating they are aware of adjacent farming practices. He said he believed the only criteria is that the farm must be at least 5 acres in size, and meet the State definition.

Mr. Moody confirmed his farming operation was over 5 acres in size.

Commissioner Johnson asked what's to keep the RV Park guests from getting the EPA involved in this farm operation?

Director Bernhart said he'd be surprised (if it is a legitimate farming activity that meets the state statute) if any state authority would shut them down. Unless there was some clear violation of Federal Law. Director Bernhart reiterated that a legal farming operation has "protections" in the State of Arizona.

Fred Barker, the applicant, approached the Commission. He said out of the 10 acres he'd only be able to develop about 3+ acres due to the floodway boundary designated on a new survey. Mr. Barker stated that he had a burn permit from the State that is issued once per year. He said he burned mostly tree trimmings. He stated he had no problem with Mr. Moody's farming operation and felt that any issues could be worked out between the two of them.

Commissioner Jones asked Mr. Barker then if he would have a problem with a stipulation in place regarding Mr. Moody's farm operation.

Mr. Barker said he would have no problem with a stipulation and wanted Mr. Moody to make money with his farming venture.

Commissioner Hoover asked how long tenants would reside in the park.

Mr. Barker said most tenants would roll in around October and stay 4 to 5 months. He said there was some interest in year round rentals as it is cheaper to live in La Paz County. He said last year they had more people than they had spaces. He said 20 more spots could be filled, no problem. Mr. Barker said the 4 (four) stipulations as described by Director Bernhart were fine, so he'd like to see this go forward.

Andy Kline, approached the Commission. He stated he owned Andy's Store right next door to the Prickley Pear RV Park. He described illegal dumping and burying of large objects (i.e. appliances, trailers, etc.) at Mr. Barker's property. He said he had pictures and proof of various code violations. He said there was a dust control issue as well when he ran his tractor. He stated he had proof of vandalism to his store by some of the tenants in the RV Park. He said he was told an RV Park needed a total of

5 (five) “usable” acreage versus “total” acreage. Mr. Kline felt Bouse didn’t need any more RV Parks.

Commissioner Wall made a motion to approve **Docket Z2009-012 – Fred Barker – Prickley Pear RV Park Inc.– APN: 307-14-005D** with the stipulations made by Staff: 1) The applicant/owner shall provide a detailed survey of the area NOT within the floodway including a legal description to be considered for rezoning from RA-5/C-2 to RVP. 2) The applicant/owner shall provide an RV Park plan to be reviewed by La Paz County prior to expansion of the RV Park. This park plan shall meet the requirements of the Health Department and/or ADEQ and the La Paz County Regulations Article 5, Section V-7 Recreational Vehicle Park Design. 3) No construction of any type of structure or sewage disposal system, allowed in the floodway or the Bouse Wash as shown on FEMA Map Panel #767C dated August 28th, 2008, La Paz County Floodplain Management Ordinance FCD #96-01 and FCD #2006-01. 4) Any future land division or sale of the property shall provide notice to the buyer of the location of the floodway on any deed of sale, providing notice that construction activity may not be allowed within the floodway and that residential construction is strictly not allowed in the floodway in accordance with FCD #2006-01. ***An additional stipulation was added: 5) The Prickley Pear RV Park must disclose the adjacent farm operation to all future renters or buyers.*** **Commissioner Hoover seconded the motion.***

** With a comment to adjacent property owner, Mr. Andy Kline, that he can provide code enforcement a copy of the photos showing various violations on the subject property.*

Chairman Gory called for the vote and the motion passed with **Commissioner Johnson**, opposed.

Chairman Gory read into the record, item number 8, **Board of Supervisors Actions on PC Matters.**

Director Bernhart said all dockets approved at the last P & Z hearing passed with the Cotton Gin Building Ore Crushing Facility needing to respond to additional stipulations as recommended by the BOS.

Commissioner Jones asked Director Bernhart if the new board had looked into the County Engineer issue (referring to a letter the P & Z Commission had produced). Commissioner Jones just wanted to keep the idea active...

Chairman Gory confirmed no response had been received to date regarding this issue.

Director Bernhart said he would look for a copy of the letter since he drafted it.

Commissioner Jones said he might approach the Board of Supervisors on this at their next scheduled meeting during Call to the Public.

Director Bernhart advised the Commission that Commissioner Hoover had asked about past SUP's. He stated Staff was conducting a thorough review of past approved Special Use Permits, particularly SUP's for a 2nd caretaker dwelling, where the need may no longer existed. He said the report would be forwarded to them when completed.

Commissioner Hoover said that is why she often says "no" to 2nd dwellings by means of a SUP. She felt there needed to be more control and monitoring in place. She said those "temporary" 2nd dwellings never get removed.

Director Bernhart advised the Commission that the next P & Z hearing, scheduled for July 2nd, 2009, would have at least 10 cases on the agenda.

Commissioner Wall made the comment that the Public Works Department "standard" for roads did not supercede the Zoning Ordinance which is "law". Also, he didn't like the comparison to other county's as La Paz County is unique to Arizona.

Chairman Gory read into the record, item number 9, **Call to the Public.**

There being no further comments from the public, **Chairman Gory** read into the record, item number 10, **Adjournment.**

Chairman Gory asked for a motion for adjournment.

Commissioner Swan moved to adjourn. **Commissioner Jones** seconded the motion.

The motion to adjourn passed unanimously.

The meeting was adjourned at 3:10 pm.

Robert Gory, Chairman

Scott Bernhart, Director

Christine DeMoss
Acting Administrative Assistant



La Paz County Department of Community Development

B. Scott Bernhart, Director

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LA PAZ COUNTY PLANNING AND ZONING COMMISSION

Regular Meeting / Public Hearing

July 2, 2009 1:30 p.m.

Board of Supervisor's Meeting Room
1108 Joshua Avenue, Parker, AZ 85344

AGENDA

- 1. Call to Order.**
- 2. Approval of June 4, 2009 minutes.**
- 3. Docket No. FP2009-001 –Arroyos Preserve – Landway Development Corp. & Michael Larson & Denise Larson – APN(s): 302-32-012.** The applicant is requesting a Final Plat for the development of up to 129 residential lots and additional tracts, zoned R-1-6 and C-2. Parcel 302-32-012 being forty (40) acres. The property is located at 51626 Ave 23 E, West of Hwy 95 in La Paz Valley, AZ in Township 3 North, Range 19 West, Section 19 of the Gila and Salt River Meridian, La Paz County, Arizona.
- 4. Docket No. Z2009-019 – Diana Whiteside & Glenn A. & Lillian R. Cox – APN: 311-47-003G.** The applicants are requesting to rezone from TR (Transitional Residential) to SR-1(Suburban Ranch, one acre). The property is located at 31700 Rio Vista Road Parker, AZ and in Township 10 North, Range 19 West, Section 27 of the Gila and Salt River Meridian, La Paz County, Arizona.
- 5. Docket No. SU2009-004 (Previously 003) – Dawna and Joseph Santos – APN: 307-16-012.** The applicants are requesting a special use permit to install a 28.7 foot (height) internet Wi-Fi (a wireless networking technology) tower and antenna, to be operated and monitored by Plugngo Computers. Property is zoned C-2 (General Commercial). The property is located at 27552 Hwy 72 Bouse, AZ and in Township 7 North, Range 17 West, Section 23 of the Gila and Salt River Meridian, La Paz County, Arizona.
- 6. Docket No. Z2009-018 –Mountain View RV Investments– APN: 304-39-008A.** The applicant is requesting to rezone 2.81 acres from RVP (Recreational Vehicle Park) Zoning District to C-2 (General Commercial) for future development of a waste water treatment facility. The property is located at 65001 Hall Street, Salome, AZ in Township 5 North, Range 13 West, Sections 7&8 of the Gila and Slat River Meridian, La Paz County Arizona.
- 7. Docket No. SU2009-005 – Mountain View RV Investments– APN: 304-39-008A.** The applicants are requesting a Special Use permit to construct and operate a waste water treatment facility on 2.81 acres. The property is located at 65001 Hall Street, Salome, AZ in Township 5 North, Range 13 West, Sections 7&8 of the Gila and Slat River Meridian, La Paz County Arizona.
- 8. Docket No. Z2009-013 – Intaglio/Datterra Properties LLC- APN: 305-34-002C.** The applicants are requesting to rezone 40 acres from MHS (Mobile Home Subdivision) and TR (Transitional Residential) to RVS (Recreational Vehicle Subdivision) and C-2 (General Commercial). The property is located at 36202 Highway 72, Bouse, Arizona in Township 5 North, Range15 West, Section 5 of the Gila and Salt River Meridian, La Paz County Arizona.

- 9. Docket No. Z2009-014 – Intaglio/Leland, Scott, Scofield- APN: 305-34-002D.** The applicants are requesting to rezone 51 acres from MHS (Mobile Home Subdivision) and TR (Transitional Residential) to RVS (Recreational Vehicle Subdivision) maintaining an existing area of C-2 General Commercial with an existing Special Use Permit for future construction and operation of a waste water treatment facility. The property is located at 36256 Highway 72, Bouse, Arizona in Township 5 North, Range15 West, Section 5 of the Gila and Salt River Meridian, La Paz County Arizona.
- 10. Docket No. Z2009-015 – Intaglio/Portanova Properties #1 LLC- APN: 305-34-002E.** The applicants are requesting to rezone 6 acres from SR-4(Suburban Ranch, 4 acre) and RA-40 to C-2 (General Commercial). The property is located at 53062 Highway 72, Bouse, Arizona in Township 5 North, Range15 West, Section 5 of the Gila and Salt River Meridian, La Paz County Arizona.
- 11. Docket No. Z2009-016 – Intaglio/Enerdyne Holdings LLC- APN: 305-34-002F.** The applicants are requesting to rezone 31 acres from MHS (Mobile Home Subdivision) and TR (Transitional Residential) to RVS (Recreational Vehicle Subdivision) and C-2 (General Commercial). The property is located at 53184 Highway 72, Bouse, Arizona in Township 5 North, Range15 West, Section 5 of the Gila and Salt River Meridian, La Paz County Arizona.
- 12. Docket No. Z2009-017 – Intaglio/Patricia E. Bradbury- APN: 305-34-001F.** The applicants are requesting to rezone 8 acres from SR-4 (Suburban Ranch, 4 acre) to RVS (Recreational Vehicle Subdivision). The property is located at 36346 Highway 72, Bouse, Arizona in Township 5 North, Range15 West, Section 5 of the Gila and Salt River Meridian, La Paz County Arizona.
- 13. Board of Supervisors Actions on PC Matters.**
- 14. Call to the Public.**
- 15. Adjournment.**

MINUTES
of the
La Paz County Planning & Zoning Commission
July 2, 2009 Regular Meeting/Public Hearing
Board of Supervisor's Meeting Room
1108 Joshua Avenue, Parker, Arizona

Present were: Chairman Bob Gory, Vice-Chairman Conkie Hoover, Commissioners: Al Johnson, Pat Jones, Ron Swan, Chonna Marshall, Bud Wall and Lawanda Laffoon; Director Scott Bernhart and Acting Administrative Assistant Christine DeMoss. Others present were: Millie Johnson, William Goodman, Mary Goodman, Daniel Dow, Ted Sutton, Marion Sutton, Janet Simmons, Jack Simmons, Brian Larson, Gene Simmons, Donald Davis, J. Kunisch, Wayne Rosendahl, Diane Whiteside, Clay Kyle, Sharon Martin, Roger Crossman, Steve Robinson, Arthur Dobson, Cliff Edey, Jim Slawson, Jim Brouillette, Tom Simmons, Mike Speedie, Janice Shelton, Dave Shelton, Jesse Burgett, Wells Hampton, Tamara Martin and Jack Witson.

Chairman Gory called the Thursday, July 2, 2009 Regular Meeting of the Planning and Zoning Commission/Public Hearing to order at 1:31 p.m.

Chairman Gory stated item number 2 on the agenda, was the approval of the June 4, 2009 meeting minutes.

Chairman Gory asked for a motion to approve the June 4, 2009 meeting minutes.

Commissioner Hoover made a motion to approve the June 4, 2009 meeting minutes.

Commissioner Swan seconded the motion and the motion passed unanimously.

Chairman Gory read into the record **Agenda Item #3 - Docket No. FP2009-001 – Arroyos Preserve – Landway Development Corp. & Michael Larson & Denise Larson – APN(s): 302-32-012**. The applicant is requesting a Final Plat for the development of up to 129 residential lots and additional tracts, zoned R-1-6 and C-2. Parcel 302-32-012 being forty (40) acres. The property is located at 51626 Ave 23 E, West of Hwy 95 in La Paz Valley, AZ in Township 3 North, Range 19 West, Section 19 of the Gila and Salt River Meridian, La Paz County, Arizona.

Director Bernhart gave the staff report. He advised the only reason this Final Plat was being brought forth to the Commission today was due to a discrepancy in one of the technical standards regarding cross lot drainage versus more standard traditional storm water drainage systems. Director Bernhart said he, the County Engineer Mike Speedie, and Tom Simmons from Public Works have been supporting what the La Paz County subdivision regulations require. He stated the applicants intended to use cross lot drainage for this project. The other staff concern was highlighting Tyson Wash and

the approximate 12 to 13 lots (in the Southeast corner) it appeared to effect. He said he was looking for a recommendation only from the Commission, not a decision on the Final Plat. Director Bernhart advised the County Engineer was here and available for questions.

Chairman Gory called for questions from the Commission.

Commissioner Wall said when zoning was being discussed for this project, the applicant made it very clear he had intended to use existing arroyos and washes rather than leveling and grading the property to run water down the streets. He said the applicant proposed to run water down specific back lots in order to keep the natural beauty of the property.

Chairman Gory called for questions from the public.

Brian Larson, of Landway Development, approached the Commission. He said this project has been a long process. He stated engineering actually began on this project four years ago. He said there was a discrepancy between how they want to develop drainage versus County Engineer comments. He said the County's standard drainage plan called for masceration of the property. He said the developers proposed to depress the roadways and leave the natural vegetation untouched. He said the roadways would channel water out of the subdivision. From the beginning, he said the developers wanted this project to be an environmentally focused project. He showed pictures of mascerated developments that had been graded and removed all of the natural vegetation.

Wayne Rosendahl, the Project Engineer, approached the Commission. He said they spent a lot time concentrating on drainage for this subdivision. He showed a large map of the proposed subdivision that showed two major arroyos than run through this site. He said drainage would use these existing arroyos preventing cross lot drainage. He described how runoff would be diverted using a roadway curb and gutter system into the arroyos. He said drainage easements would prevent cross lot drainage. He said despite the drainage easements, a couple of lots shown on the Final Plat could potentially produce lot to lot drainage. He said extensive flood event analysis was conducted for this project.

Commissioner Wall said our County Engineer had an urban approach to rural developments. He said at the tentative map phase, the applicant designed the lots around the existing natural drainage. He said the developers went above and beyond trying to preserve the natural environment.

Chairman Gory stated he liked the natural concept and said from a development stand point it looked much better than a concrete jungle. He asked if there were other developments that had successfully used this type of natural drainage system?

Mr. Rosendahl stated he was also the project engineer for a couple of proposed subdivisions in Cochise County using this same type of drainage concept.

Commissioner Jones stated to Director Bernhart that he understood some of the current drainage issues that the County has been dealing with was due to developers not trying to use natural flow drainage systems.

Chairman Gory commented that individual development, after the subdivision was in place, could also affect natural drainage. For instance, individual lot owners constructing block walls or solid fences.

Jim Kunish, of Landway Development, introduced himself to the Commission. He said that CC & R's for this subdivision had a provision that no solid walls be allowed as property boundary fencing. He described pillars of brick with wrought iron in between as the type of boundary fence proposed in this subdivision (similar to Rainbow Acres in Quartzsite).

Director Bernhart advised the Commission that they might want to request an actual note on the Final Plat regarding the provision that no solid fences are allowed per the subdivision's CC & R's.

Chairman Gory asked what the County Engineer requirements were on this project?

County Engineer, Mike Speedie, approached the Commission. He stated he did not bring his specific engineering comments for this project. He said he was familiar with rural subdivision development as some are located in the Cave Creek area (Maricopa County). He described Maricopa County has being very strict and that they go by the letter. He stated he was trying to be apathetic to what this developer was trying to produce.

Commissioner Wall informed Mr. Speedie that the Tyson Wash was within 250 feet of 56th Street which was just East of this subdivision. He said that FEMA had never done an analysis of flood levels in this area in the past because it is in a rural area. He asked Mr. Speedie if he had asked the developer for an analysis of what the 100 year flood height would be in the Tyson Wash?

Mr. Speedie said the analysis was actually a good thing to ask for because a portion of the Tyson Wash encroached on a few lots within this subdivision. He said the developer had addressed most of the issues on his engineering comments list. Mr. Speedie said he spends a lot of time in La Paz County and has seen drainage issues here before. He said he felt there were ways in which to develop this site that met County standards (perhaps using additional drainage easements)?

Mr. Kunish stated all of his engineering calculations were complete. He wanted the County to be specific on what *didn't* work, then they would be ready to proceed. He

said they spent a lot of money on their drainage report and felt the proposed drainage plans were perfect for this development.

Commissioner Jones commented that the developers own engineer had designed this drainage plan and is putting their stamp on it that it will work. He said he could not clearly see what corrections the County was requiring from the applicant/developer?

Mr. Speedie said specifically the County did not want to see lot to lot drainage on the Final Plat. He said the County standard states to drain each lot to a road or to an easement or drainage structure.

Discussion ensued among the Commission, the Developer, County Engineer Mike Speedie and Director Bernhart regarding who typically conducts on-site inspections during subdivision development (i.e. the Developer's' Engineer or the County Engineer, the Building Department, Public Works, and various Utility Companies).

Commissioner Wall asked Director Bernhart to repeat what exactly the Commission was being requested to do today.

Director Bernhart said the Commission was being requested to make a recommendation on the map that's proposed with part of the map showing some lots with cross lot drainage and if that is acceptable.

Commissioner Wall felt the Commission was not in a position to comment on technical issues, but could recommend to the Board that this looked like a good design for a subdivision.

Director Bernhart said the Commission could also suggest a note on the Final Plat stating some specific lots are subject to cross lot drainage.

Chairman Gory made a call to the public. There being no further comments, Chairman Gory called for a motion.

Commissioner Wall made a motion to request the Board to give positive consideration to the subdivision design for **Docket No. FP2009-001 – Arroyos Preserve – Landway Development Corp. & Michael Larson & Denise Larson – APN(s): 302-32-012**. **Commissioner Swan** seconded the motion.

Chairman Gory called for the vote and the motion passed unanimously.

Chairman Gory read into the record **Agenda Item #4 - Docket No. Z2009-019 – Diana Whiteside & Glenn A. & Lillian R. Cox – APN: 311-47-003G**. The applicants are requesting to rezone from TR (Transitional Residential) to SR-1(Suburban Ranch, one acre). The property is located at 31700 Rio Vista Road Parker, AZ and in Township 10 North, Range 19 West, Section 27 of the Gila and Salt River Meridian, La Paz County, Arizona.

Director Bernhart gave the staff report. He referred to an overlay map that showed past zoning information in and around this site. He said the applicant could potentially land divide this 10.71 acre parcel three more times. Staff recommends approval and noted the Comprehensive Plan did support equestrian uses in the SR (Suburban Ranch Zoning District) w/two large animals allowed per parcel. Director Bernhart commented that a proposed regulations amendment was in the works to allow one large animal per acre. He described this request as a down zoning.

Chairman Gory called for questions from the Commission.

Commission Jones asked what this was zoned when it was part of Yuma County.

Director Bernhart stated mostly MHS (Manufactured Home Subdivision) with a small portion at C-2 (General Commercial).

Chairman Gory called for comments from the public.

Tamara Martin said she owned a piece of property close to this. She said she signed a petition but felt she probably should not have signed because she had many questions. She described the applicant's property as near a large wash. She said the property did not smell and there were no excessive flies due to her horses. She informed the Commission that Mrs. Whiteside told her that her late husband donated the land necessary for Rio Vista Road to the County for access to that area back there.

David Shelton said he lived at 31792 Rio Vista Road next to the applicant. He said he purchased his property from the Whiteside's about five years ago. One of the reasons he purchased this property was because there was not any SR (Suburban Ranch) zoning in this area. He said theoretically there could be 10 parcels created in the future that could each have horses. His other concern was that mobile homes, manufactured homes, travel trailers, and RV's were allowed to be placed as dwellings in the SR (Suburban Ranch) zoning district. He said he built an expensive home on his property. He stated that many property owners in this area have replaced older mobile homes with newer manufactured homes or site built homes. He said that zoning should not be downgraded in this area. Mr. Shelton cannot understand how staff could recommend approval to this rezone request. He also stated that he had put together a petition signed by several neighbors and wanted to know if the Commission received that information?

Chairman Gory informed Mr. Shelton that the Commission received a copy of the petition. He confirmed that 147 letters were sent out in the 300 foot radius notification area.

Director Bernhart confirmed that more than two dozen letters of opposition were received and that it was close to the 20% margin requiring an unanimous vote at the Board level.

The applicant, Diana Whiteside informed the Commission that due to her recent surgery, Mr. Cliff Edey would be acting as her agent at the podium.

Cliff Edey said he understood investments but noted that Diane Whiteside already had horses on her property at the time Mr. Shelton purchased his property from her. Mr. Edey said he also disclosed to Mr. Shelton he intended to develop his property with horses as well. He noted his property was actually closer to Mr. Shelton's than Ms. Whiteside's therefore, he was a bigger impact. He said his research indicated this parcel at one time was zoned RA (Rural Area). He said RA has no limitations on live stock or large animals. He said, in 1980, the applicant donated eleven acres (for the development of Rio Vista Road) with no compensation received. He said the applicant had no desire to split the property at this time. He said at best, four parcels could possibly be created however, there were topographical/development challenges. He said it made no sense that someone would invest \$100,000.00 for a parcel and develop it with a single wide mobile home. He agreed with Mr. Shelton's statement that the whole area was improving and bringing property values up. Mr. Edey distributed a google earth map showing how much land Ms. Whiteside has donated to La Paz County as well as to the State for access. He also showed the change in elevation from her property to adjacent property owners. He informed the commission that Ms. Whiteside has had horses and cows on this property for 30 years without having any odor or fly issues. He informed the Commission that in 2007, the applicant was cited due to an alleged violation of the current zoning. Subsequently, the applicant applied for a Special Use Permit in order to keep her horses. He said SR zoning is more restrictive than RA. Mr. Edey stated that, with TR zoning, the applicant could try to cram in a whole bunch of lots. He said an increase in traffic is not favorable in this area. He said he had in hand some letters from people who supported this request, but couldn't make this meeting. He thanked the Commission for their consideration.

Ted Sutton said he was here on a different issue but lived near this subject property. He said he and his wife have owned their property for forty years. He said originally he saw horses in the area and wondered about their compatibility with off road vehicles and motorcycles, etc. He said he enjoyed the non "cookie cutter" type of diversity in this area. He said he enjoyed seeing horses in this area as it added to the desert beauty.

