



City Attorney's Office
102 Roadrunner Dr.
Sedona, AZ 86336

Kurt W. Christianson, City Attorney
William A. Kunisch, City Prosecutor
Douglas V. Drury, Assistant City Attorney

May 1, 2023

Board of Adjustment
Hearing Officer Ron Ramsey

Re: V&M Real Estate, LLC, ("V&M") Appeal of Community Development Department Director's September 27, 2022 Revised Interpretation regarding 55 Newcastle Lane.

V&M Real Estate, LLC, ("V&M") filed this Appeal regarding the Community Development Department Director's September 27, 2022 Revised Interpretation regarding 55 Newcastle Lane (ZV21-00011) as allowed by LDC 8.8.E. In the Revised Interpretation, the Director properly held that the use of this property as a short-term rental ("STR") did not constitute a legal non-conforming use (see Director's Revised Determination attached as **Exhibit 1**).

Factual Background

The property located at 55 Newcastle Lane, Parcel Number 401-21-18J, consists of two buildings. One building contains four dwelling units and the other contains three units, one of which has been used as a caretaker's quarters.

The City of Sedona incorporated in 1988 and carried over the County zoning of RS-10,000, zoning the property RS-10,000-b, for a Single Family Residential lot with a minimum lot size of 10,000 square feet in Coconino County. This zoning district became RS-10b and is now RS-10. Lot standards for the RS-10 zoning district are found in LDC Section 2.5 and permitted uses are found in LDC Section 3.2. Neither apartments nor lodging are listed as permitted uses in the RS-10 zone. Therefore, LDC Section 1.6 (Nonconformities) would govern the current and future use of this property.

V&M's contends that the use of the property as an STR pre-dated Sedona's incorporation which made the STR a legal non-conforming use. The Director initially opined that the property would qualify as a legal non-conforming use based upon newspaper ads provided by V&M from the 1960's and 1970's showing that the property had been used as an STR at that time (see initial Director's Interpretation attached as **Exhibit 2**).

Following the initial Interpretation, new information came to light. In 1986, the then-owner of the parcel sought approval to use it for STR. Meeting Minutes regarding Coconino Case No. UP-86-11 described it as “[a] request to change one nonconforming use to another, to convert six (6) apartment units to nightly rentals. At the June 1986 public meeting, information was presented that the six units had been used as apartments since 1983 (see **Exhibit 3**). The property, on Newcastle Island, is off Brewer Road in Sedona and is identified as Assessor’s Parcel Number 401-21-18J.” Based on this description, this case involved the property at issue.

That request was denied by the Coconino County Planning and Zoning Commission. Following appeal, it was denied again by the Coconino County Board of Supervisors (see **Exhibits 3, 4 and 5**). The owner did not use the property for STR for at least five years prior to Sedona’s incorporation (from 1983-1988). Therefore, at the time of incorporation STR was not an approved use of the property. The known timeline is as follows:

1963, 1972, 1977 ads indicate the property was let daily, weekly or monthly.

1983 – the property was let on a monthly basis only

1986 – the property owner sought approval for a non-conforming use as an STR:

June 24, 1986 – the owner sought a conditional use permit “to change from one non-conforming use to another...The change being requested is the conversion of the 6 apartment units from monthly rentals back to nightly rentals.” Coconino County Planning and Zoning Commission Minutes reflect that the property was let “on a nightly basis until 1983. Since 1983 the six apartments have been rented on a monthly basis.” (**Exhibit 3**)

August 4, 1986 the Coconino County Board of Supervisors Meeting Minutes note that the Board was scheduled to hear an Appeal of the Planning and Zoning Commission’s denial of the change from monthly to daily rental of the subject units. (**Exhibit 4**)

September 2, 1986 – Coconino County Board of Supervisors Meeting Minutes reflect that the Board considered and denied the appeal of the Planning and Zoning Commissions determination that it would not grant permission for daily rentals as a non-conforming use. (**Exhibit 5**)

1988 – the City of Sedona is incorporated

The Revised Interpretation correctly finds that STR is not a legal non-conforming use.

Based on these previously unknown facts, the Director found that “the use of this property as a nightly rental (lodging) has not been lawfully established and is considered an illegal nonconformity (LDC Section 1.6.H). Therefore, such use shall cease all operations and return to the last legally established use of the property, which was stated in the 1986 Use Permit as monthly rentals.” (**Exhibit 1**)



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V&M has provided no evidence that the property was used as an STR at any time from 1983 until V&M's recent attempts to convert the property to STR use.

V&M has also offered a novel argument that, since the property had previously been used for daily, weekly and monthly rental in the 1960's and 1970's, those uses qualify as a permitted non-conforming use in perpetuity for lodging of any type. They argue that since it was used as a "lodging" it is "lodging" that is the approved use" and the property can be used as any type of lodging at any time. V&M contends that, if one particular type of occupancy (STR) was not utilized for several decades, the property was still utilized as one type of "lodging" and could later be used for another. This argument fails because it contradicts the LDC, which treats STR's as a separate category, not as general lodging. (See LDC Chapter 5.25. See also LDC 5.25.050(C): "No person or entity shall operate a short-term rental in violation of this chapter or other law.")