Janice Shelton told the Commission she lived adjacent to the subject property. Her concern is that right now there is not a problem, but is concerned about future development if the property gets sold in the future. She is concerned about the potential of developing with a mobile home or a Recreation Vehicle. She said this would diminish her property values. She said the potential text amendment about the quantity of horses per acre was also a concern, or if horses would be allowed to open range on the property?

Director Bernhart advised horses were required to be penned and in the Zoning Regulations for SR Zoning District, Section V-1-3, C1c, "buildings and enclosures for

poultry and animals may not be located in the front yard and must maintain the same side and rear yard setbacks as required for main buildings”.

Cliff Edey returned to the podium to state the applicant would provide deed restrictions limiting the development to site built homes only if the Commission so wished.

Faye Swisher told the Commission she was an avid horse lover and supported the applicant, Ms. Whiteside, completely.

Gene Simmons said he lived on Crows Nest Drive. He said Ms. Whiteside has had horses since 1977. He said a greater odor issue was at Buckskin Sanitary Transfer Station near the Sandpiper Condos.

Jim Brouillette said he was a resident of Lakeside Five. He said he was friends with Glen Whiteside back when the property was open range. He saw no problem with an SR zoning category.

Chairman Gory made a call to the public. There being no additional comments Chairman Gory called for a motion.

Commissioner Jones made a motion to approve **Docket No. Z2009-019 – Diana Whiteside & Glenn A. & Lillian R. Cox – APN: 311-47-003G**. Motion to approve was with the **stipulation** that deed restrictions be in place to limit development to stick built homes on any future land divisions or subsequent land sale(s). **Commissioner Hoover** seconded the motion.

Chairman Gory called for the vote and the motion passed unanimously.

Chairman Gory read into the record **Agenda Item #5 - Docket No. SU2009-004 (Previously 003) – Dawna and Joseph Santos – APN: 307-16-012**. The applicants are requesting a special use permit to install a 28.7 foot (height) internet Wi-Fi (a wireless networking technology) tower and antenna, to be operated and monitored by Plugngo Computers. Property is zoned C-2 (General Commercial). The property is located at 27552 Hwy 72 Bouse, AZ and in Township 7 North, Range 17 West, Section 23 of the Gila and Salt River Meridian, La Paz County, Arizona.

Director Bernhart gave the staff report. He stated Staff recommended approval mentioning it was not so much a height issue for the antenna but rather, this would ensure the property was in compliance with our code which is woefully out of date regarding these newer types of communication uses.

Chairman Gory said the height issue was important in that if the structure failed, would it fall solely on the applicants parcel?

Commissioner Wall said there is a clause in our ordinance that states towers must fall within your own property. He said this Wi-Fi antenna, however, only appeared to be the size and height of a telephone or power pole.

Chairman Gory called for questions from the Public.

Don Davis of PlugGo Computers stated he had 8 antennas in place, for over two years, and to date he has not had a failure or collapse of an antenna.

Commissioner Wall asked Mr. Davis if all guide lines would be on the applicants parcel?

Don Davis confirmed all guide lines, set in a tri pod fashion, would all be located on this property.

Chairman Gory asked for a quick overview of this type of technology.

Don Davis advised placement of a 27 foot tall pole attached to patio area. At the top are omni reflector grids. The user range is approximately 25 miles, directional.

Chairman Gory asked how he provided service? Do you offer memberships or subscriptions? Is there a service fee?

Don Davis said Plugngo was affordable because he operates small scale stations. He advised a monthly subscription rate would be \$10.00 for a service key. He said he had plans for three other locations in the Bouse area.

Commissioner Wall asked if Wi-Fi towers interfered with each other, noting there was an RV Park in Bouse and the Bouse Library that also offers Wi-Fi services.

Don Davis said there would be absolutely no interference with existing Wi-Fi service locations, as radios would be set on different channels. Mr. Davis said there were a total of eleven Wi-Fi channels available. Mr. Davis said he would continually monitor to determine what channels were being used by other service providers.

Chairman Gory made a call to the public. There being no further questions Chairman Gory called for a motion.

Commissioner Wall made a motion to approve **Docket No. SU2009-004 (Previously 003) – Dawna and Joseph Santos – APN: 307-16-012**. Motion was approved with the stipulation that the tower be placed to have the least opportunity of failing (falling) on any adjacent parcel. **Commissioner Jones** seconded the motion.

Chairman Gory called for the vote and the motion passed unanimously.

Chairman Gory read into the record **Agenda Item #6 - Docket No. Z2009-018 – Mountain View RV Investments– APN: 304-39-008A**. The applicant is requesting to rezone 2.81 acres from RVP (Recreational Vehicle Park) Zoning District to C-2 (General Commercial) for future development of a waste water treatment facility. The property is located at 65001 Hall Street, Salome, AZ in Township 5 North, Range 13 West, Sections 7&8 of the Gila and Slat River Meridian, La Paz County Arizona.

Director Bernhart gave the staff report. He described the park as currently zoned RVP with the applicant requesting to rezone 2.81 acres to develop a future waste water treatment facility. Staff recommended approval. Director Bernhart read a letter from Marjorie Blaine (Army Corps of Engineers) dated June 26, 2009, attention Mr. Jay Donaldson of Mountain View Investments, LLC. Director Bernhart stated numerous letters of opposition were received. He described this property as being located adjacent to the Western Sky Airpark Subdivision. He also described a private runway owned by Bill & Mary Goodman located to the East of this site. He said based on the letter from Ms. Blaine there appears to be a wash on a portion of this parcel as well. He said this may lead to the applicant having less property actually able to be developed. He stated staff might recommend continuance so the applicant can address this issue.

Chairman Gory called for questions from the Commission.

Commissioner Jones asked per the runway centerlines, was the applicant encroaching in the FAA's requirements?

Director Bernhart said La Paz County Zoning Regulations actually describes the 200 foot height restriction setback from a runway's centerline.

Commissioner Wall stated in the technical write-up, a 45 foot high tank was proposed for the waste water treatment facility. He said it appeared the structure would grossly protrude into the approach and departure airspace that is recommended by the FAA. He said constructing this tank could shut down the airpark. He clarified that the FAA did not have jurisdiction to shut down a private airpark, however, their inspectors could start pulling licenses from pilots for unsafe operations.

Chairman Gory asked what kind of waste water treatment facility required a 45 foot high tank?

Chairman Gory made a call to the public.

Daniel Dow, the Project Engineer, approached the Commission. He said his focus was on the waste water treatment plant. He said typically there were three areas to address. 1) Environmental standards regulated through Army Corps and ADWR. 2) Impact on adjacent property and property owners, which in this case would be the airpark and the Goodman's and 3) Protection of property values due to the facilities odors, noise, and aesthetics. Regarding the tank, he described it as a water tank that may or may not be built. He said the water tank could be constructed underground if

necessary. He said he was aware of the 200 foot height restriction from a runway's centerline. He said two structures were proposed on this 2.81 acre site. One being a treatment plant building and the other being a water tank outside of the 200 foot setback, noting building permits would be required for both. He said has spoken with Marjorie Blaine of the Army Corps and agreed there were wet land designation issues per Section 404 of the Clean Water Act.

Commissioner Wall said this 2.81 acres requested to be rezoned appeared to be directly in the wash. He commented that near the center section line there appeared to be higher ground more suitable for development. He stated that if the water tank was a gravity feed system it might be better located in the upper left corner of the R.V. park.

Daniel Dow replied, in the lower section, there was an existing utility site. That is why this location was selected for development of the WWTP.

Chairman Gory asked if 2.81 acres was large enough for this proposed WWTP?

Daniel Dow described it as a small plant @ 100,000.00 gallons per day operation. He said a one acre site would be enough space, but due to the runway centerline setback requirements, 2.81 acres were set aside for the WWTP. He said no discharge would be moved offsite towards washes, etc.

Commissioner Swan asked if the water tank could be moved to the west side of the 2.81 acre site?

Daniel Dow said the water tank could be located on the west side allowing for a 350-375 foot setback from the adjacent runway centerline.

Bill Goodman, an adjacent property owner, approached the Commission. He said he owned property due East of this site. He said he objected to this development due to water runoff and building in an existing wash. He also described a 7 to 1 build ratio beyond the 200 feet they'll need to abide by. He said if the developer can abide by all of the rules he had no objections.

Mary Goodman said her concern was if they constructed a fence would it divert any water runoff onto their runway? She said they had a runway agreement with Western Sky Airpark. She said currently water runoff was manageable at this location.

Chairman Gory commented to Ms. Goodman that water diversion from one parcel to another is a civil issue.

Jim Slawson said the developer for this project had no regard for the existing airparks out in Salome. His feeling was that if the developer abided by all of the rules the airparks followed he had no objection.

Commissioner Hoover commented on the number of letters of opposition received. She read one of them from the Western Sky Development Association. It described how tenants in the proposed Mountain View RV Park would be subject to excessive airplane noise.

Roger Crossman stated he lived in Indian Hills Airpark for the past 15 years. He wanted it known that the County needed to protect the rights of the existing airparks in this area. He said both airparks in Salome are expensive properties and major tax revenues for La Paz County. He didn't want the County to jeopardize the use of the airparks as that would be jeopardizing the tax base. He wanted safeguards in place for the future construction of Mountain View RV Park.

Chairman Gory advised that the developer must meet all building requirements in order to construct.

Chairman Gory made a call to the public.

Commissioner Wall made a motion to deny **Docket No. Z2009-018 – Mountain View RV Investments – APN: 304-39-008A**. **Commissioner Jones** seconded the motion.

Chairman Gory called for the vote and the motion to deny passed unanimously.

Chairman Gory read into the record **Agenda Item #7 - Docket No. SU2009-005 – Mountain View RV Investments– APN: 304-39-008A**. The applicants are requesting a Special Use permit to construct and operate a waste water treatment facility on 2.81 acres. The property is located at 65001 Hall Street, Salome, AZ, in Township 5 North, Range 13 West, Sections 7&8 of the Gila and Slat River Meridian, La Paz County Arizona.

Director Bernhart gave the staff report. He described staff recommended approval if constructed per ADEQ requirements. He stated numerous letters of opposition were received for the rezoning with two letters of reference for the Special Use Permit.

Chairman Gory called for questions from the Commission.

There being no questions, **Chairman Gory** made a call to the Public.

Daniel Dow asked if the Special Use Permit would allow the development of the waste water treatment facility if the C-2 zoning did not get approved?

Director Bernhart said traditionally Special Use Permits have been paired with rezonings to C-2 for waste water treatment facilities. He noted that the Board of Supervisors had the right to approve this facility should the Planning & Zoning Commission deny the request.

Chairman Gory confirmed that the P & Z Commission made recommendations to the Board of Supervisors.

Chairman Gory made a call to the public.

Bill Goodman said he opposed the Special Use Permit or suggested it be put on hold or continued pending the BOS decision on the rezoning issue.

Commissioner Wall made a motion for continuance to the P & Z meeting date of August 6th, 2009 (to allow BOS decision on rezoning Docket Z2009-018 @ August 3rd, 2009 meeting) for **Docket No. SU2009-005 – Mountain View RV Investments– APN: 304-39-008A**. **Commissioner Swan** seconded the motion.

Chairman Gory called for the vote and the motion to continue was approved unanimously.

Chairman Gory read into the record **Agenda Item #8 - Docket No. Z2009-013 – Intaglio/Daterra Properties LLC- APN: 305-34-002C**. The applicants are requesting to rezone 40 acres from MHS (Mobile Home Subdivision) and TR (Transitional Residential) to RVS (Recreational Vehicle Subdivision) and C-2 (General Commercial). The property is located at 53344 Highway 72, Bouse, Arizona in Township 5 North, Range 15 West, Section 5 of the Gila and Salt River Meridian, La Paz County Arizona.

Director Bernhart gave the staff report. He said this and the next five (5) docket items were related to the Intaglio Subdivision. He described the development as a high end RV Subdivision with the option of a casita (w/amenities) or private outdoor BBQ/patio area. Director Bernhart stated the casita might pose an issue due to two units or dwellings (an RV & casita) would be on one parcel or site. He described the casita to be around 1,000 sq. ft. Zoning Regulations currently allows one dwelling with a visiting RV for 30 days accumulative or consecutive use. Staff had a concern about the site plan but noted this was a rezoning issue before the Commission now. He said the applicant would comply with subdivision regulations when developing. He said staff recommended approval with the stipulations that: 1) CC & R's be restricted to RV and/or casita use only. 2) Obtain a subdivision tentative map approval within two years of rezoning or property will revert back to MHS and TR zoning after BOS approval.

Chairman Gory called for questions from the Commission.

Commissioner Wall stated CC& R's can be changed next week. He questioned what the Comprehensive Plan described as "Rural Community". His opinion was that 13 lots per acre was not a "rural" community.

Chairman Gory stated there was a real market for this type of high end RV Subdivision.

Commissioner Wall understands the market, but what about the County's overall comprehensive plan? He said permanent casitas would at least provide a sounder tax base.

Director Bernhart read a portion from the Comprehensive Plan text regarding rural community: "residential based density of up to five dwelling units per acre may be permitted in this established rural area". He described this development as 132.29 gross acres with 507 sites with a net density of 5 (five) dwellings per acre.

Chairman Gory described the 132.29 acre development as 100 acres at RVS (Recreational Vehicle Subdivision) and 30 acres to be zoned at C-2 (General Commercial).

Commissioner Wall said the layout showed a provision for section line road designation which the applicant may want to consider being included in future conceptual plans (in order to meet the County's requirement).

Director Bernhart stated he was currently working with the Public Works Department and the County Engineer about keeping or dropping the section line road designation requirement. He advised ADOT was working on a large overall transportation study and that this was one of the issues they were reviewing.

Commissioner Laffoon asked where this particular parcel 305-34-002C (40 acres) was located on the site plan?

Director Bernhart described it as the middle parcel on the current plan. He described the Intaglio Subdivision as a rezoning "group" for: (APN's: 305-34-002C, 305-34-002D, 305-34-002E, 305-34-002F and 305-34-001F) totaling 132+ acres.

Chairman Gory made a call to the public

Wells Hampton, the Project Manager, addressed the Commission. He described Intaglio RV Subdivision as a high end luxury RV Resort. This type of development he said you would typically see in Palm Springs, CA or Florida. He described the concept of a casita being an offered site built improvement that the owner can customize to their needs. He said his architectural requirements would not allow Park Models, only site built type casitas. He said these lots would sell for a minimum of \$70,000.00 with added site built improvements substantially higher. He said there was good strong demand for this type resort for the newer, bigger RV. He described large, easy pull through lots, which can easily accommodate a 40 foot RV. A 100 amp service meter would be provided at each site along with the casita option. He said the park was designed specifically with his engineer to meet the rural density requirements as set forth by the County.

Chairman Gory asked if the casita would meet the set back requirements if there was an RV parked on the lot as well.

Mr. Hampton replied that the larger lots (depicted in orange on the site plan) would be large enough for the placement of a casita and RV. He said history showed this high end RV user would purchase the casita option. Mr. Hampton said he was establishing a whole new standard in La Paz County for the higher quality RV Subdivision. For the record, he wanted to say that Director Bernhart stated the casita would be about 1,000 sq. ft. in size. He said that the casita could be larger, possibly 1,200-1,300 sq. ft.

Chairman Gory made a call to the public. There being no additional comments, **Chairman Gory** called for a motion.

Commissioner Marshall made a motion to approve **Docket No. Z2009-013 – Intaglio/Daterra Properties LLC- APN: 305-34-002C**. Motion to approve with the stipulations that: 1) CC & R's restricted to RV and/or casita use only. 2) Obtain a subdivision tentative map approval within two years of rezoning or property will revert back to MHS and TR zoning after BOS approval. **Commissioner Wall** seconded the motion.

Chairman Gory called for the vote and the motion passed with one (1) abstention from Commissioner Hoover.

Chairman Gory read into the record **Agenda Item #9 - Docket No. Z2009-014 – Intaglio/Leland, Scott, Scofield- APN: 305-34-002D**. The applicants are requesting to rezone 51 acres from MHS (Mobile Home Subdivision) and TR (Transitional Residential) to RVS (Recreational Vehicle Subdivision) maintaining an existing area of C-2 General Commercial with an existing Special Use Permit for future construction and operation of a waste water treatment facility. The property is located at 53474 Highway 72, Bouse, Arizona in Township 5 North, Range 15 West, Section 5 of the Gila and Salt River Meridian, La Paz County Arizona.

Director Bernhart gave the staff report. He stated this parcel currently had a Special Use permit in place and C-2 zoning designation for construction of a waste water treatment facility. He described the development as a high end RV Subdivision with the option of casitas (w/amenities) or private outdoor BBQ/patio area. Director Bernhart stated the casita might pose an issue because two units or dwellings (an RV & casita) would be on one parcel or site. He described the casita at around 1,000 sq. ft. Zoning Regulations currently allows one dwelling with a visiting RV for 30 days accumulative or consecutive use. Staff had a concern about the site plan but noted this was a rezoning issue before the Commission now. He said the applicant would comply with subdivision regulations when developing. He said staff recommended approval with the stipulations that: 1) CC & R's restricted to RV and/or casita use only. 2) Obtain a subdivision tentative map approval within two years of rezoning or property will revert back to MHS, TR and the existing area of C-2 zoning after BOS approval.

Chairman Gory called for questions from the Commission. There being no questions he called for comments from the Public. There being no comments from the public **Chairman Gory** called for a motion.

Commissioner Swan made a motion to approve **Docket No. Z2009-014 – Intaglio/Leland, Scott Scofield- APN: 305-34-002D**. Motion to approve with the stipulations that: 1) CC & R's restricted to RV and/or casita use only. 2) Obtain a subdivision tentative map approval within two years of rezoning or property will revert back to MHS, TR, and the existing area of C-2 zoning after BOS approval. **Commissioner Jones** seconded the motion.

Chairman Gory called for the vote and the motion passed unanimously.

Chairman Gory read into the record **Agenda Item #10 - Docket No. Z2009-015 – Intaglio/Portanova Properties #1 LLC - APN: 305-34-002E**. The applicants are requesting to rezone 6 acres from SR-4 (Suburban Ranch, 4 acre) and RA-40 to C-2 (General Commercial). The property is located at 53344 Highway 72, Bouse, Arizona in Township 5 North, Range 15 West, Section 5 of the Gila and Salt River Meridian, La Paz County Arizona.

Director Bernhart gave the staff report. He said this rezoning application had no residential designation, only C-2. He described the development as a high end RV Subdivision with the option of casita (w/amenities) or private outdoor BBQ/patio area. Director Bernhart stated the casita might pose an issue due to two units or dwellings (an RV & casita) would be on one parcel or site. He described the casita at around 1,000 sq. ft. Zoning Regulations currently allows one dwelling with a visiting RV for 30 days accumulative or consecutive use. Staff had a concern about the site plan but noted this was a rezoning issue before the Commission now. He said the applicant would comply with subdivision regulations when developing. Director Bernhart said no stipulations regarding development or a reversion clause back to previous zoning is required on this Docket item.

Chairman Gory called for questions from the Commission. There being no questions he called for comments from the Public. There being no comments from the public **Chairman Gory** called for a motion.

Commissioner Hoover made a motion to approve **Docket No. Z2009-015 – Intaglio/Portanova Properties #1 LLC - APN: 305-34-002E**. (Note: Per Director Bernhart no stipulations, regarding development or a reversion clause back to previous zoning, are required for this docket item). **Commissioner Jones** seconded the motion.

Chairman Gory called for the vote and the motion passed unanimously.

Chairman Gory read into the record **Agenda Item #11 - Docket No. Z2009-016 – Intaglio/Enerdyne Holdings LLC- APN: 305-34-002F**. The applicants are requesting to rezone 31 acres from MHS (Mobile Home Subdivision) and TR

(Transitional Residential) to RVS (Recreational Vehicle Subdivision) and C-2 (General Commercial). The property is located at 53184 Highway 72, Bouse, Arizona in Township 5 North, Range15 West, Section 5 of the Gila and Salt River Meridian, La Paz County Arizona.

Director Bernhart gave the staff report. He described the development as a high end RV Subdivision with the option of casita (w/amenities) or private outdoor BBQ/patio area. Director Bernhart stated the casita might pose an issue due to two units or dwellings (an RV & casita) would be on one parcel or site. He described the casita at around 1,000 sq. ft. Zoning Regulations currently allows one dwelling with a visiting RV for 30 days accumulative or consecutive use. Staff had a concern about the site plan but noted this was a rezoning issue before the Commission now. He said the applicant would comply with subdivision regulations when developing. He said staff recommended approval with the stipulations that: 1) CC & R's restricted to RV and/or casita use only. 2) Obtain a subdivision tentative map approval within two years of rezoning or property will revert back to MHS and TR zoning after BOS approval.

Chairman Gory called for questions from the Commission. There being no questions he called for comments from the Public. There being no comments from the public **Chairman Gory** called for a motion.

Commissioner Hoover made a motion to approve **Docket No. Z2009-016 – Intaglio/Enerdyne Holdings LLC- APN: 305-34-002F**. Motion to approve with the stipulations that: 1) CC & R's restricted to RV and/or casita use only. 2) Obtain a subdivision tentative map approval within two years of rezoning or property will revert back to MHS and TR zoning after BOS approval. **Commissioner Swan** seconded the motion.

Chairman Gory called for the vote and the motion passed unanimously.

Chairman Gory read into the record **Agenda Item #12 - Docket No. Z2009-017 – Intaglio/Patricia E. Bradbury- APN: 305-34-001F**. The applicants are requesting to rezone 8 acres from SR-4 (Suburban Ranch, 4 acre) to RVS (Recreational Vehicle Subdivision). The property is located at 36346 Highway 72, Bouse, Arizona in Township 5 North, Range15 West, Section 5 of the Gila and Salt River Meridian, La Paz County Arizona.

Director Bernhart gave the staff report. He described the development as a high end RV Subdivision with the option of casita (w/amenities) or private outdoor BBQ/patio area. Director Bernhart stated the casita might pose an issue due to two units or dwellings (an RV & casita) would be on one parcel or site. He described the casita at around 1,000 sq. ft. Zoning Regulations currently allows one dwelling with a visiting RV for 30 days accumulative or consecutive use. Staff had a concern about the site plan but noted this was a rezoning issue before the Commission now. He said the applicant would comply with subdivision regulations when developing. He said staff recommended approval with the stipulations that: 1) CC & R's restricted to RV and/or

casita use only. 2) Obtain a subdivision tentative map approval within two years of rezoning or property will revert back to SR-4 after BOS approval.

Chairman Gory called for questions from the Commission. There being no questions he called for comments from the Public. There being no comments from the public **Chairman Gory** called for a motion.

Commissioner Hoover made a motion to approve **Docket No. Z2009-017 – Intaglio/Patricia E. Bradbury - APN: 305-34-001F**. Motion to approve with the stipulations that: 1) CC & R's restricted to RV and/or casita use only. 2) Obtain a subdivision tentative map approval within two years of rezoning or property will revert back to SR-4 zoning after BOS approval. **Commissioner Swan** seconded the motion.

Chairman Gory called for the vote and the motion passed unanimously.

Chairman Gory read into the record **Agenda Item #13 – Board of Supervisors Actions on PC Matters**.

Director Bernhart stated he recently updated the Activity Report and would keep providing the P & Z Commission in a timely manner.

Chairman Gory read into the record **Agenda Item #14 – Call to the Public**.

Commissioner Jones ask Staff if they could look at amending the date a response is required by a surrounding property owner within the 300 foot notification boundary so that the responses could be included in the P & Z packets (rather than a last minute copy left waiting for them to read just prior to the P & Z Hearing).

Director Bernhart said he would look into it.

Commissioner Jones said it appeared that having an out-of-town County Engineer seriously impacted what goes on in the County. He said it was obvious to him that the County Engineer was not “in touch” with our current issues. He asked Director Bernhart how much Community Development paid annually for engineering services.

Director Bernhart said Community Development paid approximately \$50,000.00 to \$60,000.00 last year for engineering services.

Commissioner Wall said in the past, an on-site engineer located on County premises, offered greater service to the public because people could go in and talk with him about their projects in person.

There being no further comments from the public, **Chairman Gory** read into the record, **Agenda Item #15, Adjournment**.

Chairman Gory asked for a motion for adjournment.

Commissioner Wall moved to adjourn. **Commissioner Swan** seconded the motion. The motion to adjourn passed unanimously. Meeting was adjourned at 5:15 pm.

Robert Gory, Chairman

Scott Bernhart, Director

Christine DeMoss, Admin. Assistant



La Paz County Department of Community Development

B. Scott Bernhart, Director

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LA PAZ COUNTY PLANNING AND ZONING COMMISSION

Regular Meeting / Public Hearing

August 6, 2009 1:30 p.m.

Board of Supervisor's Meeting Room
1108 Joshua Avenue, Parker, AZ 85344

AGENDA

1. Call to Order.
2. Approval of July 2, 2009 minutes.
3. **DOCKET NO. SU2009-005, MOUNTAIN VIEW RV INVESTMENTS- APN: 304-39-008A.** THE APPLICANTS ARE REQUESTING A SPECIAL USE PERMIT TO CONSTRUCT AND OPERATE A WASTE WATER TREATMENT FACILITY ON 2.81 ACRES. THE PROPERTY IS LOCATED AT 65001 HALL STREET, SALOME, AZ IN TOWNSHIP 5 NORTH, RANGE 13 WEST, SECTIONS 7&8 OF THE GILA AND SLAT RIVER MERIDIAN, LA PAZ COUNTY ARIZONA.
4. **ORDINANCE NO. FCD 2009-001** AN ORDINANCE OF THE BOARD OF SUPERVISORS OF LA PAZ COUNTY, ARIZONA ACTING IN THE CAPACITY OF THE BOARD OF DIRECTORS OF THE LA PAZ COUNTY FLOOD CONTROL DISTRICT, AMENDING AND REPLACING THE LA PAZ COUNTY FLOODPLAIN MANAGEMENT ORDINANCE #FCD96-01 AND #FCD2006-01 WITH A CONSOLIDATED FLOODPLAIN MANAGEMENT ORDINANCE.
5. **ZA 2009-001, ZONING TEXT AMENDMENT**

Appendix A, Residential Zone Use Tables of the Zoning Regulations

Existing:

<u>ZONE</u>	SR
<u>USE</u>	
Keeping of up to two (2) large animals for use of the family	p

Proposed:

<u>ZONE</u>	SR
<u>USE</u>	
Keeping of up to two (2) large animals per acre up to four (4) acres to a maximum of eight large animals for use of the family. Properties greater than four (4) acres in size may only have a maximum of eight (8) large animals. See Section V-1-3 (1)(c)	p

- 6. Board of Supervisors Actions on PC Matters.**

- 7. Call to the Public.**

- 8. Adjournment.**

MINUTES
of the
La Paz County Planning & Zoning Commission
August 6, 2009 Regular Meeting/Public Hearing
Board of Supervisor's Meeting Room
1108 Joshua Avenue, Parker, Arizona

Present were: Acting Chairman Conkie Hoover, Commissioners: Al Johnson, Pat Jones, Doug Wolfe, Bud Wall and Lawanda Laffoon; Director Scott Bernhart and Acting Administrative Assistant Christine DeMoss. Others present were Millie Johnson, William & Mary Goodman, Harry Fornwalt, Gene & Janet Simmons, Clifford Edey, Jesse & Rhonda Burgett, Sebastian Moreno, Diane Whiteside, Marian Sutton, Clay Kyle, Ted Sutton, Larry & Linda Tunnell and Pat Wall. Additional Staff present were Chief Building Inspector Mike Baker, Code Enforcement Officer Juan Hernandez and Supervisor's Holly Irwin and Sandy Pierce, also County Administrator Dan Field.

Acting Chairman Hoover called the Thursday, August 6, 2009 Regular Meeting of the Planning and Zoning Commission/Public Hearing to order at 1:31 p.m.

Acting Chairman Hoover stated Item Number 2 on the agenda, was the approval of the July 2, 2009 meeting minutes.

Acting Chairman Hoover asked for a motion to approve the July 2, 2009 meeting minutes.

Commissioner Jones made a motion to approve the July 2, 2009 meeting minutes.

Commissioner Wall seconded the motion and the motion passed unanimously.

Acting Chairman Hoover read to the record, **Agenda Item #3, Docket No. SU2009-005, Mountain View RV Investments APN: 304-39-008A.** The applicants are requesting a Special Use Permit to construct and operate a waste water treatment facility on 2.81 acres. The property is located at 65001 Hall Street, Salome, AZ in Township 5 North, Range 13 West, Sections 7 & 8 of the Gila and Salt River Meridian, La Paz County, Arizona.

Acting Chairman Hoover called on Director Bernhart for staff recommendations.

Director Bernhart stated this case was continued until resolution of the rezoning request for the Mountain View RV Park. He described this request as a Special Use Permit in order to operate a waste water treatment facility on 2.81 acres. Director Bernhart wanted the Commission to know that the Board of Supervisors denied the rezone request to rezone the 2.81 acres to C-2 to General Commercial for future development of a waste water treatment plant. Director Bernhart advised per zoning

regulations that waste water treatment facilities are allowed with C-2 zoning and a Special Use Permit. Director Bernhart said because the BOS denied the rezone request to C-2, staff recommends denial of this Special Use Permit.

Acting Chairman Hoover called for questions from the Commission.

There being no questions from the Commission, **Acting Chairman Hoover** called for comments from the public.

Mary Goodman approached the Commission. She said she lived at 37780 Sheepy Hollow Lane which is just East and adjacent to the property in question. She said they had the same concerns as she had when this went for rezoning last month. Her concerns are that same concerns as last month. She said her runway was up against this property as well as Western Sky's runway. She was concerned that development in this area would impact the runways. She didn't want accidents or problems. She said a major unnamed wash ran right through this proposed RV Park. She said they have storm water run off now, but that it was manageable. She felt future development would effect future run off. She said she was representing herself as well as residents from Western Sky Airpark and Indian Hills Airpark who were gone for the summer. She said it was important for the airspace in the airparks to be protected. She said the airparks provided a good tax base for the County.

Director Bernhart advised the following facts and findings should the Commission recommend denial. They are 1) Lack of a detailed site plan showing the facilities will fit. 2) US Army Corp of Engineers may require permitting, affecting the location of the facility. 3) Unclear if the 200 foot airstrip setback will affect the ability for the WWTP to locate and 4) Unclear about the wash impact for the WWTP.

Acting Chairman Hoover called for a motion.

Commissioner Wolfe made a motion to deny **Agenda Item #3, Docket No. SU2009-005, Mountain View RV Investments APN: 304-39-008A** with the four facts and findings: 1) Lack of a detailed site plan showing the facilities will fit. 2) US Army Corp of Engineers may require permitting, affecting the location of the facility. 3) Unclear if the 200 foot airstrip setback will affect the ability for the WWTP to locate and 4) Unclear about the wash impact for the WWTP. **Commissioner Wall** seconded the motion.

Acting Chairman Hoover called for the vote and the motion passed unanimously.

Acting Chairman Hoover read into the record, **Agenda Item #4, Ordinance No. FCD 2009-001**. An ordinance of the Board of Supervisors of La Paz County, Arizona acting in the capacity of the Board of Directors of the La Paz County Flood Control District, amending and replacing the La Paz County Floodplain Management Ordinance #FCD96-01 and #FCD2006-01 with a Consolidated Floodplain Management Ordinance.

Acting Chairman Hoover called on Director Bernhart for the staff report. He said this was a courtesy distribution of the Floodplain Ordinance as drafted. He said the Commission may recall last year staff went through a lengthy process with the Arizona Department of Water Resources officials. He said ADWR conducted a “CAV” or Community Assistance Visit. Director Bernhart said they met for two (2) days and ADWR pointed out several deficiencies in our Floodplain Ordinance. That information was used to create a 3rd Floodplain Ordinance. Based on a BOS meeting of December 15th, 2008, they wanted Staff to rewrite and make text changes and that has been done. It was also forwarded to Brian Cosson of AWDR for review (noting Mr. Cosson represented AWDR at a recent Bouse town meeting on July 22, 2009). Director Bernhart stated staff was on track but there were a few minor adjustments yet to be made. One being Section 4.1: “Designation of a Floodplain Administrator” which states: “The La Paz County Engineer is hereby appointed to administer, implement and enforce this ordinance by granting or denying development permits in accordance with its provisions”. Director Bernhart would like to add: “The La Paz County Chief Building Inspector will conduct day to day building permit review within the scope of this ordinance, after consultation with the County Engineer as needed”. Director Bernhart stated this would save significant time during the permit review process.

Staff distributed a copy of the Draft Ordinance No. FCD 2009-01 to the Commission.

Director Bernhart said he would appreciate any comments the Commission had and instructed them to red line their draft copy and return to Community Development. Director Bernhart said he could e-mail the draft to them as well.

Commissioner Wall commented that if someone on staff in the County was going to do this on a daily basis it should be specifically written in the ordinance because the way its written sounds like every single building permit (even for a garage) is going to be going out for review by the County Engineer. Secondly, Commissioner Wall stated he had a problem with someone hired outside of the County approving every single permit that comes through Community Development. He said he can't see giving the County Engineer the authority as he is not directly responsible to the public. He stated the Board needs someone local either Director Bernhart or the Chief Building Inspector.

Commissioner Jones agreed saying we've had several instances with our current County Engineer that staff has had to rework what he has done. Commissioner Jones said he did not want to see the power solely on the County Engineer.

Director Bernhart said he would bring the issue up of Floodplain Administrator to the Board. Director Bernhart advised he was listed as Floodplain Coordinator. He stated he would like to see the Chief Building Inspector review permits.

Acting Chairman Hoover asked if there was a deadline for their comments.

Director Bernhart said comments received by the last Monday in August (August 31st, 2009) would then be included in the BOS packets. He also told the Commissioner to feel free to hand out or forward copies of the draft to anyone you felt could make comments. Copies of the draft are available for the review in Com. Dev.

Commissioner Wall wanted to know if this draft included information from the new FEMA flood maps.

Director Bernhart stated the draft actually makes mention of the newly adopted August 28, 2008 FEMA maps.

Commissioner Wall made a comment that in the Bouse wash area, the water collection area is 12,000 square miles. He said that when water crosses 42 E in the floodway it is about one (1) foot deep and two (2) miles wide. When that wash goes through Bouse, it's a quarter mile wide. He said you don't have to be an engineer to imagine what kind of water will flow through Bouse during a 100 year storm event. He described the floodway as really going to be a flood way stating: "they're not kidding". Commissioner Wall said he hasn't seen the new maps yet, but the old maps were bad enough.

Director Bernhart said he didn't believe there were any significant changes in the flood zone boundaries on the new maps. He informed Commissioner Wall that reference is made to the newly adopted, August 28, 2008 FEMA maps on page 12 of 32 Section 3.2.

Acting Chairman Hoover said she didn't think members of the public had seen the draft but if anyone had any questions to approach the podium.

Mary Goodman stated Mr. Wall and Mr. Jones addressed a problem regarding the County Engineer. She said the County Engineer made a statement at the last P & Z meeting that he did not have the time to inspect the engineering aspects of every project. She asked why don't we have a County Engineer who will be responsible for what's going on in our County? She asked: "why are we paying this man?" and felt if the County's tax dollars are paying for this out-of-town engineer, the money should be going to a better place.

Acting Chairman Hoover told Mrs. Goodman that the Commission really appreciated those comments.

As there is no action or motion necessary, Acting Chairman Hoover went to the next agenda item...

Acting Chairman Hoover read into the record, **Agenda Item #5, ZA 2009-001, ZONING TEXT AMENDMENT.**

Appendix A, Residential Zone Use Tables of the Zoning Regulations
Existing:

<u>ZONE</u>	SR
<u>USE</u>	
Keeping of up to two (2) large animals for use of the family	p

Proposed:

<u>ZONE</u>	SR
<u>USE</u>	
Keeping of up to two (2) large animals per acre up to four (4) acres to a maximum of eight large animals for use of the family. Properties greater than four (4) acres in size may only have a maximum of eight (8) large animals. See Section V-1-3 (1)(c)	p

Acting Chairman Hoover called on Director Bernhart for staff recommendations.

Director Bernhart gave the staff report. He advised that the current table allows up to two (2) large animals per parcel in the SR (Suburban Ranch) Zoning District. He said last year an amendment was presented to change the text to allow two (2) large animals per acre, however, the amendment never went through. He advised this proposed text amendment would allow a maximum of 8 large animals. The number eight (8) was derived from the SR-1, 2, 3, & 4 (Suburban Ranch) Zoning District which allows parcels from one (1) acre up to four (4) acres in size. The maximum parcel size being four (4) acres, two (2) x's four (4), is how the maximum number of eight (8) came about. He said the maximum number of eight (8) animals could actually be used as a basis or starting point for discussion. He said the quantity or maximum animals allowed could be revised or adjusted by the Commission. He said a cap in the SR Zoning District could even be put into place. He advised that in the RA (Rural Area) Zoning District which has a minimum parcel size of five (5) acres, there was no limit to the number of large animals allowed on the parcel. Director Bernhart advised the Commission that staff would republish whatever is advised or decided. He said that discussions with the public appeared they wanted two (2) large animals per acre.

Acting Chairman Hoover called for questions from the Commission.

Commissioner Wall said there were many large acre parcels (some up to 160 acres) that are currently zoned SR-1. He said this text amendment would limit them to a total of eight (8) horses maximum on their parcel.

Director Bernhart agreed and said people with larger parcels zoned SR should consider rezoning to the RA category, therefore allowing “no limit” of large animals on their parcel.

Acting Chairman Hoover called for questions or comments from the public.

Bill Goodman asked for an explanation of “family use”. He said he had a neighbor that had four (4) horses on his SR property but they were not his horses.

Director Bernhart said that was a great question. He said his interpretation of “family use” is people that are related to each other, living on the property, that own the horses. He said the language of “family use” was inherited from the previous code and was probably used to avoid the larger commercial boarding or stable operations.

Commissioner Jones felt the “family use” part shouldn’t be included in the text. He said he owned horse property in California that boarded horses other than his own. He said in California (specifically Riverside County) there were no restrictions on the quantity of horses allowed on a parcel, nor did they specify “family use” only.

Cliff Edey addressed the advertisement for this text amendment because he thought it was critical. He said some of the language had been changed pending action the BOS made during their last term in 2008. He felt the text amendment as advertised was like “starting this whole process over” again. He said most people house other people’s horses for convenience, not as a money making venture. Mr. Edey distributed a matrix chart he put together comparing La Paz County with other County’s. He said the data prepared by Community Development did not show true zoning comparisons (specifically the comparisons with Mohave, Maricopa and Coconino County’s). He said his data showed La Paz County as having the tightest restrictions in all of Arizona. He said Lake Havasu City had no limits or restrictions on horses. He said LHC lets their City Health Department deal with fly or odor issues, or if the animal is too noisy, it would be considered a public nuisance issue. He said to impose two (2) large animals per acre, would put a lot of horse owners in trouble. Mr. Edey said he was a recent recipient of a code violation letter regarding the number of horses on his property. He said he knew of some property owners in Bouse who also just received citations. He brought up the fact that previous Community Development Directors: Bud Wall, Pat Wall and Mary Dahl, never enforced the code like this before. He said only recently has this code been enforced by Community Development. He said if you look at state law, if the body or entity has the power to perform a law and they choose to interpret it slightly different than the text, the consistent interpretation of that text becomes law and supercedes the language. He asked the Commission to please be careful with their decision because it would adversely affect many property owners that have more than

two (2) horses on their property right now. He said he knew of a property owner in Bouse with four (4) horses on a 1-1/4 acre parcel. Mr. Edey said, If this goes through, they will have to get rid of two (2) horses. He said many horse owners consider their horses as important as a domesticated pet or family member.

Pat Wall introduced herself as a resident of Bouse. She thanked Director Bernhart and staff for bringing back this issues which had been bounced around for awhile and appreciated that it was back before the Commission today. She said that two (2) large animals per acre was very restrictive, however it's probably something we could live with should this Commission decide to go forward. She agreed with Mr. Edey that La Paz County was one of the most restrictive areas. She agreed with Director Bernhart that many large tracts with SR zoning existed and that was unfortunate, but, she felt those parcel owners should not be penalized because they keep their property in a large piece. She encouraged doing away with the limit of horses to eight (8) despite the size of parcel. And on the family use issue, she said oftentimes she will keep a friends horse on her property in order to have someone to ride with. She thought it would be a bit dicey to try to determine a "family use", noting if it was a commercial enterprise it would fall under other types of statutes that have restrictions in place and handled in another way. Pat Wall's suggestion to the Commission would be to consider the two (2) horse minimum at the very least, do away with the eight (8) horse maximum, and do away with the term "family use".

Mary Goodman said her neighbor to the North had four (4) horses on their 2-1/2 acre parcel zoned SR. She said she likes the horses and uses the manure for her garden. She said currently, the neighbor is out of compliance and would hate to see him have to give up a horse as they do become part of the family. She said she wouldn't have a problem with the number of horses permitted on a property as long as the animals were well kept and maintained and there were no health violations.

County Administrator Dan Field approached the Commission. He said this item was brought before the P & Z Commission to get a recommendation to BOS as to the number of horses allowed. He stated it could two (2) per acre, or it could be more. He advised the Commission that many phone calls have been received regarding this. He said most callers said our County was very restrictive. Many wanted to know why they couldn't have four (4) or five (5) horses on their parcel. He referred to Mr. Edey's matrix chart (he provided) which showed a real comparison with other Counties. He agreed that La Paz County was very restrictive when it came to the number of horses allowed. He said most horse owners take good care of their animals and consider them part of the family. He advised the Commission that the number of horses allowed was open to discussion and wanted to make sure they understood that.

Cliff Edey came back to the podium to deliver a letter from parcel owner Jackie Kummerle which basically said: "please don't take my horses away". Mr. Edey wanted the document to become part of the file. He also gave this information from his matrix chart to recap: Mohave County-No limits, Yuma County-Four (4) horses per acre, Maricopa County-No limits, Havasu City-No limits, Riverside County-Five (5) horses per

acre, Riverside County-Four (4) horses per acre. He said these were the neighbor's that surround us on all sides. He stated we should copy some of their ordinances as they are very successful cities and counties.

Acting Director Hoover thanked Mr. Edey for his research and the work it took in putting together the comparison matrix chart.

Rhonda Burgett said her family lived behind Lakeside 5. She said she had three (3) people in her family and that they all liked to ride horses at the same time. She commented that she agreed with everything she had heard so far on the floor.

Ted Sutton of Lakeside 5, said animals have been here a long time. He said horses are wonderful and can't imagine why anybody would want to change that. He compared it to someone buying a house next to an airport then complaining about the airplanes. He said he moved away from California for the openness and felt the equestrian trails were a part of the beauty of our western culture here.

Larry Tunnel said he owned a lot behind Lakeside 5 also. He said he and his wife have horses. He said its not the number of horses as it only takes one person with one horse to offend people if they don't care for them properly. He said all of his neighbors who own horses have dumpsters and clean their horse pens morning and night, so they do not have a fly problem. He said he would like to see no restrictions.

Clay Kyle said he was a blade operator for the County. He said he was born and raised around ranches his whole life. He said he has never heard a horse make a noise like a power boat, ATV, or motorcycle, etc. He advised he lived on Rio Vista Road and has his roping horse there. He said he uses his horse to subsidize his income. He said the number of horses should not be restricted. He asked what if you have five children and only two are allowed to have a horse and go riding? He'd like to see this opened up to allow for more horses on your property.

Sebastian Moreno said he also lived behind Lakeside 5. He said the couple who owns the house where he lives met while riding horses. He said when he has a bad day, he rides his horse. He felt horses were very therapeutic. He couldn't believe property owners spend \$500,000.00 for horse property, then one neighbor complains and tries to have the horses restricted. He wants to be allowed to keep his horses.

Commissioner Jones said, based on his own research, La Paz County was way more restrictive then anybody else. He stated he has had horses his whole entire life. He said he's been asked: "why do you have four (4) horses". He advised some people have a car, a quad, a truck and a dirt bike. Commissioner Jones said he has four (4) horses for four (4) different types of uses: a riding horse, a healing horse, a cutter and a reigning horse. He said he's in favor of no limits on the number of horses allowed.

Acting Chairman Hoover called for a motion.

Commissioner Wolfe made a motion to approve with no limits. **Commissioner Johnson** seconded the motion.

On discussion, Commissioner Jones said a recommendation should be considered regarding boundaries.

Cliff Edey reapproached the podium and stated we have set-back requirements right now as each zoning has normal set-back requirements. He thought if building required a permit, we should protect and honor those set-backs in place. For instance, If building a barn or something to house horses, we need to have those set-backs. He said to say nothing about set-backs could be (he thought) a conflict to the codes. He said as far as fences that don't require a permit (six feet or less and not retaining), then it should not have a set-back requirement, again consistent with the code. He would say: "consistent with the set-backs as our code has right now". That way there would not be conflicting numbers.

Acting Commissioner Hoover asked **Commissioner Wolfe** if he would like to amend his motion including language regarding building set-backs.

Commissioner Wolfe amended his motion to approve **Agenda Item #5, ZA 2009-001, ZONING TEXT AMENDMENT** with no limits on the number of horses allowed and building set-back requirements to be consistent with current set-backs as per the building code. **Commissioner Johnson** seconded the motion.

Acting Chairman Hoover called for the vote. The motion passed with one abstention from Commissioner Wall.