Further, the argument contradicts the now-known facts. The uncontroverted evidence shows that the property has not been used as an STR since 1983. The V&M argument ignores the specific pre-Sedona incorporation action by the Coconino County Board of Supervisors unequivocally denying STR use. Therefore, STR was not a permitted use of the property at the time of Sedona's incorporation. Since the use was not permitted at the time of incorporation, STR did not qualify as a permitted non-conforming use in 1988 or since.

55 Newcastle Lane does not fall within the State of Arizona's STR statute.

V&M has argued that Sedona does not have a legal right to restrict the property use because the City Code is preempted by the Arizona Revised Statute §9-500.39 which preempts local law to allow STR for certain properties. However, the definition of STR in the state statute excludes 55 Newcastle Lane.

A.R.S. §9-500.39(L)(3)(a) defines the property to which it applies:

3. "Vacation rental" or "short-term rental":

(a) Means any individually or collectively owned single-family or one-to-four-family house or dwelling unit or any unit or group of units in a condominium or cooperative that is also a transient public lodging establishment or owner-occupied residential home offered for transient use if the accommodations are not classified for property taxation under section 42-12001.

The subject property consists of seven units (six rental units and one caretaker unit) and therefore falls outside the "one-to-four family house or dwelling unit" contemplated by the statute.

V&M's position is that the statute applies to each building on a property, not the property itself so that a property could have 20 buildings, but if each building had 1-4 units it would fall within the protection of the state statute.

This argument goes beyond the scope of the hearing and this appeal to the Board of Adjustment. The Director's Determination and the issue pending is whether the proposed use is a permitted non-conforming use under the City Code. With the new evidence, the Director correctly determined that the proposed use is not a permitted use. Even if this were a hearing issue, the statute applies to a "single-family or one-to-four family house or dwelling unit." The V&M argument fails because the regulation applies to a property, not each individual building on a property. For example, see A.R.S. §9-500.39(B)(6)(b) which identifies "property" as containing a distinct "property address". Also see A.R.S. §9-500.39(B)(6)(b). That section references A.R.S. §§42-12003 and 421-2004 which reference real and personal property pertaining to a parcel, not a building. Whether or not the property may still be used as a STR pursuant to A.R.S. 9-500.39 is a decision for a court, not the Board of Adjustment.

For these reasons the Hearing Officer should uphold the Director's Revised Interpretation denying V&M Real Estate LLC's request to allow STR as a permitted non-conforming use of the property.

Respectfully submitted,



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Kurt W. Christianson
City Attorney, City of Sedona, Arizona

Exhibit List:

1. Director's September 27, 2022 Revised Interpretation
2. Director's April 13, 2021 Interpretation
3. Coconino County Planning and Zoning Commission meeting minutes June 24, 1986
4. Coconino County Planning and Zoning Commission meeting minutes August 4, 1986
5. Coconino County Planning and Zoning Commission meeting minutes September 2, 1986



Community Development Department

102 Roadrunner Dr.
Sedona, AZ 86336

September 28, 2022

Vincent VanVleet
1268 E Edgemont Avenue
Phoenix, AZ 85006
Email: triplev@cox.net

**RE: REVISED Director's Interpretation, Lodging Use at 55 Newcastle Lane
ZV21-00011, 55 Newcastle Lane, APN 401-21-018J**

**THIS DIRECTOR'S INTERPRETATION REVISES AND REPLACES THE DIRECTOR'S INTERPRETATION
ISSUED FOR THIS PROPERTY ON APRIL 13, 2021.**

Dear Mr. VanVleet:

In April of 2021, you requested a Director's Interpretation relating to the legality of a nonconforming lodging use at 55 Newcastle Lane (APN 401-21-018J). As part of that request, you provided numerous news articles, advertisements, etc., from newspapers including the Sedona Red Rock News and the Arizona Republic advertising this property ("Newcastle Island Cottages") as a motel, available for daily, weekly, or monthly rentals, going back as far as 1963. The documentation provided states that there are 6 lodging units available, and you represented to the City that the property had operated continuously as nightly rentals since the 1960s.

Based on this information, the Director's Interpretation concluded that lodging was a legal nonconforming use of the property and was permitted to continue. However, this interpretation states that it was made "assuming the information reviewed by the City is accurate. If any of the information used to make this determination is deemed to be inaccurate, this determination is nullified." In addition, this determination stated that the determination may be amended if further information is provided showing that the lodging use ceased for more than 6 months (LDC Section 1.6.C(1)d).

Additional Information Provided to the City – Coconino County Planning and Zoning Commission and Board of Adjustment Minutes Related to Case Number UP-86-11

In August of 2022, City Staff was provided with information regarding a case heard by Coconino County's Planning and Zoning Commission and Board of Supervisors in 1986, prior to the City of Sedona's incorporation. Case No. UP-86-11 is described as "A request to change one nonconforming use to another, to convert six (6) apartment units to nightly rentals. The property, on Newcastle Island, is off Brewer Road in Sedona and is identified as Assessor's Parcel Number 401-21-18J." Based on this description, this case involved the property in question.