Acting Chairman Hoover read into the record, **Agenda Item #6, Board of Supervisors Actions on PC Matters.**

Director Bernhart said to look in the mail for the upcoming activity report. He also said staff was preparing to publish the Comprehensive Plan Amendment. Stating one of the more exciting ones was adding the energy component for solar energy developments. Another Comp. Plan Amendment regarded Arizona Raceway Park proposed near the easternmost portion of our County, off Interstate 10 and Avenue 75E.

Commissioner Jones said there was a lot of interest in that track and anticipated it being rented out 365 days a year.

Commissioner Wall told Director Bernhart that pilot comments should be requested in the early stages of solar facility development so that the plants will defocus the energy focusing mirrors when they are not focused on the boiler.

Director Bernhart said in fact a developer recently proposed a project on a full section of land using that very type of solar facility. He said he advised him to check with every airstrip owner in the County. He also informed him to check with Luke Air Force base.

Commissioner Wall said it won't be a problem if the developer has a computer program that defocuses the mirrors so, when it's not focused on the boiler, it's not concentrating heat anywhere else.

There being no further comments from the public, **Acting Chairman Hoover** read into the record, **Agenda Item #8, Adjournment.**

Acting Chairman Hoover asked for a motion for adjournment.

Commissioner Jones moved to adjourn. **Commissioner Johnson** seconded the motion.

The motion to adjourn passed unanimously.

The meeting was adjourned at 2:35 pm.

Conkie Hoover, Acting Chairman

Scott Bernhart, Director

Christine DeMoss
Acting Administrative Assistant



La Paz County Department of Community Development

B. Scott Bernhart, Director

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LA PAZ COUNTY PLANNING AND ZONING COMMISSION

Regular Meeting / Public Hearing

September 3, 2009 1:30 p.m.

Board of Supervisor's Meeting Room

1108 Joshua Avenue, Parker, AZ 85344

AGENDA

1. Call to Order.
2. Approval of August 6, 2009 minutes.
3. **Docket No. SU 2009-006 –Ehrenberg Swap Meet –Calvin Robertson– APN(s): 302-51-045A.** The applicant is requesting a Special Use Permit to allow a Recreation Vehicle Park on less than five acres, a mobile home and commercial swap meet. The property is located at 49362 Ehrenberg-Parker Hwy, Ehrenberg, AZ in Township 3 North, Range 22 West, Section 11 of the Gila and Salt River Meridian, La Paz County, Arizona.
4. **Docket No. SU 2009-007 – Bouse Volunteer Fire Department – APN: 307-16-042.** The applicant is requesting a Special Use Permit to allow an emergency services fire station as an unlisted use on 0.55 acres zoned MHS. The property is located at 27779 Norris Avenue, Bouse, AZ in Township 7 North, Range 17 West, Section 23 of the Gila and Salt River Meridian, La Paz County, Arizona.
5. Board of Supervisors Actions on PC Matters.
6. Call to the Public.
7. Adjournment.

**MINUTES of the
La Paz County Planning & Zoning Commission
September 3rd, 2009 Regular Meeting/Public Hearing
Board of Supervisor's Meeting Room
1108 Joshua Avenue, Parker, Arizona**

Present were: Chairman Bob Gory, Commissioners: Conkie Hoover, Al Johnson, Pat Jones, Ron Swan, Bud Wall, Chonna Marshall & Director Scott Bernhart, Acting Administrative Assistant Christine DeMoss, New Administrative Assistant Becky Gross. Others present were: Chief Building Inspector Mike Baker, Building Inspector Ken Olkowsi, Supervisor John Drum, Supervisor Sandy Pierce, County Administrator Dan Field, Millie Johnson, Vonnie Harmon, Cal Robertson, Joseph Zdyb, Sheila Robison, Linda Pryse, Norm Simpson, Julie Baker, Dick Glade, Steve Schue, Judith Krippner, Sharon Marchbanks, Wade Peltier, GR Holland, Wenden Marchbanks, Don Fisher, Curtis Cooper, Richard Richmond, Gary Svider, Sherman E. Stevens, David Boyer, Gary Dunnaghem, Don Chambers and Julian Barbara.

Chairman Gory called the September 3, 2009 Regular Meeting of the Planning and Zoning Commission/Public Hearing to order at 1:34p.m.

Chairman Gory stated Item Number 2 on the Agenda, is the approval of the August 6, 2009 meeting minutes. Chairman Gory abstained from signing the August 6, 2009 as Conkie Hoover acted as Chairman due to his absence. **Commissioner Johnson** moved to approve the August 6, 2009 meeting minutes. **Commissioner Hoover** seconded the motion. The motion was approved with one abstention from Chairman Gory.

Chairman Gory read into the record, Item Number 3, **Docket No. SU 2009-006 Ehrenberg Swap Meet –Calvin Robertson– APN(s): 302-51-045A**. The applicant is requesting a Special Use Permit to allow a Recreation Vehicle Park on less than five acres, a mobile home and commercial swap meet. The property is located at 49362 Ehrenberg-Parker Hwy, Ehrenberg, AZ in Township 3 North, Range 22 West, Section 11 of the Gila and Salt River Meridian, La Paz County, Arizona.

Chairman Gory called on Director Bernhart for the staff report.

Director Bernhart stated this Docket item was located in Flood Zone X, therefore, not in a flood zone. He said this property was split zoned at C-2/MHS with the C-2 portion located in the front of the property (off the street) and MHS located in the back. He said the applicants proposed to develop with a total of 19 RV spaces and 2 (two) future mobile home sites. Director Bernhart stated the Health Department had approved a 10 space RV Park back in 2002 (noting the Commission had this document in their packet). He stated the applicants were claiming a non conforming use and is now applying for a Special Use Permit to come into County compliance. Director Bernhart said a response was received from the Fire District who stated they had no access issues for this park. Director Bernhart said that Staff recommended approval with the

following stipulations: 1) Maximum of 19 RV spaces shall be maintained. 2) MHS lots will access Lake Dr. only. 3) Provide a complete site plan that meets the County RV Park plan (Section V-7) requirements. 4) Applicant shall sign an A.R.S. 12-1134 (207) waiver within 30 days of approval. Director Bernhart said he was available for questions.

Chairman Gory asked if there were any questions or comments from the Commissioners.

Commissioner Wall said that, in the Health Department's 2001 report, it approved 10 RV hook-ups/spaces. He said this proposal is asking for a total of 19 hook-ups. He noted the Health Department's "no comment" on the review form, but wondered if 19 users could be handled by the parks existing septic system?

Director Bernhart referred to a document dated August 10, 2000 titled "Mobile Home/Recreational Vehicle Park Report" document. He noted an inspection date of December 12, 2008 that called out 19 spaces in this park.

Chairman Gory asked for clarification on the size of the parcel (and it was confirmed the parcel was 79,500 sq. ft. or approximately 1.82 acres in size). He asked if there was room to relocate the septic system, or reserve area, if they ever had to.

Director Bernhart said the applicant did have space in the MHS portion of the property (located to the rear/West side).

Chairman Gory asked if the swap meet had public rest rooms which tied into the existing wastewater system.

Director Bernhart said the applicant should respond to the rest room question.

Chairman Gory asked how old the current septic system was at this park.

Director Bernhart said the septic system was permitted back in 2001 and that the RV Park had been in place since 2002 (although not always technically compliant with the County).

Chairman Gory asked if zoning could be changed instead of going with a Special Use Permit.

Director Bernhart said the closest zoning would be an RV Park or "RVP", but that RVP zoning required a minimum 5 (five) acre parcel.

Commissioner Jones asked if this SUP request came due to a citation.

Director Bernhart said citations have been placed on this property dating back a few years. He said most concerns regarding the swap meet have been cleaned up.

Chairman Gory made a call to the public.

Rick Glade approached the Commission and stated he owned property adjacent to the applicant. Mr. Glade said he was involved in the partial development of the applicant's Swap Meet and RV Park. He said the concerns the Commission had were very valid. He said in no way could the existing septic system handle a total of 19 RV spaces and 2 additional mobile homes (on this 1.82 acre site). He said the Swap Meet was a collection of junk. He said the electrical had been boot legged in, was dangerous, and probably not to code. The water lines have not been addressed and the original plans showed some of the 19 RV spaces mentioned today were actually parking spaces for the swap meet building back then. He said the applicant now wished to change those parking spaces to RV spaces. He felt this RV Park has been developed without any regard to the requirements that the rest of the community has had to follow. In developing his own park, Mr. Glade said multiple issues came into play...ADEQ requirements, street width requirements, etc. which this applicant has totally disregarded.

Chairman Gory asked where the swaps meet customers would park should those parking spaces become RV Spaces.

Mr. Glade said right now there was not adequate parking for the swap meet, RV park visitors or residents. Mr. Glade stressed that parking was a minimal issue. He felt the applicant shouldn't be given a "pass" as there were major issues including: sewage, electrical, drainage/sloping and the building of a promised retaining wall between the 2 (two) RV parks (which, has never been built). Mr. Glade said he was a disgruntled neighbor who just wanted the applicant to comply and follow the same rules that other RV park developers had to follow in Ehrenberg.

The applicant, Calvin Robertson went to the podium. He said he has lived in Ehrenberg for 30 years. He said Mr. Glade purchased his adjacent RV Park from him. He said Mr. Glade helped him build his swap meet nine years ago. He said Mr. Glade helped build the fence that he was now complaining about. Mr. Robertson said he has taken care of the few citations he has received regarding his property. Mr. Robertson claimed that Mr. Glade still owed him money for the RV Park sold to him.

Chairman Gory informed Mr. Robertson to refer to matters that concerned the Special Use Permit only and not personal matters between him and his neighbor Mr. Glade (which are civil matters).

Mr. Robertson said Mr. Glade was probably the only person who didn't like his swap meet and commented that the County recommended he apply for the SUP to bring the use into compliance.

Chairman Gory called for comments from the Public. No comments were received from the public.

There being no further questions or comments from the public, **Chairman Gory** closed the hearing to the public, brought it back to the Commission and the chair would entertain a motion.

Motion made by **Commissioner Hoover to deny Docket No. SU2009-006 Ehrenberg Swap Meet –Calvin Robertson– APN(s): 302-51-045A.** Motion was seconded by **Commissioner Swan.**

Chairman Gory called for the vote on denial and the motion passed unanimously.

Chairman Gory read into the record, Item Number 4, **Docket No. SU2009-007 Bouse Volunteer Fire Department – APN: 307-16-042.** The applicant is requesting a Special Use Permit to allow an emergency services fire station as an *unlisted use on 0.55 acres zoned MHS. The property is located at 27779 Norris Avenue, Bouse, AZ in Township 7 North, Range 17 West, Section 23 of the Gila and Salt River Meridian, La Paz County, Arizona.

**Director Bernhart described “unlisted use” as being a use that is not listed in the Table Uses in the Zoning Regulations (as either being allowed or not allowed).*

Chairman Gory called on Director Bernhart for the staff report.

Director Bernhart stated the applicant, Bouse Volunteer Fire District, was requesting a Special Use Permit to allow a fire station on this parcel located in a MHS Zoning District. He said the parcel was partially in flood zone A/E noting about 2/3rds was in A/E and 1/3 of the parcel was not in the flood zone. He said the metal building itself was above the base flood elevation which was a good sign. Director Bernhart advised that Staff recommended approval. He noted that at one time, the County had provided an area for the Fire Station across the street near the library. He said the Bouse Volunteer Fire District came in, on their own, preferring this site that has an existing metal building. Director Bernhart said he was available for questions.

Chairman Gory asked if there were any questions or comments from the Commissioners.

Chairman Gory asked why a Special Use Permit was being sought, instead of rezoning, to allow a fire station.

Director Bernhart said this parcel was located on the “residential use” side of the road. He said it was standard for the County to avoid spot zoning for commercial uses in residentially zoned areas.

Chairman Gory asked if this parcel was being donated or purchased?

Director Bernhart said this parcel, currently owned by Linda Bailey, would be sold to the Bouse Volunteer Fire District.

Commissioner Hoover said 7 (seven) letters of opposition were received and 2 (two) letters of approval. She asked if this required a majority vote at the BOS level.

Director Bernhart said the BOS would have a majority vote anyway, as the SUP use was not a listed use in the zoning tables.

Commissioner Jones said he recalled the County previously donating a site to the Bouse Fire District for the fire station. He asked why the Fire District wanted to move locations? Commissioner Jones recalled the donated parcel was totally acceptable by the Bouse Fire District then and remembered seeing signatures from the District approving this site.

Director Bernhart said that was a good question for the applicant, Bouse Fire District.

Chairman Gory made a call to the public.

Norman Simpson advised he was the Chairman of Fire District in Bouse. He said ever since they became a taxing district they've needed a building. He said the County did offer a piece of the baseball field in the old original school site. Later, after some plan review, Mr. Simpson said the County stated they could not give us that site due to being in the flood zone. The County then offered property that appeared to be the basketball court. Mr. Simpson said the slab for the court was out of the flood zone, but that the rest of the parcel was in the floodplain. He said an actual donation of a parcel from the County has never occurred. He stated one year ago, Supervisor Drum sat in on a board meeting where he was asked to get the paperwork straightened out and give the district a deed to the property the County was donating. Mr. Simpson said that to date, this has not happened and due to the delay, fire equipment has been stored outside getting weathered. He described the building being considered now as having adequate doors and cinder block underneath which raised it up. He described it has being extremely high ceilings, well insulated with skylights, and a sturdy slab for heavy equipment. Mr. Norman said the Fire District then entered into a purchase agreement. He said the Fire Districts budget included funds for a down payment. He said it would be hard to get volunteers to build a new building. Mr. Simpson stated the parcel in question was ideal due to its location across from the public library, the Boosters Club, the sheriff's substation and cafeteria building where church meetings are held. Mr. Simpson said the Fire Station should be where the population is. He said the parcel also had good street access off Plomosa Road and Highway 72. He said the purchase agreement for the property would be financed by the seller for a period of 6 (six) years which was within the Fire Districts budget (without raising any taxes to fund this purchase). Mr. Simpson said neighbors surrounding this building have no problem with this site. He said the majority of opposition letters were outside the 300 foot perimeter. Mr. Simpson said he was available for questions and closed by saying the

Fire District waited well over one year to get the property donated by the County, but that it just didn't happen.

Commissioner Jones said he was told by the previous Board of Supervisors that such donation had been made. He wondered if Supervisor Drum could shed some light on this situation.

Supervisor, John Drum said Mr. Simpson was somewhat right in that we have been working on this for a long time. He referred to an agenda Item review form dated 10-02-2008 which stated: "Consider Bouse Fire District's request for long term use of property located at a portion of 44031 Plomosa Rd. in Bouse. Supervisor Edey amended the motion to approve at no cost transfer deed to the Bouse Fire District, with a survey paid by the Bouse Fire Department and legal description of 133' x 145' sq. ft. at the corner of Frame and Winter Streets". Supervisor Drum said he has been asking for this survey for the last 6 (six) months and said this is what has kept this from becoming a transfer of property. A few weeks ago, Supervisor Drum advised he sent Chief Building Inspector, Mike Baker to the site to walk it and stake it out. Also, at that time, Inspector Baker confirmed this portion of property was not located in the flood way and could be developed.

Chairman Gory asked Norm Simpson if he had a copy of a survey.

Norm Simpson said he did not have a copy of a survey and was told by John Bennett from the Parks Department (who did the original layout for that property) that the County had an existing survey.

Vonnie Harmon approached the podium and stated she was with the Bouse Fire Department. She said that they were waiting on a survey. She said she has been working with both John Bennett and Pat Collins as Pat was the original surveyor of this property. She described orange feather survey stakes, on the properties, which have been there for over a year. Vonnie Harmon said she did not know where the original survey was.

Commissioner Jones informed Ms. Harmon that the original land surveyor, Pat Collins, should have a certified copy of the original survey.

Chairman Gory asked Ms. Harmon if the Bouse Fire District was donated a parcel as outlined before the Commission, would they be willing to accept that in lieu of buying this other property with an existing metal building?

Ms. Harmon said yes, as long as there was a long term deed. She questioned if the Fire District could build a comparable or equal building on the donated property? She felt a building comparable to that before the Commission today, would cost at least \$100,000.00. Her other concern was that the deed proposed by the County had a 50 year time period attached to it.

Chairman Gory said he had never heard of a deed with time restrictions stating a deed is a deed and you can't limit the length of time.

Commissioner Jones asked if the Bouse Fire District did bid/cost comparisons.

Vonnie Harmon said they haven't put a metal building out to bid but they did do cost comparisons. She noted they haven't bought this building yet, stating the request today was for a Special Use Permit, to see if the fire station could even be located there.

Don Chambers, a citizen from Bouse, approached the Commission. He said the Bouse Fire Department was started by the last Board of Supervisors. He said this might have been done illegally. He described this as a small district and that the taxpayers can't afford this fire department. He requested an audit and investigation into the funds used by the Fire District. He said Norm Simpson got the fire department started because he wanted to sell them the old Gin Cotton Building. He said the people in Bouse want the fire department shut down and stopped. He stated there were a lot of people present today who opposed this request.

Chairman Gory asked Mr. Chambers if he would be opposed to the fire station if it was built on property donated by the County.

Don Chambers said he was opposed to everything about the Bouse Fire District. Mr. Chambers asked all those who opposed the Bouse Fire District to stand up (about 11 (eleven) persons stood up in the meeting room).

Chairman Gory described Fire District's as being formed in an area then boundary lines are drawn. It was his understanding, that if you were a resident or property owner within that boundary, an election then takes place.

Don Chambers said no election took place. Mr. Chambers said the last Board of Supervisor's approved this. He said petitions were filed but that they had phony signatures. He said petitions had signatures of non property owners in Bouse. Mr. Chambers said he is taxed \$1,000.00 per year for the Fire District. He said most people in Bouse can't afford that.

Chairman Gory informed Mr. Chambers that once a Fire District is formed it is its' own entity and the Board of Supervisor's is no longer involved.

Mr. Chambers wanted to know how to get a complete audit and investigation of the Bouse Fire District.

Chairman Gory said that voters have the right to go to district meetings and to request public records.

Mr. Chambers said the County has created a monster out there and now the Bouse residents have to deal with it.

Commissioner Jones said the residents of Bouse could consider a recall election.

Supervisor Drum re-approached the Commission that stated there was no actual vote. He said a petition was circulated and came back with 348 verified signatures of qualified property owners (noting 331 signatures were needed to pass). He also stated that 202 qualified electors were verified by the La Paz County Recorder (with 192 required for passing). Supervisor Drum stated this was enough to allow the formation of the Bouse Fire District.

Discussion ensued among the Commission regarding the donated parcel and what it was zoned. It was confirmed it was zoned MHS and would require a Special Use Permit for the operation of a Fire Station.

Commissioner Wall asked how many pieces of fire equipment could be put in this existing metal (in order get out of the sun).

Norman Simpson said 6 or 8 pieces of fire equipment could fit inside.

Commissioner Wall asked if they were any particular noises or outside activities that would go on late in the evening outside of firing up and responding to a call?

Norm Simpson said board meetings and training would occur on site as now they must travel to training facilities at Buckskin, Quartzsite and Ehrenberg.

Commissioner Wall asked if there were any advantages to having 2 (two) roll up doors like this building has?

Mr. Simpson said absolutely because you could come out on 2 (two) different roads and respond with 2 (two) different types of rigs.

Commissioner Wall asked Mr. Simpson if he thought this building and property would cost less than constructing a new metal building on donated land?

Mr. Simpson said he didn't know if it would be cheaper, but did say a new building would take longer. He said a main factor was that the seller was willing to finance the purchase over a period of time which fit into the Fire District's budget schedule.

Julian Barbara addressed the Commission stating he has lived in Bouse for 36 years. He said the Commission has asked all the right questions. He said with the small population in Bouse, it would increase their taxes too much. He said this was not a professional fire department and that it was in the infant stages. He said you're talking about 50 to 100 people who would be carrying this. He said he owns 2 (two) homes and pays close to \$4,000.00 annually in taxes. He did not want to see his taxes increased. He said the fire department would respond mostly to health related issues. He said we have a wonderful hospital located 25 minutes away in Parker. Mr. Barbara asked the Commission to please act on behalf of the residents in Bouse.

Curtis Cooper said he has lived in Bouse since 1972. He stated the metal building in question had no office inside. He said an office would have to be built, which would already add expenses to this project. He said the floor would need to be raised to be 1 (one) foot above base flood level. He asked what the building was worth.

Steve Schue, from David Plunkett Realty stated the property was on the market for \$160,000.00 (pending appraisal).

Curtis Cooper said a metal building approximately that size could be built for around \$43,000.00. (Mr. Cooper said this was based on a quote he received on his own C-2 property, located on Hwy 72 in Bouse, about two years ago)

Norm Simpson said the \$160,000.00 is the offer on the property contingent on a final appraisal. He said the sellers might reduce the price pending that appraisal.

George Nault, the County Assessor, and resident of Bouse approached the Commission. He confirmed that one year ago, property had been donated by the County to the Bouse Fire District. At that time, Mr. Nault obtained a quote for a 60' x 90' metal building with 3 (three) 14 sq. ft. roll up doors, and 1 (one) additional 14 ft. door on the other end for an ambulance. At that time, the whole shot was priced @ \$100,000.00. He also read a portion of the Agenda Item Review Form dated 10-02-2008 which stated: "to approve a no cost transfer deed to the Bouse Fire District, with a survey paid for by the Bouse Fire Department and legal description of 133' x 145' sq. ft. at the corner of Frame and Winter Streets, to be done at a later date, with the stipulation that if the Bouse Fire District fails to use the property or dissolves as a fire district, the land and improvements will be reverted back to La Paz County; appropriate legal documents to be drafted by the County Attorney's office. Motion was seconded by Supervisor Fisher, motion and second passed unanimously". Mr. Nault felt that the Fire District should use this donated land and go out for bids on a new metal building.

Don Fisher from Bouse said he was opposed to purchasing a building for \$150-160 thousand dollars. He said, especially if the property is donated, you could use funds to custom design your own metal building (with more than 2 (two) doors, which concerned him). He felt the existing metal building in question was not suitable for a fire station.

Vonnie Harmon said she understood both sides and the opposition heard today. She informed the Commission and the public that the Fire District has their board meetings the 2nd Tuesday of every month. She said they were not attempting to hide anything or keep information from the public. She said the main concern now was getting fire equipment indoors to keep from getting weathered. She asked the Commission to consider the SUP on its own merit.

Supervisor Drum said there are only 2 (two) issues regarding the donated property for the Bouse Fire District: 1) A lack of survey. Supervisor Drum said after research with Community Development, the Health Department and the Recorder's Office, there is no

survey. 2) The location. Supervisor Drum said the donated property was located near the Sheriff Substation. He was hoping the two departments could get together in the future and build a slide-key gated entrance.

David Boyer asked if the District decided to build a metal building on the donated property, and the District then goes defunct, what happens to that property? Do the tax payers get to recoup their money? Whereas on purchased property, the tax payers would get their money back because the property would be sold at public auction.

Commissioner Jones said that County property is owned by the County tax payers.

Chairman Gory advised the Fire District to keep any action as clean as they can, without having any outstanding debts because owning the property free and clear could assist them in any future grant applications. He said there were possibly even grants available for construction of the metal building.

Steve Schue of David Plunkett Realty distributed a flyer of the subject property (owned by Linda Bailey) showing the metal building. He said he witnessed a child hit by a bus in Bouse. He said he appreciated the residents paying the taxes as Bouse truly needed a Fire Department. He said the District is run by volunteers and said the community should be helping them, not putting them down.

Linda Pryse said she volunteers and runs the Fire District Office. She said the current building at the school was extremely small and hot. She said there was no place for equipment storage.

Chairman Gory said that building was not in question at this time.

Discussion ensued among the Commission and Director Bernhart regarding the zoning of the donated parcel. It was confirmed that the parcel was zoned MHS and that a Special Use Permit would be required for construction of a Fire Station on that site.

Chairman Gory called for comments from the Public. No comments were received from the public. There being no further questions or comments from the public,

Chairman Gory closed the hearing to the public, brought it back to the Commission and the chair would entertain a motion.

Motion made by **Commissioner Hoover to deny the SUP for Docket No. SU2000-007 – Bouse Volunteer Fire Department – APN: 307-16-042.** Motion was seconded by **Commissioner Jones.**

Chairman Gory called for the vote to deny the Special Use Permit and the motion passed with one nay and one abstention from Commissioner Wall due to a financial conflict as he is a taxpayer in Bouse.

Chairman Gory read into the record Item No. 5 **Board of Supervisors Actions on PC Matters.**

Director Bernhart introduced Rebecca “Becky” Gross to the Commission and had her distribute the new Activity Report.

Director Bernhart asked the Commission to consider attending a special Planning & Zoning Commission hearing on October 22nd @ 1:30 pm.

Commissioner Jones didn’t want to beat a dead horse but said again that the County would be more efficient with an in house engineer.

Chairman Gory asked if the engineer issue could go to vote or something.

Director Bernhart felt a lack of response from BOS could indicate they like it the way it is.

Bud Wall took the podium and addressed the Commission regarding his concern over large solar projects. He distributed an article from National Geographic on this subject.

There being no further comments from the public, **Chairman Gory** read into the record, item number 6, **Adjournment.**

Chairman Gory asked for a motion for adjournment at 3:50 pm.

Commissioner Hoover moved to adjourn. **Commissioner Johnson** seconded the motion.

The motion to adjourn passed unanimously.
The meeting was adjourned at 3:50 pm.

Robert Gory, Chairman

Scott Bernhart, Director

Christine DeMoss
Acting Administrative Assistant



La Paz County Department of Community Development

B. Scott Bernhart, Director

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LA PAZ COUNTY PLANNING AND ZONING COMMISSION

Regular Meeting / Public Hearing

October 1, 2009 1:30 p.m.

Board of Supervisor's Meeting Room
1108 Joshua Avenue, Parker, AZ 85344

AGENDA

1. **Call to Order.**
2. **Approval of September 3, 2009 minutes.**
3. **Docket No. SU2009-008 – Charles Richard Oldham – APN(s): 306-77-007B.** The applicant is requesting a Special Use Permit to use the property as a Storage/Repairing Operation with the current zoning being RA-40 (Rural Area 40 acre) The property is located at 58625 North Highway 95, Quartzsite, Arizona 85346 in Township 5 North, Range 19 West, Section 2 of the Gila and Salt River Meridian, La Paz County, Arizona. (District 2)
4. **Docket No. Z2009-020 – Mercantile Financial System, Ltd.—C. R. Goodman, Agent—APN(s): 304-74-014P.** The applicant is requesting to rezone 20 acre parcel of the 313.67 acre parcel currently zoned RA-40 (Rural Area 40 acre) to RA-5 (Rural Area 5 acre) for future land division and the remainder 293.67 acre will stay at RA-40 (Rural Area 40 acre). The property is located Salome, AZ in Township 5 North, Range 13 West, Section 24 and 25 of the Gila and Salt River Meridian, La Paz County, Arizona. (District 3)
5. **Docket No. Z2009-021 – Hung Investments, LLC – APN(s): 304-71-001A.** The applicant is requesting a rezone from RA-40 (Rural Area 40 acre) to RVS (Recreational Vehicle Subdivision). The property is located Salome, Arizona in Township 5 North, Range 13 West, Section 22 of the Gila and Salt River Meridian, La Paz County, Arizona. (District 3)
6. **Docket No. Z2009-022 – George A. and Ruth Crabtree — APN(s): 307-17-001U.** The applicant is requesting a rezone from RA-40 (Rural Area 40 acre) to SR-1 (Suburban Ranch 1 acre), RA-5 (Rural Area 5 acre) and RA-20 (Rural Area 20 acre) for future land development. The property is located at 28515 Desert Heights Drive, Bouse, Arizona 85325, in Township 7 North, Range 17 West, Section 26 of the Gila and Salt River Meridian, La Paz County, Arizona. (District 2)
7. **Docket No. Z2009-023 – Ronald Otto Schwartz – APN(s): 306-10-002H.** The applicant is requesting to rezone 3.96 acre parcel currently zoned RA-40 (Rural Area 40 acre) to SR-1 (Suburban Ranch 1 acre) for future land division The property is located at 46098 Highway 60, Salome, Arizona, 85348 in Township 4 North, Range 16 West, Section 19 of the Gila and Salt River Meridian, La Paz County, Arizona. (District 3)

- 8. Docket No. Z2009-024 – Fieldbrook Properties, LLC. – APN(s): 304-70-018A.** The applicant is requesting to rezone 13 acre parcel of the 91.05 acre parcel that is currently zoned RVS (Recreational Vehicle Subdivision) and C-2 (General Commercial) to RVP (Recreational Vehicle Park) for purpose of constructing a RV Park. The reminder 78.05 acre parcel will stay RVS (Recreational Vehicle Subdivision) and C-2 (General Commercial). The property is located in Salome, Arizona, 85348 in Township 5 North, Range 13 West, Section 21 of the Gila and Salt River Meridian, La Paz County, Arizona. (District 3)
- 9. Board of Supervisors Actions on PC Matters.**
- 10. Call to the Public.**
- 11. Adjournment.**

**MINUTES of the
La Paz County Planning & Zoning Commission
October 1, 2009 Regular Meeting/Public Hearing
Board of Supervisor's Meeting Room
1108 Joshua Avenue, Parker, Arizona**

Present were: Chairman Bob Gory, Commissioners: Vice Chair Conkie Hoover, Al Johnson, Pat Jones, Ron Swan, Bud Wall, Chonna Marshall, Doug Wolfe & Director Scott Bernhart, Administrative Assistant Becky Gross, and Code Enforcement Teri Crawford. Others present were: Chief Building Inspector Mike Baker, Building Inspector Ken Olkowsi, Millie Johnson, George and Ruth Crabtree, C.R. Vaughn, Barbara Vaughn, Marilyn Vollmer, Paul Vollmer, Jim Downing, P. Tremblay, Tom Bunand, John and Cookie Raybum, Emuir Jones, Pat Stevens, Richard Oldham, Harry C. Fornwalt, Janet Cox, Loren Borne, and District 1 Supervisor Sandy Pierce.

Vice Chairman Hoover called the October 1, 2009 Regular Meeting of the Planning and Zoning Commission/Public Hearing to order at 1: 34 p.m.

Vice Chairman Hoover stated Item Number 2 on the Agenda, was the approval for the September 3, 2009 minutes.

COMMISSIONER JOHNSON MOVE to approve the September 3, 2009 minutes, Commissioner Wall seconded the motion with one correction to page 1 referencing to the 19 RV spaces on that parcel in which the health department had giving special approval for ten spaces. Motion was approved with 1 abstention from Commission Doug Wolfe.

Vice Chairman Hoover Item Number 3, Docket No. SU2009-008 – Charles Richard Oldham – APN(s): 306-77-007B. The applicant is requesting a Special Use Permit to use the property as a Storage/Repairing Operation with the current zoning being RA-40 (Rural Area 40 acre). The property is located at 58625 North Highway 95, Quartzsite, Arizona 85346 in Township 5 North, Range 19 West, Section 2 of the Gila and Salt River Meridian, La Paz County, Arizona. (District 2)

Director Bernhart stated Docket No. SU2009-008 – Charles Richard Oldham – APN(s): 306-77-007B. This property is located North of Quartzsite and East of Highway 95 and it is surrounded by Federal and State lands. The applicant has been using the property since about 1995, McDonnell Douglas used it as a Jet Engine Testing Storage Facility up to that point; the applicant has been using it as a Storage and Repairing Operation with some antique automobile storage. It had come to our attention that it needed to be brought into compliance and the applicant needed to obtain a Special Use Permit.

Staff recommended approval with the following stipulations:

- 1) Applicant will provide a complete narrative detailing the uses of the property and location of storage.
- 2) Applicant should consult the La Paz Community Wildfire Protection Plan for mitigation procedures designed to protect private property and public lands from fire.
- 3) Applicant shall sign an A.R.S. 12-1134 (207) waiver.

Commissioner Jones stated that there is not a permit on file for the septic.

Director Bernhart that is what the Health Department is saying.

Commissioner Jones asked if the septic system shouldn't be one of the stipulations too if they do not have a permit.

Director Bernhart explained typically yes, except if it is nonconforming or if the system has been placed by the military or McDonnell Douglas.

Director Bernhart stated that if they are going to upgrade or any additions that would be important. The Planning Commissioners could add that as a requirement if they obtain an approval from the Health Department for any type of changes to the septic system.

Commissioner Wall stated that in his recollection it was zoned HI (Heavy Industrial) somewhere between 1985 and now. When did they acquire the zone for RA-40 this should be looked into because it is one of the best piece of Industry property here in the County. It had absolutely no neighbors, sitting out in the middle of nowhere with no noise or dust problem.

Director Bernhart stated that when it is time to redo the zoning maps for the county this is one of those areas that could be identified as a pro active rezone to industrial if the applicant agrees. And the county may move forward and actually do that in cooperation with the applicant if they are still interested, the only concern that staff has is the access road because there was some discussion concerning the access road being limited since McDonnell Douglas operation.

Commission Wall stated that the road itself was surveyed.

Commissioner Jones asked if that would eliminate the need for the Special Use Permit.

Director Bernhard explained not necessarily our Industrial District is so restrictive. It's possible that some of the uses can be carried over to the Special Use even if they rezone to Heavy Industrial. Ideally these uses that are being asked for today should be allowed in Heavy Industrial, but until the Board makes that change, this Special Use could still apply.

Commissioner Hoover asked about George Nault's comment, it's said that this property is the only one in the area.

Charles Richard Oldham, the applicant, I thought this was zone correctly for all of these years but as it turn out, it was zoned RA-40 that is why we are applying for the Special Use Permit to bring it into compliance. It is mostly for storage, classic cars, and old aircrafts. I will participate in whatever I need to do until we figure out the Heavy Industrial.

COMMISSIONER WALL MOVED to approve Docket No. SU2009-008 – Charles Richard Oldham – APN(s): 306-77-007B. The request for a Special Use Permit to use the property as a Storage/Repairing Operation with the current zoning being RA-40 (Rural Area 40 acre). The property is located at 58625 North Highway 95, Quartzsite, Arizona 85346 in Township 5 North, Range 19 West, Section 2 of the Gila and Salt River Meridian, La Paz County, Arizona, (District 2) with three (3) stipulations: 1) Applicant will provide a complete narrative detailing the uses of the property and location of storage. 2) Applicant should consult the La Paz Community Wildfire Protection Plan for mitigation procedures designed to protect private property and public lands from fire. 3) Applicant shall sign an A.R.S. 12-1134 (207) waiver. Motion seconded by Commissioner Swan passed unanimously.

Vice Chairman Hoover: Item Number 4, Docket No. Z2009-020 – Mercantile Financial System, Ltd.—C. R. Goodman, Agent—APN(s): 304-74-014P. The applicant is requesting to rezone 20 acre parcel of the 313.67 acre parcel currently zoned RA-40 (Rural Area 40 acre) to RA-5 (Rural Area 5 acre) for future land division and the remainder 293.67 acre will stay at RA-40 (Rural Area 40 acre). The property is located Salome, AZ in Township 5 North, Range 13 West, Section 24 and 25 of the Gila and Salt River Meridian, La Paz County, Arizona. (District 3)

Director Bernhart stated that the applicant has submitted a request for a continuation until November 5, 2009 Planning and Zoning meeting. The Staff is recommending the continuance. The department has received several opposition letters as well as several comments on this proposal.

COMMISSIONER WALL MOVED for continuance on Docket No. Z2009-020 – Mercantile Financial System, Ltd.—C. R. Goodman, Agent—APN(s): 304-74-014P. The applicant is requesting to rezone 20 acre parcel of the 313.67 acre parcel currently zoned RA-40 (Rural Area 40 acre) to RA-5 (Rural Area 5 acre) for future land division and the remainder 293.67 acre will stay at RA-40 (Rural Area 40 acre). The property is located Salome, AZ in Township 5 North, Range 13 West, Section 24 and 25 of the Gila and Salt River Meridian, La Paz County, Arizona (District 3). Requesting from staff to give the Commissioner the Assessor Maps for Maps 35, 39 and 73 for some of the people that has filed objection are in those maps. Motion seconded by Commissioner Swan, passed unanimously.

Vice Chairman Hoover: Item Number 5, Docket No. Z2009-021 – Hung Investments, LLC – APN(s): 304-71-001A. The applicant is requesting a rezone from RA-40 (Rural Area 40 acre) to RVS (Recreational Vehicle Subdivision). The property is located Salome, Arizona in Township 5 North, Range 13 West, Section 22 of the Gila and Salt River Meridian, La Paz County, Arizona. (District 3)

Director Bernhart stated that this request is for rezoning RA-40 to RVS. The staff has two (2) recommended stipulations:

- 1) Applicant shall submit a tentative subdivision map for approval within one year or the zoning shall revert back to RA-40 (Rural Area 40) after BOS consideration and approval to revert.
- 2) Applicant shall sign an A.R.S. 12-1134 (207) waiver within 30 days of approval.
- 3) Owner shall dedicate half right away of 66th St. North prior to final plat.

Commissioner Wall ask if Public Works say anything about the circular street pattern.

Director Bernhart stated that the concentric plan you're referring to in the narrative, no, they did not make any comments, and they are probably waiting for the subdivision tentative map to come in.

Vice Chairman Hoover asked about the comment by the County Health Department, there's no septic permit on file. Why, wouldn't that come when the applicant does the plans?

Director Bernhart explained that typically Public Health looks to see if there is any existing septic system on the property. If not, they will let us know if there is an issue.

Jim Downing, the engineer for the project and I heard the three (3) stipulations but unfortunately I didn't catch the last part of the first stipulation; I believe it had to do with the submittal of the Tentative Map with in one (1) year.

Director Bernhart told Mr. Downing that was correct.

Jim Downing asked if the Commissioner received a copy of the narrative report, and the Conceptual Site Plan. Stated that they are called concentric circle, it's not very original but it was our thinking that it would be nice to have at least one (1) development that had curves instead of straight lines. And all of those radiuses and the slope of that property kind of lend itself to this sort of development. If you will notice the property in question is the northwestern 40 acres of that 160 acres. The applicant is going to be using water and sewer service from the McMullen Valley Water Conservation Improvement District so this property will be hooked up to a regional waste water Reclamation Facility in accordance with the 208 Water Quality Management Plan Amendment in which we are working with the county and the water will be the same

way. And as far as the Public Works stipulation according to my records the 33 feet immediately south of the north section line has already been dedicated to the county which has been recorded in Docket 2005-05738.

COMMISSIONER WOLFE MADE the motion to approve Docket No. Z2009-021 – Hung Investments, LLC – APN(s): 304-71-001A requests the rezone from RA-40 (Rural Area 40 acre) to RVS (Recreational Vehicle Subdivision). The property is located Salome, Arizona in Township 5 North, Range 13 West, Section 22 of the Gila and Salt River Meridian, La Paz County, Arizona, (District 3) with the stipulations. (1) Applicant shall submit a tentative subdivision map for approval within one year or the zoning shall revert back to RA-40 (Rural Area 40) after BOS consideration and approval to revert. (2) Applicant shall sign an A.R.S. 12-1134 (207) waiver within 30 days of approval.(3) Owner shall dedicate half right away of 66th St. North prior to final plat. Motion was seconded by Commissioner Johnson passed with six (6) Approvals and one (1) deny from Commissioner Wall.

Vice Chairman Hoover Item Number 6, Docket No. Z2009-022 – George A. and Ruth Crabtree — APN(s): 307-17-001U. The applicant is requesting a rezone from RA-40 (Rural Area 40 acre) to SR-1 (Suburban Ranch 1 acre), RA-5 (Rural Area 5 acre) and RA-20 (Rural Area 20 acre) for future land development. The property is located at 28515 Desert Heights Drive, Bouse, Arizona 85325, in Township 7 North, Range 17 West, Section 26 of the Gila and Salt River Meridian, La Paz County, Arizona. (District 2)

Director Bernhart stated that the applicant has submitted a site plan for a future land division, this case has come before the Planning Commissioner twice before and both cases were denied. The property is located within a Floodway and Floodplain concerning the Bouse Wash per FEMA Flood Plain Maps, the property has significant amount of area to develop homes outside both the flood plain and floodway. The Staff is recommending approval with five (5) stipulations:

- 1) Applicant /Owners shall provide elevation certificates prior to construction. In accordance with the building department plans and the Flood Control District Standard.
- 2) Applicant shall sign an A.R.S. 12-1134 (207) waiver prior to rezoning.
- 3) No development or construction within the Floodway (See Flood Control Ordinances).
- 4) Applicants/Owners, both current and/or future owners shall not create a parcel that cannot be developed within the floodway.
- 5) Maintain a 50 feet setback, from the existing septic system to any new property line.

There will not be any private internal roads.

Vice Chairman Hoover asked if that was to be included with the stipulations.

Director Bernhart said that staff is putting that statement on the floor to see if the Planning and Zoning Commission likes the idea, it can certainly be add, if not, staff has done the minimum that is required, if there is an issue with access then we will have to deal with that at a later time.

Commissioner Wall asked staff, I really don't understand this new map, what is it suppose to show us?

Director Bernhart explained that the red area on the map shows where the floodplains and floodway are located.

Commissioner Wall stated that on the another map that Mr. Hyde, the engineer surveyor, has placed a dash line indicating what he calls the floodway construction limits, did Staff check that against the official Floodway Maps.

Director Bernhart explained that it does appear to be a fair representation and since Mr. Hyde did stamp the survey, it is now consider the best available information from our stand point.

Commissioner Wall made a comment about how bad the Bouse Wash, can flood during a rain storm.

George Crabtree, the applicant, that he did not understand about the roadway, that Staff is talking about because the road already services one (1) trailer park and several homes but now that I want to break my place up, you can not get across Bouse Wash. The County should look at the other washes around the area; you can not even go down the highway when it rains because every wash is running. Anyway where my house is sitting it is higher than most of the ground in the whole town of Bouse. The survey shows this. I have at least seven (7) more home sites that has been surveyed which the home sites are completely out of the wash. So I can not say that all of this property is in a flood zone.

Commissioner Wall asked for a clarification about the zoning distribution on the map. It says here that the applicant is looking to rezone from RA-40 (Rural Area 40 acre) to SR-1 (Suburban Ranch 1 acre), RA-5 (Rural Area 5 acre) and RA-20 (Rural Area 20 acre) if this survey information about the floodway boundary that the engineer and owner have made is correct and in view of the fact that this has been very carefully worked out to keep the small parcel out of the floodway, I will go for the approval.

COMMISSIONER WALL MADE the motion to approve Docket No. Z2009-022 – George A. and Ruth Crabtree — APN(s): 307-17-001U requesting to rezone from RA-40 (Rural Area 40 acre) to SR-1 (Suburban Ranch 1 acre), RA-5 (Rural Area 5 acre) and RA-20 (Rural Area 20 acre) for future land development. The property is located at 28515 Desert Heights Drive, Bouse, Arizona 85325, in Township 7 North, Range 17 West, Section 26 of the Gila and Salt River Meridian, La Paz County, Arizona. (District 2) with the stipulation: (1) Applicant /Owners shall provide elevation certificates prior to

construction. In accordance with the building department plans and the Flood Control District Standard. (2) Applicant shall sign an A.R.S. 12-1134 (207) waiver prior to rezoning. (3) No development or construction within the Floodway (See Flood Control Ordinances). (4) Applicants/Owners, both current and/or future owners shall not create a parcel that cannot be developed within the floodway. (5) Maintain a 50 feet setback, from the existing septic system to any new property line. Motion was seconded by Commissioner Jones passed unanimously.

Chairman Gory took over meeting from **Vice Chairman Hoover**.

Chairman Gory: First of all, I would like to apologize to everybody, for being late.

Chairman Gory Item Number 7, Docket No. Z2009-023 – Ronald Otto Schwartz – APN(s): 306-10-002H. The applicant is requesting to rezone 3.96 acre parcel currently zoned RA-40 (Rural Area 40 acres) to SR-1 (Suburban Ranch 1 acre) for future land division. The property is located at 46098 Highway 60, Salome, Arizona, 85348 in Township 4 North, Range 16 West, Section 19 of the Gila and Salt River Meridian, La Paz County, Arizona. (District 3).

Director Bernhart stated that Staff recommended approval with the following stipulations:

- 1) Applicant shall sign an A.R.S. 12-1134 (207) waiver prior to rezoning.

Director Bernhart further explain that the property is located in Flood Zone D which is in an area unidentified the property could possibly be in a Flood Zone essentially its an area that has not been studied by FEMA. Mostly it is a note to the applicant.

Commissioner Wall said that Mr. Schwartz wrote a note about a flier that was suppose to be in the packet which advertised the property being eligible for two (2) dwellings on the lot. And I don't think we received a copy of the flier. We are interested in who told Mr. Schwartz that he could put two (2) lots on a Single Family Zone lot.

Director Bernhart stated that there has been a lot of discussion recently about this. The Board of Supervisors will be holding a work session with next Tuesday if you are interested check the Board. We will be discussing the possibly of proposing an amendment to the zoning regulation to allow a second dwelling on an acre or larger, assuming that the applicant(s) will be able to meet all the other standards and permits.

Commissioner Wall asked if that happens, will it be retroactive to all of the Special Use Permits.

Director Bernhart stated that if the Board of Supervisors approves the amendment for the zoning regulation, the applicant(s) would automatically be accepted, under our zoning ordinance.

Discussion ensued about the zoning ordinance for two (2) dwelling on a piece of property in the Rural Areas.

Director Bernhart stated that Staff sees this quite often where realtors made suggestions that they could rezone and split in the future, however Staff is not sure if that what happened in this case or what the situation is.