The following meeting minutes were reviewed and are provided as attachments to this letter:

1. Coconino County Planning and Zoning Commission, June 24, 1986
2. Coconino County Board of Supervisors, August 4, 1986
3. Coconino County Board of Supervisors, September 2, 1986

The Planning and Zoning Commission minutes state that, while the property had been used for nightly rentals in the past, the apartments had been rented on a monthly basis since 1983 and the application sought approval to convert to nightly rentals. At the Commission's hearing on June 24, 1986, UP-86-11 was denied, the conversion to nightly rentals was not approved.

After the Commission's hearing, the applicant appealed the decision to the Coconino County Board of Supervisors and an appeal hearing was scheduled for August 4, 1986. At this hearing, the applicant requested, and the Board approved, a continuance to September 2, 1986. At the September 2, 1986 hearing, the Board concurred with the Planning and Zoning Commission's decision and denied the Use Permit.

Nullification of Previous Director's Interpretation

As this information clearly shows that a Use Permit (UP-86-11) to convert 6 apartments from monthly to nightly rentals was denied by both the Coconino County Planning and Zoning Commission and Board of Supervisors in 1986, the original representation that this property has operated continuously as nightly rentals since the 1960s is incorrect. In addition, the information presented to the County in 1986 shows that the use as lodging had ceased for at least 3 years. Therefore, the Director's Interpretation from 2021 (ZV21-00011) is nullified and replaced with the following interpretation.

Revised Director's Interpretation

The City of Sedona incorporated in 1988 and carried over the County zoning of RS-10,000, zoning the property RS-10,000-b, for a Single Family Residential lot with a minimum lot size of 10,000 square feet in Coconino County. This zoning district became RS-10b and is now RS-10. Lot standards for the RS-10 zoning district are found in LDC Section 2.5 and permitted uses are found in LDC Section 3.2.

Neither apartments or lodging are listed as permitted uses in the current RS-10 zone or any previous version of this zoning district (RS-10,000-b or RS-10b), so LDC Section 1.6 (Nonconformities) would govern the current and future use of this property. The purpose of the nonconforming section of the code is to "regulate and limit the development and continued existence of uses... that were lawfully established prior to the effective date of this Code, but that no longer conform to the requirements of this Code" (LDC Section 1.6.A).

While the use of the property was originally established as a nightly rental property in the 1960s, the information presented to the Coconino County Planning and Zoning Commission and Board of Supervisors in 1986 shows this use was discontinued in 1983 and the request to legally re-establish a lodging use (UP-86-11) was denied. Therefore, the use of this property as a nightly rental (lodging) has not been lawfully established and is considered an illegal nonconformity (LDC Section 1.6.H). Therefore, such use shall cease all operations and return to the last legally established use of the property, which was stated in the 1986 Use Permit as monthly rentals.

Based on this revised Director's Interpretation, please provide proof that the units are being rented on a monthly basis within 30 days of the date of this letter. If this information is not provided, the City may move forward with issuing a notice of violation.

Conclusion

Based on the information provided, the Director has determined that the property at 55 Newcastle Lane is not a legal nonconforming lodging use and must be returned to apartments/monthly rentals based on the following:

- The property is zoned RS-10 (Single Family Residential).
- Apartments and lodging are not a permitted use in the RS-10 zone.
- The property was developed in the early 1960s and documentation shows that the property operated as a 6-unit lodging facility in 1960s.
- The minutes from the Coconino County Planning and Zoning Commission meeting from June 24, 1986 state that the property ceased nightly rentals in 1983.
- In 1986, the property owner applied for a use permit (UP-86-11) from Coconino County to allow for the re-establishment of nightly rentals on the property.
 - UP-86-11 was denied by the Coconino County Planning and Zoning Commission on June 24, 1986.
 - The Planning and Zoning Commission's denial was appealed by the applicant to the Coconino County Board of Supervisors. The Board of Supervisors denied the appeal, upholding the Commission's denial of the use permit, on September 4, 1986.
 - The use of the property as nightly rentals was not legally re-established.

- The City of Sedona incorporated in 1988 and nightly rentals have never been a permitted use for this property.

This determination is made assuming the information reviewed by the City is accurate. If any of the information used to make this determination is deemed to be inaccurate, this determination is nullified.

As the Community Development Director, this is my interpretation of the LDC as it relates to the legal nonconforming use of the property at 55 Newcastle Lane (APN 401-21-018J) as a lodging facility (LDC 1.6: Nonconformities). Any person aggrieved by this decision may appeal this decision in accordance with the provisions of LDC 8.8.D (Appeal).

All LDC sections cited in this letter may be reviewed in their entirety at <https://sedona.municipal.codes/SLDC>

If you have any further questions, please contact Cari Meyer, Planning Manager, at (928) 203-5049 or cmeyer@sedonaaz.gov.