COMMISSIONER HOOVER MOVED to approve **Docket No. Z2009-023 – Ronald Otto Schwartz – APN(s): 306-10-002H** request to rezone 3.96 acre parcel currently zoned RA-40 (Rural Area 40 acres) to SR-1 (Suburban Ranch 1 acre) for future land division. The property is located at 46098 Highway 60, Salome, Arizona, 85348 in Township 4 North, Range 16 West, Section 19 of the Gila and Salt River Meridian, La Paz County, Arizona (District 3) with the stipulation that the applicant shall sign an A.R.S. 12-1134 (207) waiver prior to rezoning. Motion seconded by Commissioner Johnson, passed unanimously.

Chairman Gory Item Number 8, Docket No. Z2009-024 – Fieldbrook Properties, LLC. – APN(s): 304-70-018A. The applicant is requesting to rezone a 13 acre parcel of the 91.05 acre parcel that is currently zoned RVS (Recreational Vehicle Subdivision) and C-2 (General Commercial) to RVP (Recreational Vehicle Park) for purpose of constructing a RV Park. The reminder 78.05 acre parcel will stay RVS (Recreational Vehicle Subdivision) and C-2 (General Commercial). The property is located in Salome, Arizona, 85348 in Township 5 North, Range 13 West, Section 21 of the Gila and Salt River Meridian, La Paz County, Arizona. (District 3)

Director Bernhart stated that Staff recommended approval with the following stipulations:

- 1) Applicant shall provide a completed RV Park Plan with in 1 year or zoning will revert back to RVS after approval by the BOS.
- 2) Applicant shall sign an A.R.S. 12-1134 (207) waiver prior to rezoning.

Staff would just like have a clarification of the actually Zone District boundary line in the format of a survey so that staff can clarify exactly where the boundary is for the RV Park so there's no confusion, in the future. Staff has a request for the applicant to explain the sewer services and water services that are anticipated for this development.

Chairman Gory asked if this Recreational Vehicle Subdivision has a Plat Map and are they going to modified it.

Director Bernhart explained that was called Sunset Links. It is part of a bigger 4 phase project. Desert Links Unit 1 was the first phase and that's located to the south, the second phase is to the south/west, a third phase directly to the west and this would be the fourth phase. Phase 3 and 4 would be what you know as or what you did know as Sunset Links and if you recall we had about a year of discussion on that project that lead all the way up to and approval of a Final Plat. Between the time of approval of the

Final Plat and the recording of the Final Plat which never took place, we were waiting for the bonding to take place and some other Final Plat cleanup issues as the result of the approval of the Board of Supervisors. There are a couple of technical issues related to the future site that staff and the applicant engineer will discuss at the time of the design of the project. Staff wants to make sure the applicant knows that they need to clarify some issues, mostly making sure they stay out of the existing Flood and that they have to comply with our RV Park Plan submittal requirements.

Chairman Gory asked the question were any lots sold out of the other parcel.

Director Scott stated that would have to be deferred to the applicant on the status of the sale and what the status of ownership is.

Discussion ensued about selling lots and the map being recorded on this property.

Commissioner Hoover asked about the letters that were received are they approval letters or what.

Director Bernhart stated unless they clarify what their intent is, it's difficult for Staff to call those letters of opposition.

Jim Downing, the engineer for this project stated that the property in question has been known as Desert Links/Sunset Links, there is an 18 hole golf course that is currently in operation. The property was subsequently sold, that owner filed with you a modified tentative map and as Mr. Bernhart stated there was a final plat that was submitted but never recorded. Therefore, that portion of the subdivision never received a public report from the Department of Real Estate. Therefore, no lots were ever sold. Mr. Bernhart stipulation about the RV development plans within one (1) year, the owner has no problem with that, understanding that the first set of development plans that is submit may not be for the entire RV Park it may be for a phase and the wavier that is standard. The Zoning District boundaries will be recorded when we do the survey with the Zoning District boundaries. As far as the water and wastewater, the wastewater service provider will be the McMullen Valley Water Conservation and Drainage District and the water supplier will be Keaton Development Company therefore the applicant will in accordance with the state law. There are some issues with Salome Wash next to Desert Links Phase 1, the county is currently working on those issues, they have asked us to cooperate with them on that project we have agreed to do so.

Commissioner Wall asked Mr. Downing where the access will be at.

Jim Downing replied that it would from Harquahala Road via 66th Street. During the original tentative map approval process, we had a traffic study done out there. And so that intersection, that's 66th Street/Harquahala Road Intersection has already been studied by the traffic engineer and he has already made recommendations on the require geometry.

Charles Vaugh asked where 66th Street was located at for there is no 66th Street on any maps of Salome.

Chairman Gory stated that maybe the engineer can help us out here.

Jim Downing explains that the standard nomenclature used by La Paz County to number street east/west roads are called streets, 65th Street is on the section line approximately 1 mile south of this property. Therefore the section line that forms the north boundary of this property is 66th Street because they are numbered from South to North so 66th Street is the section line that is 1 mile north of 65th Street.

Chairman Gory asked Mr. Vaugh if that answer his question.

Charles Vaughn stated that it did.

Emuir Jones stated that she respectfully request the Commissioners to approve the plans.

COMMISSIONER SWAN MOVED to approve **Docket No. Z2009-024 – Fieldbrook Properties, LLC. – APN(s): 304-70-018** request to rezone a 13 acre parcel of the 91.05 acre parcel that is currently zoned RVS (Recreational Vehicle Subdivision) and C-2 (General Commercial) to RVP (Recreational Vehicle Park) for purpose of constructing a RV Park. The reminder 78.05 acre parcel will stay RVS (Recreational Vehicle Subdivision) and C-2 (General Commercial). The property is located in Salome, Arizona, 85348 in Township 5 North, Range 13 West, Section 21 of the Gila and Salt River Meridian, La Paz County, Arizona (District 3), with the stipulations (1) Applicant shall provide a completed RV Park Plan with in 1 year or zoning will revert back to RVS after approval by the BOS (2) Applicant shall sign an A.R.S. 12-1134 (207) waiver prior to rezoning. Motion seconded by **Commissioner Hoover** with the stipulation, passed unanimously.

Chairman Gory stated Item No. 9 **Board of Supervisors Actions on PC Matters.**

Director Bernhart stated the Staff hopes that everybody received their Activity Report from last month. There are a few format changes that should be useful: the Hearing Officer's are to use a table format so that you can see the different areas, who is going, and what the issues are.

Director Bernhart also stated Ehrenberg Swap Meet/Calvin Robertson case was denied and The Bouse Volunteer Fire Department application was denied, they are looking at using the County property. They were both denied by the Board of Supervisors on September 3, 2009

Staff has a meeting in Ehrenberg, for the Ehrenberg Community which is going to be held at 6:00 P.M., October 13, 2009 at Ehrenberg Elementary School Gym its 49241 Ehrenberg Parker Hwy. Essentially, it will be to distribute information for the Major Comprehensive Plan Amendments. We have three (3) Comprehensive Plan Amendments schedule, first is the La Paz County Energy Component Text Amendment where we are proposing Renewable Energy Component to the Comprehensive Plan where the County shows support in this type of development whether it be solar, wind or any other renewable energy development. The second one is the Comprehensive Plan Amendment for La Paz County Arizona Raceway Park; he has a new site and is looking for a Comprehensive Plan Amendment. This is South of Interstate 10 off Avenue 75E towards Maricopa County line. The third case is a Major Amendment for La Paz County Emerald Springs Solar Farm. Emerald Springs about three years ago did an amendment to the Comprehensive Plan and did a MPALO Zoning before the residential market fell apart. The applicant is back asking for a Solar Farm on the northern end of Ehrenberg, its over 200 acres, about 244 acres. So this would allow us as a County to consider that on that property in Ehrenberg, will the County allow it.

Are second meeting will be in Salome, because of the La Paz County Arizona Raceway is on that side of the county. We are trying to find a meeting place that will fit 50 people. We are hoping that the Centennial Community Center will be open and available by then. We will be setting the date and publishing for it. If not, we do have other opportunities; we can go to the Airpark or the High School.

Other than that, that's all I have for an update.

Chairman Gory asked if staff ever heard anymore about the Bouse Fire Department.

Director Bernhart stated that after their denial of the Special Use Permit, they are exploring the use of the County property and the last that Staff had heard, they may be going out to bid or trying to get an idea how much a building will cost to build on the site.

Chairman Gory asked about the County Engineer for here?

Director Bernhart stated that there is a bigger issue than that right now, with Yakima which is consuming a lot of the time with the Board of Supervisors and the County Administrator.

Commissioner Jones stated that the Planning Commissioner could speed up the process if they were put on the Board of Supervisors agenda.

Commission Swan stated that the Bouse Fire Department looks like they have the land, they have an organization and they have their equipment, they should be absolutely in line for grants, to get that building built.

Chairman Gory Item Number 10 **Call to the Public.**

Chairman Gory: asked for a motion for adjournment.

COMMISSIONER SWAN MOVED to adjourn the October 1, 2009, Planning and Zoning meeting. The Motion was seconded by Commissioner Johnson, passed unanimously.

The meeting was adjourned at 2:40 pm.

Robert Gory, Chairman

Scott Bernhart, Director

Rebecca Gross
Administrative Assistant



La Paz County Department of Community Development

B. Scott Bernhart, Director

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LA PAZ COUNTY PLANNING AND ZONING COMMISSION

Regular Meeting / Public Hearing

November 5, 2009 1:30 p.m.

Board of Supervisor's Meeting Room
1108 Joshua Avenue, Parker, AZ 85344

AGENDA

1. Call to Order.
2. Approval of October 1, 2009 minutes.
3. **Docket No. Z2009-020 – Mercantile Financial System, Ltd.—C. R. Goodman, Agent—APN(s): 304-74-014R.** The applicant is requesting to rezone 20 acre parcel of the 60 acre parcel currently zoned RA-40 (Rural Area 40 acre) to RA-5 (Rural Area 5 acre) for future land division and the remainder 40 acre will stay at RA-40 (Rural Area 40 acre). The property is located Salome, AZ in Township 5 North, Range 13 West, Section 24 and 25 of the Gila and Salt River Meridian, La Paz County, Arizona. (District 3)
4. **Docket No. Z2009-025 – Flip's Mile Post 58, LLC– APN(s): 304-49-003.** The applicant is requesting to rezone 10.91 acres from RA-40 (Rural Area 40 acre); the North 6.16 acres to C-2 (General Commercial) and the South 4.75 acres to SR-1 (Suburban Ranch 1 Acre) for resale purposes. The property is located at 67968 Highway 60, Salome, Arizona in Township 5 North, Range 13 West, Section 10 of the Gila and Salt River Meridian, La Paz County, Arizona. (District 3)
5. **Docket No. Z2009-026 – Flip's Mile Post 58, LLC– APN(s): 304-52-004B.** The applicant is requesting to rezone 20.85 from RA-40 (Rural Area 40 acre); the East 4.17 acres to SR-4 (Suburban Ranch 4 Acre) and the West 16.68 acres to RA-5 (Rural Area 5 acre) for resale purposes. The property is located at 68225 Highway 60, Salome, Arizona in Township 5 North, Range 13 West, Section 11 of the Gila and Salt River Meridian, La Paz County, Arizona. (District 3)
6. **Docket No. Z2009-027 – Christy May – APN(s): 311-41-230.** The applicant is requesting to rezone from C-2 (General Commercial) to R-1-8 (Residential Low Density Residential-8000 sq. ft.) to accommodate Remodeling Existing Structure to Single Family Home. The property is located at 8920 Riverside Drive, Parker Arizona, Township 10N, Range 19W, Section 22 of the Gila and Salt River Meridian, La Paz County, Arizona. (District 2)
7. **Docket No. SU2009-009 – Fornwalt Family Limited Partnership – APN(s): 304-70-018B.** The applicant is requesting a Special Use Permit to use the Westerly 20 acres of Desert Palms Property for a Golf Driving Range. Currently zone RVP (Recreational Vehicle Park). The property is located at 39258 Harquahala Road, Salome, Arizona in Township 5N, Range 13W, Section 21 of the Gila and Salt River Meridian, La Paz County, Arizona (District 3)
8. **Ordinance No. 2009-12/Case/Docket No. ZA2009-002 –** La Paz County is proposing an amendment to the Appendix A- Residential Zone Use Tables and Appendix B- Agricultural, Industrial and Commercial Zone Use Tables of the La Paz County Zoning Regulations Ordinance No. 96-01 that will allow second homes within the SR (Suburban Ranch) and RA (Rural Area) zone districts as a permitted use. Additionally, a zoning text amendment is proposed to allow a recreation vehicle to be used by a visitor for up to 180 consecutive calendar days per year, providing all other regulations can be met and no more than two RV units are used on a property at a time.

- 9. Docket No. CP 2009-001 Major Comprehensive Plan Amendment- La Paz County Energy Component Text Amendment.** La Paz County (applicant) will consider adding an energy component text and map amendment to the Comprehensive Plan. The proposed text amendment will add language to the Comprehensive Plan detailing goals, objectives and policy for future development of renewable and non renewable energy resources within the County. This application is for a major comprehensive plan amendment to provide better direction for commercial energy development, including solar, wind and other renewable and non-renewable energy producers seeking to operate facilities within La Paz County.
- 10. Docket No. CP 2009-002 Major and Minor Comprehensive Plan Amendments- La Paz County Arizona Raceway Park Mixed Use Designation. Arizona Raceway Park-** Kurt Peterson (applicant) seeks a mixed use commercial designation for a proposed raceway park to be located within La Paz County. The proposed amendment will clarify that a mixed use commercial raceway park is consistent with existing Comprehensive Plan area designations. This designation would allow for the Arizona Raceway Park to be considered by La Paz County as a Planned Development under the zoning regulations.
- 11. Docket No. CP 2009-003 Major and Minor Comprehensive Plan Amendments- La Paz County Emerald Springs Solar Farm.** Emerald Springs Solar Farm and Emerald Springs, LLC (applicant) seeks to develop a 244-acre solar and wind farm to be located in section 10, T3N, R22W, G&SRM La Paz County, Arizona. The proposed text amendment will clarify that a solar and wind energy generation facility is consistent with the existing Comprehensive Plan Rural Community planning area designation. This designation will allow for consideration of a solar and wind energy production facility by the Board of Supervisors.
- 12. Board of Supervisors Actions on PC Matters.**
- 13. Call to the Public.**
- 14. Adjournment.**

**MINUTES of the
La Paz County Planning & Zoning Commission
November 5, 2009 Regular Meeting/Public Hearing
Board of Supervisor's Meeting Room
1108 Joshua Avenue, Parker, Arizona**

Present were: Chairman Bob Gory, Commissioners: Vice Chair Conkie Hoover, Al Johnson, Pat Jones, Ron Swan, Bud Wall, Chonna Marshall & Director Scott Bernhart, Administrative Assistant Becky Gross. Others present were District 1 Supervisor Sandy Pierce, District 3 Supervisor Holly Irwin, District 1 Supervisor John Drum, and Chief Building Inspector Mike Baker. Larry and Judy Shacketford, Millie Johnson, Bill Knowls, Luis Corral, Barbara Corral, Cathy Hester, Darlene Higley, John Ghianni, Frank Ghianni, Charlie and Christie Ward (May), Joyce Plog, Jim Downing, Phil G., Harry Fornwalt, Gary Svider, Kurt Peterson, David Merrill, James and Erin Joslin, Tom and Melody Buksa, Henry Melendez, Sherri Mehruar, Sandra Gutierrez, Dareo Gutierrez, and Bente Neal.

Chairman Gory called the November 5, 2009 Regular Meeting of the Planning and Zoning Commission/Public Hearing to order at 1:35 p.m.

Chairman Gory stated Item Number 2 on the Agenda, is the approval of the October 1, 2009 meeting minutes.

COMMISSIONER JOHNSON MADE the motion to approve the October 1, 2009 minutes, Commissioner Hoover seconded the motion. The approval of the minutes for the October 1, 2009 was passed unanimously.

Chairman Gory Item No. 3 - Docket No. Z2009-020 – Mercantile Financial System, Ltd.—C. R. Goodman, Agent—APN(s): 304-74-014R. The applicant is requesting to rezone 20 acre parcel of the 60 acre parcel currently zoned RA-40 (Rural Area 40 acre) to RA-5 (Rural Area 5 acre) for future land division and the remainder 40 acre will stay at RA-40 (Rural Area 40 acre). The property is located in Salome, AZ Township 5 North, Range 13 West, Section 24 and 25 of the Gila and Salt River Meridian, La Paz County, Arizona. (District 3).

Director Bernhart stated that Mercantile Financial System, Ltd.—C. R. Goodman, Agent request a permanent withdrawal from this case, on October 24, 2009.

Chairman Gory stated that Docket No. Z2009-020 – Mercantile Financial System, Ltd.—C. R. Goodman, Agent—APN(s): 304-74-014R is withdrawn from the docket.

Chairman Gory: Item No. 4 -- Docket No. Z2009-025 – Flip's Mile Post 58, LLC– APN(s): 304-49-003. The applicant is requesting to rezone 10.91 acres from RA-40 (Rural Area 40 acre); the North 6.16 acres to C-2 (General Commercial) and the South 4.75 acres to SR-1 (Suburban Ranch 1 Acre) for resale purposes. The property

is located at 67968 Highway 60, Salome, Arizona in Township 5 North, Range 13 West, Section 10 of the Gila and Salt River Meridian, La Paz County, Arizona. (District 3).

Director Bernhart staff recommends approval with the stipulation proposed that they meet the wavier requirement A.R.S. 12-1134 (207) prior to land division. He explained that there is no flood zone to be considered.

Commissioner Hoover stated there is one comment from the Public Works Departments on how does the large ditch/ berm affect the proposed 50 feet north/south easement for access?

Director Bernhart said that is something the applicant is going to have to address before they actually obtain all the access requirements for the property.

Commissioner Hoover asked who would that be address to, the Board of Supervisors.

Director Bernhart stated that would be a note to the applicant, that there is a concern about a ditch/berm in the area that might affect the access. We did not see it as a form of a stipulation.

Commissioner Wall asked what the zoning is on either side of this property along the frontage.

Director Bernhart noted that at the present time they are RA40 on all sides and that they are on the eastern most edge of the rural community area and the Comprehensive Plan doesn't mention it.

Commissioner Wall asked if it matches the requirements of the Comp Plan.

Director Bernhart stated that it does, if you agree with the zoning change at this time.

Jim Downing representing the owner and was present to answer any questions that you may have.

Chairman Gory asked Mr. Downing what was the access?

Jim Downing stated that the applicant is proposing a 50 feet easement on the east side of the property and there is a 69KV transmission line that runs down the east side of this property north/south, its approximately 50 feet from the east boundary. The applicant wants to turn those 50 feet between the power line and the east side of the property into an easement to provide access for the lots to the south.

COMMISSIONER HOOVER MOVED to approve Docket No. Z2009-025 – Flip’s Mile Post 58, LLC– APN(s): 304-49-003 request to rezone 10.91 acres from RA-40 (Rural Area 40 acre); the North 6.16 acres to C-2 (General Commercial) and the South 4.75 acres to SR-1 (Suburban Ranch 1 Acre) for resale purposes. The property is located at 67968 Highway 60, Salome, Arizona in Township 5 North, Range 13 West, Section 10 of the Gila and Salt River Meridian, La Paz County, Arizona. (District 3) with the stipulation to provide the wavier requirement A.R.S. 12-1134 (207) prior to land division. Motion seconded by Commissioner Wall, passed unanimously.

Chairman Gory: Item No. 5 Docket No. Z2009-026 – Flip’s Mile Post 58, LLC– APN(s): 304-52-004B. The applicant is requesting to rezone 20.85 from RA-40 (Rural Area 40 acre); the East 4.17 acres to SR-4 (Suburban Ranch 4 Acre) and the West 16.68 acres to RA-5 (Rural Area 5 acre) for resale purposes. The property is located at 68225 Highway 60, Salome, Arizona in Township 5 North, Range 13 West, Section 11 of the Gila and Salt River Meridian, La Paz County, Arizona. (District 3).

Director Bernhart stated that this is a companion rezoning to the previous case. This property is north of Hwy 60 and east of the previous case. It is in a Rural Residential Area not the Rural Community Area and as such the applicant is applying for Residential Rural Residential Area zoning district SR and RA. Staff recommends approval with the stipulation of the Waiver requirement 12-1134 (207) prior to land division and there is a note about parcel #1 that’s proposed. It appears to be located entirely within Flood Zone A, we would like to see a Flood Elevation Certificate prior to construction, and meet all of the Flood Plan Ordinances requirements.

Commissioner Wall asked what a Flood A is.

Director Bernhart explained that it is just a General Flood Zone designation by FEMA, it is not a study area so they have not identified the Floodway: they call the entire area Floodway, but they have not identified the 10% flood verses the 1% flood boundaries, they just identified as a general area concern for a Flood Zone for flooding issues.

Jim Downing representing the property owner and was present to answer any question.

COMMISSIONER WALL MOVED to approve Docket No. Z2009-026 – Flip’s Mile Post 58, LLC– APN(s): 304-52-004B, request to rezone 20.85 from RA-40 (Rural Area 40 acre); the East 4.17 acres to SR-4 (Suburban Ranch 4 Acre) and the West 16.68 acres to RA-5 (Rural Area 5 acre) for resale purposes. The property is located at 68225 Highway 60, Salome, Arizona in Township 5 North, Range 13 West, Section 11 of the Gila and Salt River Meridian, La Paz County, Arizona. (District 3), with the stipulation to provide the wavier requirement A.R.S. 12-1134 (207) prior to land division. Motion seconded by Commissioner Jones, passed unanimously.

Chairman Gory: Item No. 6 Docket No. Z2009-027 – Christy May – APN(s): 311-41-230. The applicant is requesting to rezone from C-2 (General Commercial) to R-1-8 (Residential Low Density Residential-8000 sq. ft.) to accommodate Remodeling Existing Structure to Single Family Home. The property is located at 8920 Riverside Drive, Parker Arizona, Township 10N, Range 19W, Section 22 of the Gila and Salt River Meridian, La Paz County, Arizona. (District 2).

Director Bernhart stated that staff is recommending a continuance on this case as there are three (3) issues he would like to see resolve before make any further recommendation to move forward.

(1) Obtaining approval of adjacent owners of the new 5 foot setback requirement upon rezoning. Meaning that in order to change from Commercial designation to Residential designation that is going to create a need for the adjacent commercial zone properties to meet a 5 foot setback if they build new buildings or construct new structures.

(2) Obtaining County Attorney advice with regard to potential liability issues.

(3) The applicant proposed site plan for the new home will exceed the lot privilege maximum. This will require a variance which could possibly benefit from a better site plan or architecture plan of the building and have a clearer idea of exactly what extent of the building is proposed.

Commissioner Jones questioned the existing garage and whether it is on zero property line. He asked whether it would be brought up to code and asked about the two hour wall and is the property line residential.

Director Bernhart stated that is one of the unique problems with the rezoning from commercial to residential with a structure already in place. This would be creating non-conformity. The applicant would need to upgrade the structure by law.

Commission Hoover asked if the adjacent owner's understand what is going to happen, with the regard to the 5 foot setback.

Director Bernhart stated that the County is only required to send a notice to their neighbors about the rezone.