Sincerely,



Karen Osburn
City Manager, Community Development Director

cc: File, APN 401-21-018J
Cari Meyer, Planning Manager
Brian Armstrong, Senior Code Enforcement Officer

Attachments

1. Coconino County Planning and Zoning Commission, June 24, 1986
2. Coconino County Board of Supervisors, August 4, 1986
3. Coconino County Board of Supervisors, September 2, 1986



Community Development Department

102 Roadrunner Dr.
Sedona, AZ 86336

April 13, 2021

Vincent VanVleet
1268 E Edgemont Avenue
Phoenix, AZ 85006
Email: triplev@cox.net

**RE: Director's Interpretation, Lodging Use at 55 Newcastle Lane
ZV21-00011, 55 Newcastle Lane, APN 401-21-018J**

Dear Mr. VanVleet:

Thank you for your letter requesting a Director's Interpretation as it relates to the legality of a nonconforming lodging use at 55 Newcastle Lane (APN 401-21-018J).

Request #1: Whether the use of the property as a lodging use is considered a legal nonconforming use.

This property is zoned RS-10 (Single Family Residential). Lodging uses are not permitted in the RS-10 zoning district. However, LDC Section 1.6 (Nonconformities) is included in the Land Development Code to "regulate and limit the development and continued existence of uses... that were lawfully established prior to the effective date of this Code, but no longer conform to the requirements of this Code." This section goes on to state that "while nonconformities may continue, the provisions of this section are designed to curtail substantial investment in nonconformities to bring about their eventual elimination in order to preserve the integrity of this Code and the goals of the City." The request with this letter is whether the above-mentioned property contains a legal nonconforming lodging use.

Based on Coconino County records, the property was originally developed in the 1960s, prior to the City of Sedona's incorporation. The only permit the City has on file for this property is a gas line permit from 1993 (B2312). No information regarding the use is included on the gas permit. City wastewater records indicate this property is connected to City sewer and is being billed for 6 multi-family residential units in addition to one single-family unit.

With this request for a Director's Interpretation, the City has been provided with numerous news articles, advertisements, etc., from newspapers including the Sedona Red Rock News and the Arizona Republic advertising this property ("Newcastle Island Cottages") as a motel, available for daily, weekly, or monthly rentals, going back as far as 1963. The documentation provided also states that there are 6 lodging units available.

Based on this documentation, it is the Director's Interpretation that the property has operated as a 6-unit lodging facility since prior to the City's incorporation. As nonconforming uses must operate continuously, the Director reserves the right to amend this interpretation if further information is provided showing the lodging use has ceased for more than 6 months (LDC Section 1.6.C(1)d).

Conclusion

Based on the information provided, the Director has determined that the property at 55 Newcastle Lane is permitted to operate as a legal nonconforming 6-unit lodging use based on the following:

- The property is zoned RS-10 (Single Family Residential).
- Lodging is not a permitted use in the RS-10 zone.
- The property was developed in the early 1960s and the applicant has provided documentation that the property has operated as a 6-unit lodging facility since the early 1960s.

- As the lodging use was established prior to the City's incorporation, it is permitted to continue as a legal nonconforming use, subject to the requirements of LDC Section 1.6 (Nonconformities).
- No expansion of the nonconforming use is permitted. Future development of the property must comply with the requirements of the nonconforming section of the LDC (LDC Section 1.6), as well as any other applicable code sections.

In conjunction with this determination, the following conditions are applicable to this property and approval:

- This determination only applies to the use of the property as a lodging use from a zoning standpoint. Additional City departments, including Building and Public Works/Engineering, as well as the Sedona Fire District, may have separate requirements that may need to be met.

This determination is made assuming the information reviewed by the City is accurate. If any of the information used to make this determination is deemed to be inaccurate, this determination is nullified.

As the Community Development Director, this is my interpretation of the LDC as it relates to the legal nonconforming use of the property at 55 Newcastle Lane (APN 401-21-018J) as a lodging facility (LDC 1.6.C: Nonconforming Uses). Any person aggrieved by this decision may appeal this decision in accordance with the provisions of LDC 8.8.D (Appeal). All LDC sections cited in this letter may be reviewed in their entirety at <https://sedona.municipal.codes/SLDC>

If you have any further questions, please contact Cari Meyer, Planning Manager, at (928) 203-5049 or cmeyer@sedonaaz.gov.

Sincerely,



Karen Osburn
City Manager, Community Development Director

cc: File, APN 401-21-018J

Jane Juarez, Deputy County Attorney, said there is currently a moratorium on Special Districts. She doesn't know how long this will be in effect but no new districts can be formed at this time.

Chairman Rhoton asked for public comment. There was no public comment. Discussion went back to the Commission.

After brief Commission discussion, Tony Cullum made a motion to approve Case No. Z-86-3 subject to the 10 conditions of approval contained in the staff report with the addition of Condition No. 11 - "IMPROVEMENTS FOR EACH PHASE OF THE FINAL PLAT SHALL BE FULLY CONSTRUCTED EXCEPT FOR ABC AND PAVING PRIOR TO THE NEXT PHASE OF DEVELOPMENT." Dan Cothran seconded the motion.

Tony Cullum amended his motion to amend Condition No. 8 to read "A PROPERTY OWNERS' ASSOCIATION CONSISTING OF ALL PARTIES OF REAL INTEREST IN THE DEVELOPMENT SHALL BE ESTABLISHED. SAID ASSOCIATION SHALL BE RESPONSIBLE FOR CARE AND MAINTENANCE OF EFFLUENT TREATMENT PLANTS, IF ANY, AND GREENBELT AREAS. SAID ASSOCIATION SHALL ALSO BE RESPONSIBLE FOR THE OPERATION OF FIRE PROTECTION SERVICES SUFFICIENT TO ENSURE AN UNDERWRITER'S INSURANCE RATING OF 8. IN LIEU OF THIS, A FIRE DISTRICT ENCUMBERING THE ENTIRE DEVELOPMENT MAY BE ESTABLISHED TO FACILITATE SIMILARLY RATED FIRE PROTECTION SERVICES."

Dan Cothran seconded the amended motion. Case No. Z-86-3 was approved unanimously.

CASE NO. UP-86-11: A request to change one nonconforming use to another, to convert six (6) apartment units to nightly rentals. The property, on Newcastle Island, is off Brewer Road in Sedona and is identified as Assessor's Parcel Number 401-21-18J.

APPLICANT: OAK CREEK CANYON, RESORT, Sedona, Arizona.

Andrew McGregor made this formal presentation to the Commission. In addition to his verbal presentation, photographs were submitted for the Commission's view.

Andrew's presentation consisted of the subject property and surrounding land uses. He gave a brief background stating that the subject property has been developed since 1960. From 1960 to 1970 the subject property was operated as a portion of Hardcastle's Island Cottages and Apartments. In 1970 the property was sold to the present owner who also operated the apartments on a nightly basis until 1983. Since 1983 the six apartments have been rented on a monthly basis.

Andrew explained the development proposal stating that the applicant is requesting a Conditional Use Permit to allow a change from one nonconforming use to another as specified in Section 17.7 of the Zoning Ordinance. The change being requested is the conversion of the 6 apartment units from monthly rentals back to nightly rentals. No additional units are being proposed nor are any modifications to the existing structures or site plan being proposed.

Even though the proposed use has existed previously, staff has some concerns regarding the application for a Conditional Use Permit.

Section 17.7 of the Zoning Ordinance states that "a conditional use permit may be granted for conversion of a nonconforming use to another nonconforming use provided that the Planning and Zoning Commission finds that the proposed nonconforming use will not have a greater adverse impact on the surrounding area than the existing or former nonconforming use." In order to do this, certain development issues need to be discussed.

1. Floodway/Floodplain - The subject property is located in a FEMA floodway.
2. Access and traffic generation - Access to the subject property is provided by Juniper Drive and New Castle Lane. Only 300' of Juniper Drive is a dedicated county road. The remainder is either private easements and/or on private parcels. Roads are unimproved dirt. The proposed change from permanent residential to transient will not increase traffic flow along the access road.
3. Signage - The applicant is proposing to replace the off-premise sign with a sign approximately 2' x 3' in the shape of a log cabin. Off-premise signs are not allowed in RS-10,000 zoning.
4. Wastewater - The subject property is currently served by 2 septic tanks with leach lines. While the 25 gallons per day per unit difference in wastewater usage as estimated by the Health Department for the current use to the proposed use is negligible, the current system is not ideal. With its location in the floodway, the existing system invariably contributes to the contamination of Oak Creek. Health Department requirements specify a 200' minimum setback from streams for a conventional septic system.

Andrew noted that he had received 6 phone calls and 1 letter - all in opposition to this request.

Due to the subjective nature of determining the "degree" of impact, staff did not make a recommendation at this time. Staff did list 5 conditions of approval in the staff report in case the Commission determined there was sufficient justification for granting the Conditional Use Permit.

At this point the applicant was asked to respond.

Ron Hegenderfer responded. First he complimented Andrew on his presentation.

Mr. Hegenderfer read a prepared statement to the Commission. He also showed them what his proposed new sign would look like.

He listed several items to the Commission in regards to his plans for the complex.

1. The rooms would be limited to 2 people. No children unless small enough to sleep with parents.
2. No pets would be allowed.
3. The single-family residence on the property would be lived in by himself and his wife. They would be the caretakers of the property.
4. Raymond Bluff, a contractor and business partner, plans to fix the roads.
5. He had a letter from the septic service in Sedona stating there is no problem with the basic septic system.

The applicant had no objections to the conditions of approval.

Commission asked various questions of the applicant such as, why change the use from monthly rentals to nightly? Did applicant plan to expand?

Mr. Hegenderfer told the Commission that his reasons for changing were because monthly rent is \$350.00. He can charge considerably more for nightly rentals in order to pay for the property. He told the Commission that he does not plan to expand the facilities.

Bill Helmcke was quite concerned that this would change the zoning of the property without going through a zone change. The current zoning on the property is single-family. This would change from multi-family residential to a commercial use.

When Chairman Rhoton asked for public comment, no one spoke in favor of the request. When public was asked to speak against, several people responded. First was Doug McPherson of Phoenix. He was there on behalf of his father who is an adjacent property owner. Mr. McPherson read a prepared statement listing several reasons why they are "strongly" against this request.