Discussion ensued about the setback requirements for residential zonings.

Charlie Ward the husband of Christie May stated that they were told by the county that the existing building would become a legal non-conforming as far as the setback is concerned and the fire wall is already eight (8) inch block. He asked about the liability issue.

Director Bernhart noted that the liability issue is if the rezone on this property were to take place and it creates an offsite impact for setback requirements on a neighbor and the neighbor never agrees to losing five (5) feet of their property, will it come back on the County. The north and south of the applicant property are both zoned commercial.

A brief discussion ensued about the 5 foot setback requirement.

Gary Svider stated that the said property is within a gated community and there are stipulations under the CCR's, requiring five (5) foot side yard setbacks.

COMMISSIONER HOOVER MOVED to continue Docket No. Z2009-027 – Christy May – APN(s): 311-41-230 request to rezone from C-2 (General Commercial) to R-1-8 (Residential Low Density Residential-8000 sq. ft.) to accommodate Remodeling Existing Structure to Single Family Home. The property is located at 8920 Riverside Drive, Parker Arizona, Township 10N, Range 19W, Section 22 of the Gila and Salt River Meridian, La Paz County, Arizona. (District 2). Motion was seconded by Commissioner Swan passed unanimously.

Chairman Gory: Item No. 7 Docket No. SU2009-009 – Fornwalt Family Limited Partnership – APN(s): 304-70-018B. The applicant is requesting a Special Use Permit to use the Westerly 20 acres of Desert Palms Property for a Golf Driving Range. Currently zoned RVP (Recreational Vehicle Park). The property is located at 39258 Harquahala Road, Salome, Arizona in Township 5N, Range 13W, Section 21 of the Gila and Salt River Meridian, La Paz County, Arizona (District 3).

Director Bernhart noted that Staff does recommend approval with six (6) stipulations.

- 1) Provide a completed waiver form A.R.S. 12-1134 (207).
- 2) Driving Range Tee Off Boxes shall be located beginning 280 feet North of the Washburn Way property line and 150 feet South of the North property line.
- 3) No left handed play on the South half of the remaining area used to Tee Off.
- 4) Applicant/Owner shall provide an Insurance Policy (Liability and Property) in the amount of 1 million dollars or what ever number the Board decides, naming La Paz County, it's Officers, Elected Officials, Agents, and Employees as an additional insured. (Yearly)
- 5) Rules of play shall be posted and agreed to prior to play.
- 6) This Special Use Permit shall expire 5 years from the date of approval or at the time Sunset Links lots are platted the North and Adjacent to the Driving Range.

Director Bernhart noted that Public Works has a concern about the traveling public right of way and the golf balls.

Chairman Gory asked as to how close the nearest structure is.

Director Bernhart answered that it is at least 300 yards on the Northern side of the property, and then across Washburn Way into Indian Hills Airpark is close to 300 yards.

Chairman Gory asked if there is any problem with the airport and the driving range.

Director Bernhart explained that the runway runs the same direction east/west.

Commissioner Jones questioned the severity of these stipulations.

Director Bernhart stated that staff is addressing Public Works concerns about golf balls in the road.

Harry Fornwalt, applicant, stated they have conducted analysts and believes that there is little probability of any damages. They are concerned about any liability issue as well.

COMMISSIONER HOOVER MOVED to approve Docket No. SU2009-009 – Fornwalt Family Limited Partnership – APN(s): 304-70-018B. The applicant is requesting a Special Use Permit to use the Westerly 20 acres of Desert Palms Property for a Golf Driving Range. Currently zoned RVP (Recreational Vehicle Park). The property is located at 39258 Harquahala Road, Salome, Arizona in Township 5N, Range 13W, Section 21 of the Gila and Salt River Meridian, La Paz County, Arizona (District 3) with the five (5) stipulations, eliminating stipulation No. 3. Motion seconded by Commissioner Jones passed, unanimously.

Chairman Gory: Item No. 8 Ordinances No. 2009-12 Case/Docket No. ZA2009-002 – La Paz County is recommending adoption of Ordinance No. 2009-12 Case/Docket No. ZA2009-002 – La Paz County is proposing an amendment to the Appendix A- Residential Zone Use Tables and Appendix B- Agricultural, Industrial and Commercial Zone Use Tables of the La Paz County Zoning Regulations Ordinance No. 96-01, providing for review standards, providing for severability, providing for conflicts, providing for codification, providing for and effective date. – which would allow second homes within the SR (Suburban Ranch) and RA (Rural Area) zone districts as a permitted use. Additionally, a zoning text amendment is proposed to allow a recreational vehicle to be used by a visitor for up to 180 consecutive calendar days per year, providing all other regulations are met and no more than two RV units are used on a property at a time.

Director Bernhart explained the zoning text amendment and it essentially changes the SR (Suburban Ranch) and RA (Rural Area) Districts to allow what would be considered a second dwelling unit, also commonly referred to as an accessory unit. In addition to that it would allow visitors for up to 180 consecutive calendar days, to utilize recreational vehicles on a property and they must meet all of the other requirements of the codes including septic and well placement. The comments from the Health Department, talks about ADEQ delegation agreement with the County and the attachment with the Arizona Administration Code, which the ADEQ uses.

Under Rule 9-8-512 FGH and Rule 9- 8-521B – Trailer Coach means any vehicle including mobile homes having no foundation other than wheels, jacks or skirting's and so designed or constructed as permitted occupancy for dwelling or sleeping purposes, removal of the wheels shall not change the meaning of the term. Trailer Coach Park means any plot of ground upon which two (2) or more trailer coaches occupy for dwelling or sleeping purposes are located regardless of whether or not there is a charge, this does not apply where the trailers are occupy by the owner of the plot and his/her immediately family. It does go on to say that also no person should maintain or operate a Trailer Coach Park without the written approval of the local Health Department. The reason is, there has been a lot of discussion about the SR (Suburban Ranch) Zone Districts, you have to be in either a one (1) acre, two (2) acre, three (3) acre, or a four (4) acre Zone Districts and we are going to propose a 2.5 acre Zone Districts. Then you have the RA (Rural Area) Districts which are five (5) acres, ten (10) acres, 20 acres, 40 acres and then you could go higher as needed. The most difficult part of this amendment is going to be for one (1) acre lots, primarily.

Discussion ensued about the pros and cons of having a second dwelling on SR (Suburban Ranch) Zone Districts and the RA (Rural Area) Districts with the most concern around the SR-1 Zone District. The concerns were the perch water tables in the county, taxes on RV's, changing values on property, and the loads that will be placed on our public Serves. The other concern that the Health Department has is not being in compliance with ADEQ.

Dan Field, County Administrator, stated this is intended for the rural areas where people have large pieces of land and allowing the residents to use their land and to allow their family, friends to come out or even allow a caretaker.

Director Bernhart clarified that when you look at the use chart tables it clearly states: one (1) primary residential use whether it's a Mobile Home, Stick Built House or a Manufacture or a RV, then one (1) additional secondary unit.

Discussion ensued about who was going to regulate the second dwelling on SR (Suburban Ranch) Zone Districts and the RA (Rural Area) Districts with the most concern around the SR-1 Zone District.

Mike Baker, Chief Building Inspector, the County has code enforcement officers that goes to the different parts of the county to check and make sure that everyone is up

to code on their property. When the code enforcement officers has to site these individuals, they give out a letter of warning then they have a hearing process, the County has about 15 cases now that are pending on the out come of this vote. This is a major problem that the County has with the code violation is multiple dwellings. In Cibola, Salome, Wenden and Bouse there is not a week that goes by that the code enforcement officers identifies at least one (1) parcel that has two (2) dwellings. Another issue for code enforcement officers is parcels being used as a trailer park.. It is a large problem that the county needs to resolve where the code enforcement officers have a way to correct it and keep control of it.

A short discussion ensued as to why the property owners would need the second dwelling on on/for their property.

Commissioner Wall asked Staff why we need to change the Ordinance to blanket the whole county and every piece of property, rather than use the Special Use Permit. If the Special Use Permit is to expensive could that be solved by dropping the price of the Special Use Permit.

There was a short discussion about the Special Use permits.

Chairman Gory asked if there was not a second part to this Ordinance that we are doing here for a visitor to visit for 180 day instead of 30 days. We haven't discussed thus far. There has been no discussion.

COMMISSIONER JONES MOVED to recommend adoption of Ordinance No. 2009-12 Case/Docket No. ZA2009-002 – La Paz County is proposing an amendment to the Appendix A- Residential Zone Use Tables and Appendix B- Agricultural, Industrial and Commercial Zone Use Tables of the La Paz County Zoning Regulations Ordinance No. 96-01, providing for review standards, providing for severability, providing for conflicts, providing for codification, providing for and effective date. Motion seconded by Commissioner Johnson.

Chairman Gory asked if there were any further discussion.

Commissioner Wall stated it would be nice if we could eliminate the SR-1 from this because it would solve most of the Health Department problems.

Commissioner Jones stated that he will leave his motion as stands; motion passed with 4 Approvals; 2 Opposed and 1 Abstention.

Chairman Gory: Item No. 9 Docket No. CP 2009-001 Major Comprehensive Plan Amendment- La Paz County Energy Component Text Amendment. La Paz County (applicant) will consider adding an energy component text and map amendment to the Comprehensive Plan. The proposed text amendment will add language to the Comprehensive Plan detailing goals, objectives and policy for future development of renewable and non renewable energy resources within the County. This application is

for a major comprehensive plan amendment to provide better direction for commercial energy development, including solar, wind and other renewable and non-renewable energy producers seeking to operate facilities within La Paz County.

Director Bernhart stated staff has had a couple of Public Meeting one in Salome and one in Ehrenburg to consider adding an energy component text and map amendment to the Comprehensive Plan. The text in general, what we are talking about is adding a land use element for renewable energy in which the Comprehensive Plan does not that deal with. We need to add supporting language in the Comprehensive Plan as well as Land Use Goals and Policies which is related. Some of the comments that staff has heard from the Planning Commissioners was to add reflective thermal renewable energy development and specifically where it does not impact aviation space.

The next three essentially just an introduction to general support of languages about renewable energy resources. We have a long history of renewable and solar energy resources in the form of packable electric power, hydro electric which is a sub category of solar energy renewable resources.

3.5 Land Use Goals and Policies

We have basically added some policies that says:

Policy 6.10

The County supports efforts to pursue renewable energy production, such as algae biomass energy facilities, landfill methane gas collection, solar electricity, wind power, and other alternative and clean energy technologies.

Policy 6.20

The County supports wind power in appropriate locations when considered to be appropriate for the area and complimentary to existing land uses, after consideration of noise and setback issues.

Policy 6.30

The County supports renewable and clean energy development that provides for a strong tax base deemed to be complementary to the economic welfare of the County and local community.

Policy 6.40

Renewable and clean energy uses that are mindful of property disturbance for site preparation mitigate such disturbances and use water efficiently shall be given preference by the County.

Policy 6.50

Starting after January 1, 2010, the County may designate a renewable energy incentive district in accordance with Arizona State Statutes, in any unincorporated area of the

county deemed to meet the intent of the Comprehensive Plan. A district shall be located in an area that does not cause the construction and operation of renewable energy equipment to be incompatible with other uses of surrounding property.

Policy 6.60

The County shall consider factors relating to the construction and operation of renewable energy equipment including: These are some standards that is taking directly out of a recent State Law that was passed.

- The ability to adequately buffer the district from surrounding incompatible uses.
- The noise level emanating from the district alone and in relation to ambient noise levels at the perimeter of the property falling within the proposed district and relative to adjacent lands.
- The extent to which the district would be located in proximity to existing transportation and electrical transmission corridors.
- Compatibility with commercial and military air space requirements.

Policy 6.70

Concentrated solar heliostat power towers, or similar technology shall be required to demonstrate compatibility with local air traffic and surrounding area uses prior to approval by the County.

Policy 6.80

The County supports renewable energy development that is located and designed to minimize impacts to wildlife and their habitats. To support this goal, the County encourages development proponents to coordinate with the Arizona Game and Fish Department or adjacent to federal lands. They will need to contact the appropriate federal land managers as early as possible.

The last page is adding an element 5.0 in the Comprehensive Plan Environmental Element Plan adding to that already existing section.

5.2 Existing Conditions and Issues

Sustainable Building

All this does is create a purely voluntarily program in the comprehensive plan that says anyone that wants to develop under the U.S. Green Building Council's LEED® (Leadership in Energy and Environmental Design System) can propose that and can bring that forward and we would actually support that. There has been some proven incidents where folks can save a lot of money in the long term not so much in the short term. But in the long term on energy cost according to how they design their building and structures.

Staff recommends approval on this amendment,

Commissioner Hoover asked do we not know the owner of the property affected.

Director Bernhart explained that this is a major text amendment to the Comprehensive Plan so actually you are the applicant, the Planning Commissioners. The way that it has worked before is that you, the Planning Commissioners, have relied on staff to bring the major text amendments before you and you would either agree or disagree with what staff is proposing.

Discussion ensued about the future location of where the renewable energy would be developed and how the applicant(s) would deliver the renewable energy to the electrical grids. There also was discussion on what the projection of going on-line would be.

Director Bernhart stated that the last update that staff had from Solar Missions technology was they were working out an agreement with Western Area Power Association (WAPA) to improve the WAPA line the north/south line up HWY95 so they could install a billion in a half dollar worth of solar towers off the highway. The dates they were using are 2011, 2012 somewhere in there.

Commission Johnson asked what about this solar tower they are talking about. What is that going to do?

Director Bernhart explained that the Solar Mission Project at their last update to the board was they are working to get the WAPA lines upgrade north/south. They did get a sufficient approval from California for their technology which is a huge deal.

Commissioner Johnson asked how they are going to get the power out of there.

Director Bernhart stated the idea is to have the power go to WAPA lines and then go north up pass the dam into the existing grid system. They will have to do some major upgrades to the lines.

Jim Downing explained that there are basically two (2) types of solar; Solar Thermal and Photovoltaic. Solar Thermal uses parabolic mirrors or power towers. They generate heat, which heats the oil to high temperatures which in turn makes steam with the oil, now once the steam is made it works just like a coal plant which means you have to have water to cool. So Solar Thermal Plants use water whereas Photovoltaic only uses water to keep the panels clean.

COMMISSIONER SWAN MOVED to approve Docket No. CP 2009-001 Major Comprehensive Plan Amendment- La Paz County Energy Component Text Amendment. La Paz County (applicant) will consider adding an energy component text and map amendment to the Comprehensive Plan. The proposed text amendment will add language to the Comprehensive Plan detailing goals, objectives and policy for future development of renewable and non renewable energy resources within the

County. This application is for a major comprehensive plan amendment to provide better direction for commercial energy development, including solar, wind and other renewable and non-renewable energy producers seeking to operate facilities within La Paz County. Motion seconded by Commissioner Jones, passed unanimously.

Chairman Gory: Item No. 10 Docket No. CP 2009-002 Major and Minor Comprehensive Plan Amendments- La Paz County Arizona Raceway Park Mixed Use Designation. Arizona Raceway Park- Kurt Peterson (applicant) seeks a mixed use commercial designation for a proposed raceway park to be located within La Paz County. The proposed amendment will clarify that a mixed use commercial raceway park is consistent with existing Comprehensive Plan area designations. This designation would allow for the Arizona Raceway Park to be considered by La Paz County as a Planned Development under the zoning regulations.

Director Bernhart stated that the existing designation of the Land Use Map for the area that is being proposed for the Raceway Park is the Centennial Interchange area it is an Employment Category that shows on our Comprehensive Plan. Staff is proposing a paragraph which is Draft No. 2 dated October 30, 2009.

3.6 Land Use Plan

Employment

Centennial Interchange (Avenue 75 E. and Interstate 10)

La Paz County may consider commercial recreation and mixed use commercial and residential uses associated with the development of a proposed vehicle raceway/racetrack within and adjacent to the existing Centennial Interchange Employment Center. The County may consider a variety of supporting and complementary uses related to race operations including but not limited to commercial services, entertainment, hospitality, research, solar power generation, wind power, and educational programs. Residential RV parks and condominium uses that are accessory to the raceway may also be considered. These uses may be considered as a Planned Development and/or individually through standard zoning. Access, drainage, flood control and all other development considerations shall be considered prior to development.

This proposed amendment is general enough and broad enough in scope that should this applicant not be able to require specific property he could look at other property around the Centennial Interchange Employment area

Kurt Peterson, the Developer and President of the Raceway Park, stated this project which has been in development for the last three (3) years and has selected the Centennial Interchange Employment area. The development will be a Green Racetrack Development. We have researched the sensitivity of the environment where the desert turtle, fire and water, noise management are concerns. We have been working with DRT to get ready for some of the community concerns.

Discussion ensued about the Arizona Raceway Park.

Director Bernhart explained that the Comprehensive Plan Amendment to allow the applicant to ask the question for rezoning. The Employment Designation area has a lot of uses but the one that was not on the list was a raceway. The Employment Designation Area says you can have commercial or industrial. What the amendment will do is allow Mr. Peterson, the applicant, to do is go out and acquire property or obtain a contract on some property and come back to ask for a rezoning either by a Plan Development or by a Rezone Application.

Chairman Gory asked that at that time the applicant will have to take care of all of the requirements that are required. So what we are doing is a blanket in this area, as another use.

Director Bernhart explained that we are not allowed to change the designation that takes the rights away. All we are doing now is just clarifying that within the existing Employment Area, and raceway will work.

COMMISSIONER JONES MOVED to approve Docket No. CP 2009-002 Major and Minor Comprehensive Plan Amendments- La Paz County Arizona Raceway Park Mixed Use Designation. Arizona Raceway Park- Kurt Peterson (applicant) seeks a mixed use commercial designation for a proposed raceway park to be located within La Paz County. The proposed amendment will clarify that a mixed use commercial raceway park is consistent with existing Comprehensive Plan area designations. This designation would allow for the Arizona Raceway Park to be considered by La Paz County as a Planned Development under the zoning regulations. Motion seconded by Commissioner Johnson, passed unanimously.

Chairman Gory: Item No. 11 Docket No. CP 2009-003 Major and Minor Comprehensive Plan Amendments - La Paz County Emerald Springs Solar Farm. Emerald Springs Solar Farm and Emerald Springs, LLC (applicant) seeks to develop a 244-acre solar and wind farm to be located in section 10, T3N, R22W, G&SRM La Paz County, Arizona. The proposed text amendment will clarify that a solar and wind energy generation facility is consistent with the existing Comprehensive Plan Rural Community planning area designation. This designation will allow for consideration of a solar and wind energy production facility by the Board of Supervisors.

Director Bernhart stated this is an amendment to the Comprehensive Plan for the Ehrenberg area. The Ehrenberg area right now is classified as a Rural Community Designation on the Comprehensive Plan Map. This means in general terms Residential Use and this would be considered commercial or Industrial where appropriate.

This applicant has proposed in the past a Master Plan Area Overlay District, to amend the Comprehensive Plan that was back in 2006 for Residential Uses. So that is

currently what Residential Uses is on the property today. The map that was provided depicts the current proposal is to change a portion of said property, Emerald Springs Property, to a Photovoltaic Solar Panel Installation. The applicant is just asking the Planning Commission today, can he have a change in the Master Plan/Comprehensive Plan that would allow him, to come back in and ask if whether he can obtain a rezone to allow Photovoltaic only Solar Rays Panel on this property in the form of a Rezoning or a Plan Development. Today is simply considering whether or not to allow this applicant to come forward in the future and asked the question; can I rezone the property for Photovoltaic Use. The applicant has revised the plan to not to entirely build the property with solar panels. They want to keep the existing MPAO Zoning Designation and the Master Plan Designation for residential use. The applicant wants to add trees and a road between the existing residential area and the proposed Photovoltaic facility.

Commissioner Jones stated this is very simple; he is just asking permission to actually ask the question.

Chairman Gory: If there is no more question or comments from the board members. At this time I would like to open it to the public. Is there anyone out there that has they would like to say on this issue?

Discussion ensued about the Emerald Spring Solar Farm in Ehrenberg about the Photovoltaic Facility.

COMMISSIONER SWAN MOVED to approve Docket No. CP 2009-003 Major and Minor Comprehensive Plan Amendments - La Paz County Emerald Springs Solar Farm. Emerald Springs Solar Farm and Emerald Springs, LLC (applicant) seeks to develop a 244-acre solar and wind farm to be located in section 10, T3N, R22W, G&SRM La Paz County, Arizona. The proposed text amendment will clarify that a solar and wind energy generation facility is consistent with the existing Comprehensive Plan Rural Community planning area designation. This designation will allow for consideration of a solar energy production facility by the Board of Supervisors. Motion seconded by Commissioner Jones, passed unanimously.

12. Board of Supervisors Actions on PC Matters.

Director Bernhart suggested to look in your mailbox for the actively report,

13. Call to the Public.

There is one issue that the Planning and Zoning Commissioners need to talk about; it is our County Engineer or the lack of one. The Commissioners has received some documents but haven't verified any of it but would really like to have this as a matter of record. Will someone get some dialogue between the Board of Supervisors and us on this issue? The Planning and Zoning Commissioners would like to put the County Engineer on the Planning and Zoning Agenda and would like to have someone here to talk too.

Director Bernhart suggest to go and talk to Donna Hale about a work session or with the County Administrator Dan Fields about having a work session with the Board of Supervisors where they can sit down and talk about these specific issues as opposed to a hearing date.

14. Adjournment

Commissioner Swan moved to adjourn, seconded by Commissioner Hoover was passed unanimously

The meeting was adjourned at 4:48 pm.

Robert Gory, Chairman

Scott Bernhart, Director

Rebecca Gross
Administrative Assistant



La Paz County Department of Community Development

B. Scott Bernhart, Director

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LA PAZ COUNTY PLANNING AND ZONING COMMISSION

Regular Meeting / Public Hearing

December 3, 2009 1:30 p.m.

Board of Supervisor's Meeting Room
1108 Joshua Avenue, Parker, AZ 85344

AGENDA

1. Call to Order.
2. Approval of November 5, 2009 minutes.
3. **Docket No. Z2009-027 – Christy May – APN(s): 311-41-230.** The applicant is requesting to rezone from C-2 (General Commercial) to R-1-8 (Residential Low Density Residential-8000 sq. ft.) to accommodate Remodeling Existing Structure to Single Family Home. The property is located at 8920 Riverside Drive, Parker Arizona, Township 10N, Range 19W, Section 22 of the Gila and Salt River Meridian, La Paz County, Arizona. (District 2)
4. **Docket No. Z2009-028 – Dyer Enterprizes—APN(s): 311-41-011X.** The applicant is requesting to rezone 5.13 acre parcel currently zoned RA-40 (Rural Area 40 acre) to C-2 (General Commercial) to bring up to county standards and the surrounding area. . The property is located at 9001 Riverside Drive in Township 10N North, Range 19 West, Section 22 of the Gila and Salt River Meridian, La Paz County, Arizona. (District 2)
5. **Docket No. Z2009-029(Previously 018) –Mountain View RV Investments– APN: 304-39-008A.** The applicant is requesting to rezone 2.81 acres from RVP (Recreational Vehicle Park) to C-2 (General Commercial) for future development of a waste water treatment facility. The property is located at 65001 Hall Street, Salome, AZ, in Township 5 North, Range 13 West, Sections 7&8 of the Gila and Slat River Meridian, La Paz County Arizona. (District 3)
6. **Docket No. SU2009-010(Previously 005) – Mountain View RV Investments– APN: 304-39-008A.** The applicants are requesting a Special Use permit to construct and operate a waste water treatment facility on 2.81 acres. The property is located at 65001 Hall Street, Salome, AZ, in Township 5 North, Range 13 West, Sections 7&8 of the Gila and Slat River Meridian, La Paz County Arizona. (District 3)
7. Board of Supervisors Actions on PC Matters.
8. Call to the Public.
9. Adjournment.

**MINUTES of the
La Paz County Planning & Zoning Commission
December 3, 2009 Regular Meeting/Public Hearing
Board of Supervisor's Meeting Room
1108 Joshua Avenue, Parker, Arizona**

Present were: Chairman Bob Gory, Commissioners: Vice Chairman Conkie Hoover, Al Johnson, Pat Jones, Ron Swan, Bud Wall, Chonna Marshall, Doug Wolfe, LaWanda Laffoon & Director Scott Bernhart, Administrative Assistant Becky Gross. Others present were: District 3 Supervisor Holly Irwin, District 1 Supervisor John Drum, Millie Johnson, Dwight Zemp, Sally Zemp, Jay Donaldson, Mark Iuppenlatz, Charles Ward, Bill Goodman, Mary Goodman, Bill Jones, Roger Crossman, Mike Dyer, Richard Borden, Bob Hansen, Gary Svider, Russ Pearce and County Administrator Dan Field.

Chairman Gory called the December 3, 2009, Planning and Zoning Commission Public Hearing to order at 1:34 p.m.

Chairman Gory asked everyone to have a moment of silence for the servicemen.

Approval of Minutes

Approve the minutes of the Thursday, November 5, 2009, 1:30 p.m. regular meeting.

Commission Hoover had a question on page 14 and 15 the Call to the Public about a County Engineer: Did we not make it clear that we wanted this on the agenda and we want someone here to talk. Which agenda, are we going to use, the Planning and Zoning Agenda or the Board of Supervisors Agenda?

Chairman Gory stated that it was the Planning and Zoning Agenda.

Commissioner Hoover stated that the County Engineer was not on the agenda. Then, on page 15, the last sentence, Director Bernhart's suggestion about talking with Donna Hale, Clerk of the Board, or Dan Field, County Administrator, about a work session with the Board of Supervisors on this specific issue as opposed to a hearing date.

Discussion ensued between Chairman Gory, Director Bernhart, and Commissioner Jones about talking with Donna Hale; Clerk of the Board or with the Dan Field, County Administrator about having a work session or an agenda item so the Planning Commissioner can ask them questions about having a County Engineer for La Paz County here on staff.

Dan Field, County Administrator stated since this was not on the agenda set a date so we can research this subject and we can have answers to your questions.

Dan Field, County Administrator stated he would contact the Financial Director to be at the meeting in case there were any questions. What we need is to break it down according to litigation because we do have some issues that might arise concerning condemnation, right of ways those types of things.

Dan Field, County Administrator said you could help him in a couple of different ways. Each of you could write down or send an email about the information that you would like answers for at the meeting. We will try to have a good presentation so that we can show you the best way to go so you can make a recommendation to the Board of Supervisors.

Chairman Gory stated the date has been schedule for February 4, 2010 with Dan Field, County Administrator about a County Engineer.

COMMISSIONER JOHNSON MOVED to approve the November 5, 2009 minutes with the corrections: of the minutes to show, the Planning and Zoning Commission Agenda and on page 15 the first paragraph correct “of a hearing date” to “to a hearing date”. Motion seconded by Commissioner Swan. Motion passed with seven (7) approvals and two (2) abstentions from Commissioner Wolf and Commissioner Laffoon who were not present at the November 5, 2009 meeting.

PUBLIC HEARINGS(S):

Docket No. Z2009-027 – Christy May – APN(s): 311-41-230. The applicant is requesting to rezone from C-2 (General Commercial) to R-1-8 (Residential Low Density Residential-8000 sq. ft.) to accommodate Remodeling Existing Structure to Single Family Home. The property is located at 8920 Riverside Drive, Parker Arizona, Township 10N, Range 19W, Section 22 of the Gila and Salt River Meridian, La Paz County, Arizona (District 2).

Director Bernhart introduced the case. The Board of Adjustment decided that they would prefer to have the structure be non-conforming so if it were to be rebuilt, it would have to be in accordance with the code. The Board of Supervisors agreed and approved the case based on that recommendation. Staff recommends approval with one (1) stipulation: Sign Waiver A.R.S 12-1134 (207).

Commissioner Wall asked what is on the adjacent lots.

Director Bernhart stated one side is vacant and the other has a structure that is on the zero lot line.”

Chairman Gory stated that this will be a non-conforming use residential on a zero lot line.

Commissioner Hoover asked about the comment from code enforcement.

Director Bernhart stated that Juan Hernandez, the Code Enforcer wants to make sure they meet the lot coverage limit.

Chairman Gory asked in your recommendation, you are stating the applicant needs to receive a letter from their neighbors for the rezoning prior to the Board of Supervisors meeting?

Director Bernhart stated that Staff recommends that at this time.

Commission Wall stated that according to the picture, it appears to be a solid wall with no openings on the zero lot line

Chairman Gory opened the public hearing and asked if anyone wished to comment regarding the request for rezoning.

There being no comment Chairman Gory closed the public hearing..

COMMISSIONER JONES MOVED to approve **Docket No. Z2009-027 – Christy May – APN(s): 311-41-230** request to rezone from C-2 (General Commercial) to R-1-8 (Residential Low Density Residential-8000 sq. ft.) to accommodate Remodeling Existing Structure to Single Family Home. The property is located at 8920 Riverside Drive, Parker Arizona, Township 10N, Range 19W, Section 22 of the Gila and Salt River Meridian, La Paz County, Arizona (District 2), with the with one (1) stipulation: Sign Waiver A.R.S 12-1134 (207). Motion seconded by Commissioner Hoover, passed unanimously.

Docket No. Z2009-028 – Dyer Enterprizes—APN(s): 311-41-011X. The applicant is requesting to rezone a 5.13 acre parcel currently zoned RA-40 (Rural Area 40 acre) to C-2 (General Commercial) to bring it up to county standards and the surrounding area. The property is located at 9001 Riverside Drive in Township 10N North, Range 19 West, Section 22 of the Gila and Salt River Meridian, La Paz County, Arizona. (District 2)

Staff is recommending approval from RA-40 (Rural Area 40 acre) to C-2 (General Commercial) to bring it to county standards. Right now, there is an open code violation case going on because it is presently zoned as RA-40. The applicant does operate a contractor's yard this would allow the applicant to continue to operate and be in compliance. Staff has two (2) stipulations: (1) Sign Waiver A.R.S. 12-1134 (207). (2) Need detailed plot plan of property?

Staff would like to know where everything is stored for there is a floodplain that runs through the property, this is to make sure that will not impacted by the use. Staff is also recommending a security fence on Riverside Drive.

Commissioner Wall asked if this was a legal non-conforming use.

Director Bernhart stated that is something that we tried to pin down but have not been able to find any evidence that it was continuously in operation. There are multiple things going on, there are materials being removed and there is the contractors' yard.

Chairman Gory opened the public hearing and asked if anyone wished to comment regarding this request for rezoning.

There being no comments, Chairman Gory closed the public meeting.

COMMISSIONER HOOVER MOVED to approve **Docket No. Z2009-028 – Dyer Enterprizes—APN(s): 311-41-011X**. The applicant is requesting to rezone 5.13 acre parcel currently zoned RA-40 (Rural Area 40 acre) to C-2 (General Commercial) to bring up to county standards and the surrounding area. . The property is located at 9001 Riverside Drive in Township 10N North, Range 19 West, Section 22 of the Gila and Salt River Meridian, La Paz County, Arizona (District 2) with the stipulations (1) Sign Waiver A.R.S. 12-1134 (207) (2) Need detailed plot plan of property (3) recommending a security fence on Riverside Drive. Motion seconded by Commissioner Johnson, passed unanimously.

Docket No. Z2009-029(Previously 018) –Mountain View RV Investments– APN: 304-39-008A. The applicant is requesting to rezone 2.81 acres from RVP (Recreational Vehicle Park) to C-2 (General Commercial) for future development of a waste water treatment facility. The property is located at 65001 Hall Street, Salome, AZ, in Township 5 North, Range 13 West, Sections 7&8 of the Gila and Slat River Meridian, La Paz County Arizona. (District 3)

Staff recommends approval with four (4) stipulations. (1) Verify future compliance with Article V, Section V-1-2 (B), no structures within 200 feet of the centerline of the adjacent airstrip. (2) Wastewater Treatment Plant Facility shall be constructed and permit by ADEQ within two years of rezoning to C-2, (General Commercial) or property will revert to RVP (Recreational Vehicle Park) zoning after approval by the BOS. (3) Obtain all required permits from ADEQ prior to use. (4) This Commercial zoning approval is for the use of a wastewater treatment facility.

Commissioner Wall stated that there were some minor corrections. The application listed 158 acres and the parcel that is proposed is 2.81 acres this needs updated on the application. The 911 number would be 65215 Hall Street.

Commissioner Laffoon asked if the first case is the rezoning change and the second one the Special Use Permit. Why are the recommendations the same?

Director Bernhart explained that we are hearing the two (2) cases separately. If they do not meet the requirements for the Special Use case or if it goes away entirely

then the zoning can revert back to RVP (Recreational Vehicle Park), and to make sure that they are consistent and have the same requirements.

There are several things we need to know from the last time these cases were heard: (1) What is the status of the US Army Corps Letter that we received and how is that going to be resolved? (2) What is the exact relationship with the next door neighbor runway, do you understand the setback implications and the height implications. (3) People have suggested other locations (4) Where exactly in the ADEQ process is your APP permit or any other permits. Staff would like to see these issues addressed.

Representing Mountain View RV Investment LLC were Dwight Zemp, Mark Iuppenlatz and Jay Donaldson, which has the RV Park (Recreational Vehicle Park) in Salome, AZ. Our purpose is the Rezoning and the Special Use Permit for the 2.81 acres parcel for a Water Treatment Facility and the Wastewater Treatment Facility.

Dwight Zemp gave a five (5) minute PowerPoint Presentation on the overview of the Water Treatment Facility and the Wastewater Treatment Facility (see disk of the overview).

Mark Iuppenlatz explained that their group has owned the property since the late 1990's, and it had been zoned for RVP (Recreational Vehicle Park). We are looking at a RV Sales approach, where people actually own and occupy their own parcel. These all would be deed restricted so that no permanent structure or no permanent homes could be built on them. We have been ask to secure a Sewer and Water Treatment Facility permit and through discussion with the State and all of the local municipalities and consultation with Mr. Zemp, we determined that the best way to approach this is to get the corner of the property (2.81 acres) rezoned to install a sewer treatment facility.

Jay Donaldson stated that some of the key issues last time were the setbacks from the runways and whether they would be encroaching on the FAA requirements. We did confirm this is a private airpark and therefore not regulated by the FAA. There is a question about the height of the treatment plant or whether there is a wastewater treatment component that was 45 feet high and the answer is no. There will be a water storage tank on the facility which will be on the western part of the property. There was a question about the wash and what impact this facility would have. We do have the 404 Delineation Report which was submitted last week, so there will be no construction activity or any anticipated rerouting or impact on any of the existing drainage. We talked about the water tank and where it would be located; it will be about 300 to 375 feet from the centerline of the runway. The mechanical components are all inside the building which provides noise control, weather protection, ease of maintenance and additional level of security.

Chairman Gory stated staff had received letters from ADEQ about the size of plant that they want to have built in the area. From what we have heard, ADEQ would like to have larger plants to service the entire area.

Dwight Zemp explained that the State still pursues and refers a development to larger plants and consolidation for they do not want a proliferation of these plants in the community of Salome. The State has said that because of the length of time that is anticipated before the planning gets done, and the reality, they are very comfortable going ahead in allowing this development to proceed with an individual plant.

Chairman Gory stated if you are going to have 400 or 500 units that you are going to sell, these will be classified as an EDU. How will you dispose of the waste and filter it? How will the water be treated, with regeneration or sprinkler?

Dwight Zemp stated that they still have hydrology work to do but it would most likely be allow to percolate back into the ground either from a discharge basin, recharge basin or through a leach field. Which would be determined by ADEQ and the analyzes of the ground water from the hydrology report. The Plant will be permitted and we will have an operator to monitor the system.

Discussion ensued between Commissioner Wall and Dwight Zemp about the FAA regulation for the setbacks on the water tank, the Wastewater Treatment Plant and the shared concerns with the FAA and safety issues.

Dwight Zemp stated that they had a follow up with Western Regional FAA Director, asking whether anything that we are proposing would constitute a hazard or any problems with their licensing. The FAA has provided us a letter stating in their determination, there would not be any obstruction that would be of concern to them.

Commissioner Wall asked if they gave them the drawing.

Mark Iuppenlatz, stated that they explained to FAA the circumstance and provided them with the exact coordinates of the proposed plan. FAA suggested that we propose a 185-foot tower to be built on that location. .

Discussion ensued between Commissioner Wall, Mark Iuppenlatz, Commissioner Swan, Dwight Zemp, and Commissioner Jones about the water tower and the building on the property: what the height will be, the location of the water tower and building, how far the water tower and building will be from the property line, what will be the use of the water tower and building and how far from the centerline and threshold of the runway.

Discussion ensued between Bill Goodman of the Sheepy Hollow Airpark, Mark Iuppenlatz, Dwight Zemp, and Russ Pierce of the Western Sky Airpark, about the rules of La Paz County and the FAA: what the clearance is for the runways, about maintaining the clear zone to the approach and the departure of our (Goodman's) runway? The domestic well that is on the north side of the property and their concerns about contamination of their community well

Bill Jones from Wenden stated he had an airport that is similar to Bill Goodman's in Salome. Now, just to make sure that we are all on the same page and to get this on the record we would like to hear Director Bernhart say what the specific limits are in the zoning regulation and have them in the minutes. It is Section 5-1-2 Paragraph B that those limits are going to be enforced around two (2) runways on Sheepy Hollow and the one (1) runway at Western Sky. We would like to hear a Yes, from both entities and to make it absolutely clear, so there is no confusion. This will affect Bill Goodman, Russ Pierce, myself and all of the airports out in the Salome area.

Chairman Gory stated that any permits that are issue have to meet a certain standard; if they are not met, the permit will not be issue.

Bill Jones stated that he understood Mr. Gory, but there were implications before. The airports in which we are speaking of are real airports and therefore these limits did not apply, that is why I am asking the question and I want it on the record. We do not get to as the public, to review the building plans before or after all the different departments and entities review the cases. The only department that sees the plans is the Community Development Department.

Chairman Gory stated they had not seen the stipulations, so I do not know. What is Stipulation Number 1?

Administrative Assistant Gross read stipulation (1) Verify future compliance with Article V, Section V-1-2 (B), and no structures within 200 feet of the centerline of the adjacent airstrip.

Discussion ensued between Bill Jones, Director Bernhart, and Chairman Gory about the height limits in the Zoning Ordinance.

Bill Jones stated that there were three (3) requirements in that Paragraph.

Director Bernhart read into record the four (4) requirements of Article V Section V-1-2 Paragraph (B):

Discussion ensued between Chairman Gory, Bill Jones, Director Bernhart, and Commissioner Jones about Article V Section V-1-2 Paragraph (B) issue.

Commissioner Jones stated that this hearing is for a Rezone; the Special Use Permit is coming up next.

Discussion ensued between Mary Goodman, Dwight Zemp about the reclaimed water being percolated back into the ground and could this be used for landscape watering.

Discussion ensued between Mary Goodman, Chairman Gory, and Director Bernhart about the permits, and plans, which can be viewed in the Community Development Office.

Commissioner Wall stated that we are here to discuss rezoning from RVP (Recreational Vehicle Park) to C-2 (General Commercial) on a little square of the property for a Water Treatment Plant and a Wastewater Treatment Plant. The second issue is the request for the Special Use Permit on this same property. The request to change from RVP (Recreational Vehicle Park) to RVS (Recreational Vehicle Subdivision) is down the road.

Mark Ippenlatz stated that the request here today is for a rezone to prove to ADEQ and the Planning Commission that we have the sewer handled.

Discussion ensued between Dwight Zemp, Commissioner Wall, Commissioner Swan about the Codes of the County.

Roger Crossman asked if the Board of Supervisors will uphold and enforce the County Zoning?

Richard Borden stated that the one (1) thing not discussed is there are three (3) separate runways: One is the Western Sky Airpark Runway and there are two (2) runways on Bill Goodman. One runs the same direction as Western Sky Airpark Runway and then there is the opposite runway that runs the other direction and so clearance requirements that needs to be met on all of those

Dwight Zemp asked for a point of clarification: where the third one is?

Richard Borden stated there is the one that runs north and south parallel to your property line north and south. Then there is a runway that runs east and west.

Director Bernhart asked Dwight Zemp if they are still represented by the Rose Law Firm.

Mark Ippenlatz stated that they were and they would comply with all of the rules and regulations of the County.

Discussion ensued between Chairman Gory, Commissioner Laffoon, and Commissioner Wall about the setback requirements.

Commissioner Wolfe stated that he agreed with Mr. Bill Jones that we should probably strike all of the text under Article V, Section V-1-2 (B) and just leave it because that does take into consideration everything under it.

Commissioner Wall stated that he would like to recommend to Staff that they present the Board of Supervisors with map information of the adjoining land uses that shows the different runways on the adjacent properties.

There being no comments, Chairman Gory closed the public meeting.

COMMISSIONER SWAN MADE the motion to approve **Docket No. Z2009-029(Previously 018) –Mountain View RV Investments– APN: 304-39-008A.** The applicant is requesting to rezone 2.81 acres from RVP (Recreational Vehicle Park) to C-2 (General Commercial) for future development of a Waste Water Treatment Facility. The property is located at 65001 Hall Street, Salome, AZ, in Township 5 North, Range 13 West, Sections 7&8 of the Gila and Slat River Meridian, La Paz County Arizona (District 3) with stipulations (1) Verify future compliance with Article V, Section V-1-2 (B), no structures within 200 feet of the centerline of the adjacent airstrip. (2) Wastewater Treatment Plant Facility shall be constructed and permitted by ADEQ within two years of rezoning to C-2, (General Commercial) or property will revert to RVP zoning after approval by the BOS. (3) Obtain all required permits from ADEQ prior to use. (4) This Commercial zoning approval is for the use of a wastewater treatment facility. (5) To sign the waiver A.R.S. 12-1134 (207). Motion seconded by Commissioner Wall passed with 8 approval and 1 abstentions from Commissioner Wolf

Docket No. SU2009-010(Previously 005) – Mountain View RV Investments– APN: 304-39-008A. The applicant is requesting a Special Use permit to construct and operate a waste water treatment facility on 2.81 acres. The property is located at 65001 Hall Street, Salome, AZ, in Township 5 North, Range 13 West, Sections 7&8 of the Gila and Slat River Meridian, La Paz County Arizona. (District 3)

Director Bernhart stated this applicant is requesting a Special Use Permit and staff recommends approval with five (5) stipulations: (1) Verify future compliance with Article V, Section V-1-2 (B), no structures within 200 feet of the centerline of the adjacent airstrip. (2) Wastewater Treatment Plant Facility shall be constructed and permit by ADEQ within two years of Rezoning and Special Use Permit to C-2, (General Commercial) or property will revert to RVP in accordance with the Zoning change and the Special Use Permit will be invalid after approval by the BOS. (3) Obtain all required permits from ADEQ prior to use. (4) The Special Use approval is for the use for the Wastewater Treatment Facility (5) The applicant will sign a waiver A.R.S. 12-1134 (207).

Chairman Gory opened the discussion up to the public.

Mary Goodman stated that they have the same concerns and issues as we do with the last case.

There being no more comments, Chairman Gory closed the public meeting.

Commissioner Wall stated he had a suggestion for the applicant in which to provide a more specific map of the location and heights of the buildings, the water towers and the Water and Wastewater Treatment Plant before it goes to the Board of Supervisors hearing and to show the land uses on the adjoining properties. The Special Use application standards and the Zoning Ordinance, have requirements to show all structures on the adjoining properties.

Director Bernhart stated that is one of the best things about Special Use Permits, you can ask for anything reasonable.

Commissioner Wall stated we do have the same problem with the address here. That we need to use the correct address for the center of the 2.81-acre parcel where the Special Use Permit would be applied rather than for the whole RV Park.

COMMISSIONER SWAN MADE the motion to approve **Docket No. SU2009-010(Previously 005) – Mountain View RV Investments– APN: 304-39-008A**. The applicants are requesting a Special Use permit to construct and operate a waste water treatment facility on 2.81 acres. The property is located at 65001 Hall Street, Salome, AZ, in Township 5 North, Range 13 West, Sections 7&8 of the Gila and Slat River Meridian, La Paz County Arizona (District 3) with Staff stipulations (1) Verify future compliance with Article V, Section V-1-2 (B), no structures within 200 feet of the centerline of the adjacent airstrip. (2) Wastewater Treatment Plant Facility shall be constructed and permitted by ADEQ within two years of Rezoning and Special Use Permit to C-2, (General Commercial) or property will revert to RVP in accordance with the Zoning change and the Special Use Permit will be null and void after approval by the BOS. (3) Obtain all required permits from ADEQ prior to use. (4) The Special Use approval is for the use for the Wastewater Treatment Facility. (5) The applicant will sign a waiver A.R.S. 12-1134 (207) and Commissioner Wall's stipulations (6) to add the 911 address (7) showing the location and height of the structures being proposed (8) then submit a map for the Board of Supervisors hearing showing the land use of adjoining parcels. Motion was seconded by Commissioner Johnson. The motion passed with 8 approved and 1 abstention from Commissioner Wolfe.

Board of Supervisors Actions on PC Matters.

Director Bernhart stated that Staff handed out the most recent Activity Report in November, there will be another one prepared for next week.

Call to the Public

Gary Svider stated that he was the property owner at 8982 Riverside Drive and he wanted noted that he was never notified that Docket No. Z2009-027 – Christy May – APN(s): 311-41-230 was being placed on the agenda and this property is located within a Homeowner Association.

Bill Jones from Wenden just a request to get the Planning and Zoning Agenda and Minutes on the website in a timely manner.

COMMISSIONER HOOVER MOVED to adjourn the December 3, 2009 Planning and Zoning meeting. The Motion seconded by Commissioner Johnson, passed unanimously.

The meeting adjourned at 3:38 p.m.

Robert Gory, Chairman

Scott Bernhart, Director

Rebecca Gross
Administrative Assistant