1. Changing to a commercial use in a residential area.
2. Motels are the sort of place where you would need to go shopping every night; this would create traffic.
3. Nightly traffic just from prospective guests.
4. Bad road.
5. Late night traffic.
6. The subject area is dark, apartment use more in character with the residential use of the area than a motel.
7. The current sign doesn't draw attention to the area. A new sign, as proposed, would.
8. Even though many "nice" people are in motels, these nightly renters would be strangers to the neighborhood as opposed to monthly renters who become neighbors.
9. Nightly renters have no references to stay there. To rent monthly apartments, one has to have references.

In summation, Mr. McPherson asked for consideration to be given to the current property owners.

Next to speak was Romeo d'Angelo. He, too, spoke against the request for many of the same reasons. Mr. D'Angelo presented the Commission with a petition signed by 39 adjacent property owners and/or neighbors.

Paul Begovac presented a letter to the Commission signed by himself and Charles Younkens. They, too, were opposing the change.

Robert Nichols was next to speak. His objections were the same as previously mentioned -- noise, traffic, road conditions, etc.

Bob Boydston spoke to say that if approval is granted, have the applicant put the sign in the exact spot the existing sign is in.

Next to speak was Robert Brazy. He was not there to speak in favor of or against the issue. He had some questions for the applicant.

Mr. Brazy lives adjacent to New Castle Island. His questions to Mr. Hegenderfer were such as: What is the quality of clientele he hoped to attract on a nightly basis? Mr. Hegenderfer said that he planned to charge \$75.00 per night. This would be higher quality clientele, not vandals.

Robert asked what types of improvements he planned to make. Mr. Hegenderfer said his plans included picnic tables, bar-b-ques, that sort of thing.

What about lights? Mr. Hegenderfer said he proposed pagoda lights which are soft lights. He also stated that his office hours will be from 8:00 A.M. to 10:00 P.M. so there won't be late night activities.

Joyce Nichols spoke up to state that if this change in use is granted, what's the chance of other commercial uses coming in.

William Laird spoke up to say he is opposed to this because of "spot-zoning."

Robert Brazy spoke again to say that he has lived there for 10 years and he sees no problem with the proposed use.

At this point the public hearing was closed. Discussion went back to the Commission.

Commission discussed the issues of "spot-zoning" and nonconforming uses. Also they were concerned about setting a precedent. The road was a concern as was the sewer. It was felt that the Commission must protect Oak Creek. Even though this applicant has no plans to expand, Commission was concerned about future owners and what their desires might be.

Commissioner Abe stated that the proposed uses had occurred historically and that the Commission's role was to assess the degree of impact the proposed use would create as per Section 17.7 of the Zoning Ordinance. Due to the difficulty in quantifying the amount of impact, George Abe felt the use permit request should be approved.

Bill Helmcke made a motion to deny Case No. UP-86-11. Gordon McHood seconded the motion.

By a vote of 5 - 2 Case No. UP-86-11 was denied. Voting in favor of denial were Rhoton, Helmcke, Cothran, Cullum, McHood. Voting against denial were Abe and Wamble.

The next study session was set for 4:00 P.M., July 29, 1986.

The next regular meeting was set for 5:00 P.M., July 29, 1986.

George Abe made a motion to adjourn the meeting. Gordon McHood seconded the motion.

The meeting was adjourned at 6:45 P.M.

Chairman, Coconino County
Planning and Zoning Commission

ATTEST:



Secretary, Coconino County
Planning and Zoning Commission

Becky Foster

Verne D. Seidel, Jr.

GILA

James H. "Jim" Jones
Adolph B. "Fito" Trujillo
Vernon Ray France

Verne D. Seidel, Jr.
Verne D. Seidel, Jr.
Verne D. Seidel, Jr.

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TOTAL VOTES CAST BY ROLL CALL VOTE: 17 ABSTAINED: 1 ABSENT: 1

VOTES RECEIVED BY EACH NOMINEE: Verne D. Seidel, Jr. - 16 Votes
Herb Gollis - 1 Vote
Calder W. Chapman - 0 Vote

STATE OF ARIZONA)
) ss.
COUNTY OF COCONINO)

PURSUANT to A.R.S. 16-645, I, Ethel Ulibarri, the duly appointed Clerk of the Single Board of the Coconino, Navajo, Yavapai, Mohave and Gila Counties, State of Arizona, hereby certify that the tabulation as hereinabove stated, contains a full, true and correct copy of the returns of said vote held in Coconino County, Arizona, August 1, 1986, as canvassed and certified to, by the Single Board of Supervisors of Coconino, Navajo, Yavapai, Mohave and Gila Counties, State of Arizona, in a special Session held August 1, 1986.

DATED this 1st day of August, 1986.

Ethel Ulibarri
Ethel Ulibarri, Clerk of the Board

(SUPERVISOR'S SEAL)

Congratulations were extended to Mr. Seidel.

Chairperson Shumway entertained a motion for adjournment.

Coconino County Supervisor Tachias made motion, duly seconded.

Upon securing permission from the Chair, Coconino County Supervisor English announced to the press that she has an announcement she would like to make immediately after adjournment.

There was a call for a vote on the motion for adjournment. The motion carried unanimously and the Board adjourned at 2:05 p.m.

COCONINO, NAVAJO, YAVAPAI, MOHAVE AND GILA
COUNTY BOARD OF SUPERVISORS

Peter D. Shumway
Peter D. Shumway, Chairperson

(SUPERVISOR'S SEAL)

ATTEST:

Ethel Ulibarri
Ethel Ulibarri, Clerk of the Board

OFFICE OF THE BOARD OF SUPERVISORS
COCONINO COUNTY, FLAGSTAFF, ARIZONA
MONDAY, AUGUST 4, 1986

PURSUANT to law the Board of Supervisors met in regular session at 10:00, in the Board of Supervisors Meeting Room, Administrative Center, First Floor, 219 E. Cherry, Flagstaff, Arizona.

PRESENT: Tio A. Tachias, Chairperson; Louise Yellowman, Karan L English, Members; Catherine R. Eden, County Manager; John Verkamp, County Attorney; Ethel Ulibarri, Clerk; Lupe M. Padilla, Deputy Clerk. The record will reflect the absence of J. Dennis Wells.

PLEDGE OF ALLEGIANCE: was led by Supervisor English.

PUBLIC PARTICIPATION: Chairperson Tachias informed the audience that this portion of the meeting has been set aside for anyone wishing to bring matters before the Board. Anyone addressing the Board at this time would be for informational purposes only. Individual supervisors may ask questions of the public, but are prohibited by the Open Meeting Law from discussing or considering the item among themselves until the item is officially placed on the agenda. Chairperson Tachias entertained comments from the audience. There being none, the Board went on to other business.

RESOLUTION OF CONDOLENCES FOR THE FAMILY OF SAM A. MCCONNELL, JR.: Chairperson Tachias stated that it has been a custom of the Board to acknowledge those important people who have contributed much of their lives to public service. He publicly read, Resolution No. 86-35, A Resolution of Condolences of the death of the Honorable Sam A. McConnell, Jr., Arizona State House of Representative. Upon motion made by Supervisor English, seconded by Supervisor Yellowman and carried unanimously, the Resolution was adopted and entered into as follows:

A RESOLUTION OF CONDOLENCES
No. 86-35

WHEREAS, the members of the Coconino County Board of Supervisors learned with deep sorrow of the untimely death of the Honorable Sam A. McConnell, Jr., July 21, 1986, thus removing from Coconino County a long time permanent citizen;

WHEREAS, through his passing the citizens of Coconino County have been deprived of a dedicated and respected community leader;

WHEREAS, Representative McConnell, was born in El Paso, Texas; educated in Indiana and graduated from Butler University with a degree in pharmacy in 1950. After his graduation he moved to Arizona; in 1960 he made his residence in the Community of Williams to become a partner in McCrary-McConnell Pharmacy. While in the community he served as President of the Williams Parent-Teacher Association and statewide, President of the Arizona Pharmaceutical Association. In the 1970's Representative McConnell moved to Flagstaff, and was Assistant Manager at the Flagstaff Mall.

WHEREAS, he was a part of a hard working team that knew no political partisanship, when it involved Northern Arizona University, and he worked tirelessly and with devotion, to improve the quality of life in Northern Arizona, knowing Northern Arizona University was an important part of that life. He was conscientious, a dedicated public servant who served the people of the State of Arizona, District #2, in a most effective and professional manner;

WHEREAS, Representative McConnell was first elected to the Arizona House of Representatives in 1966, and served his twenty years in this office with astute leadership. During those years, Representative McConnell served on many committees in the House and often as a speaker pro-tem, bringing pride to his Community. He served longer as Chairman of the Rules Committee than any other legislator. In his most recent term, Representative McConnell served on the Banking and Commerce Government Operations and Health Committees; was a member of the select committee, working on malpractice insurance and also on the legislative council; a member of the Joint Legislative Committee for Arizona Health Care Cost Containment System.

WHEREAS, he was a member of the Methodist Church; very devoted to his beloved family; was locally a member of the Malpais Kiwanis Club, the Masonic Lodge and the Flagstaff Chamber of Commerce.

NOW THEREFORE, BE IT RESOLVED, that the members of the Coconino County Board of Supervisors go on record, through this Resolution, expressing their sincerest condolences and deepest sympathy to the family of REPRESENTATIVE SAM A. McCONNELL, JR., and their profoundest regret for the loss of such a tireless, enthusiastic, caring, warm and sincere individual, who had a great concern and love for his fellowman; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be inscribed in the permanent records of the County and thus preserved for posterity and that the original Resolution be transmitted to the family of Representative Sam A. McConnell, Jr.

DATED this 4th day of August, 1986.

COCONINO COUNTY BOARD OF SUPERVISORS

/s/ Tio A. Tachias,
Tio A. Tachias, Vice Chairperson

/s/ Karan L English,
Karan L English, Member

ABSENT
J. Dennis Wells, Member

/s/ Louise Yellowman
Louise Yellowman, Member

(SUPERVISOR'S SEAL)

ATTEST:

/s/ Ethel Ulibarri
Ethel Ulibarri, Clerk of the Board

PRESENTATION OF CERTIFICATES TO PURCHASING/RISK MANAGEMENT DIRECTOR, BONNY KRASKE: Chairperson Tachias apprised the Board that Ms Kraske had successfully completed the examination of Certified Public Purchasing Officer (CPPO), an examination considered to be the most difficult in the field of professional public purchasing. He presented Ms. Kraske with a certificate from the Universal Public Purchasing Certification Council in recognition of her accomplishment. In addition, he also presented Ms. Kraske with a certificate from the Dun & Bradstreet BidNet National Selections Panel for a \$500 scholarship to pursue educational activity in public purchasing. Her selection was based on her "ability in and commitment to the public purchasing field." Chairperson Tachias emphasized the Board's compliments on Ms. Kraske's success and wished her continued success on her future endeavors.

KACHINA VILLAGE INCORPORATION: At this time the Board reviewed the findings of the Committee appointed to research various issues regarding the Petitions to call an Election on the Question of the Incorporation of the Town of Kachina.

Jody Meikle, Special Districts Manager, stated that on July 7, 1986, the Board had appointed a committee consisting of Helen Hudgens, County Recorder; William Towler, Community Development Director; Gordon Elton, Finance Director and herself along with several residents of Kachina Village, Tom Ryan, Sonny Sunden, Bob Winnege and Roxann Fox. Ms. Meikle stated that the committee evaluated three sources for establishing population figures. The committee used the Arizona Department of Economic Security Population Estimates; monthly water records from Kachina Village Improvement District; and the voter registration records from the County Recorder's office. These sources found a population figure of 1,850 persons residing in Kachina Village.

The second issue is the number of signatures on a petition and whether they are valid or not. It was confirmed that the petition must contain 10% of the registered voters of the area. Based on 948 registered voters in Kachina Village, the petition must contain 94.8 signatures--there were 134 signatures on the petition which was submitted.

Chairperson Tachias asked for comments or questions from the Board. There being none, he asked for comments or questions from the public.

Sam Rush and Don Smith, residents of Kachina Village spoke in reference to the people who initiated the process for incorporation of Kachina Village and the possibility of challenging the validity of the signatures on the petitions which were submitted.

Hugh Eaton, 891 Tishepi Trail, a registered voter in Coconino County, apprised the Board of his feelings that Kachina Village is not ready to undertake such a responsibility of being an incorporated town. He noted current conditions such as snowplowing, unpaved streets which cause severe dust and general upkeep of yards in Kachina Village. He feels that an asserted effort must be made by all of the residents to make better living conditions in Kachina Village.

Cliff LaLone, 867 Mohave Trail, who has lived in Kachina Village since its inception, spoke on several issues: th upkeep of the Village needs to improve immensely; representation and research regarding the incorporation has not been substantial. He suggested that if such an election were granted, that a special election be granted so that part-time residents such as himself which were registered voters in another county would be able to participate i this incorporation election. Chairperson Tachias informed Mr. LaLone that the Board could not be expected to detour from what the law mandates regarding the registration of County voters. He stressed that Mr. LaLone would have to decide which County he wanted to vote in, Coconino or Maricopa.

Agnes Muttart, 23, Tovar Trail, stated she is a member of the Kachina Village Property Owner's Association and lives in Kachina Village year-round. She confirmed that the majority of the residents that she has spoken to are against incorporation.

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Andre J. Doyon, Kona Trail, lives in Kachina Village six months out of the year. He knows that the Board will not make anyone happy no matter how they vote. The problems in Kachina Village are very complex. It is his feeling that the County is doing their best with the money that is available to them. He has chosen to change his voter registration to Coconino County because he feels very strongly about the issues regarding Kachina Village. He emphasized to the Board that the Kachina Village Property Owner's Association is very immature and feels that approval of this incorporation issue would be a fiasco.

Connie Mazon, Elections Director, stated the reason she was before the Board was to recommend an election date if an election was approved. She recommended that the date be set for November 4, 1986. Supervisor English asked if the election could be set at a later date in order to give some other Kachina Village residents that live part-time in Coconino and Maricopa County a chance to re-register. Ms. Mazon stressed that it would be much more convenient to hold the election on the same day as the General Election since poll workers and equipment would already be set up. Supervisor English asked who would absorb the cost of the election. Ms. Mazon stated that the County would absorb all costs. The County would be reimbursed only if the incorporation of Kachina Village were elected.

Cynthia Brewster, of John Gliedge's office, apprised the Board that an election must be held within 120 days after the filing of the petition which was July 7, 1986. Discussion ensued about the setting of an election date. Chairperson Tachias vacated the chair and turned the meeting over to be conducted by Chairperson English. Supervisor Tachias made a motion that an election regarding the incorporation of Kachina Village be set for November 4, 1986, Supervisor Yellowman seconded the motion. Chairperson English asked for comments or questions. Chairperson English stated that it was her feeling that the law does not address the unique situation in Kachina Village. Upon call for a vote, the motion carried with 2 to 1 vote with Chairperson English casting the naye vote, Resolution No. 86-36 was hereby approved, adopted and entered into as follows:

RESOLUTION NO. 86-36

BOARD OF SUPERVISORS
COCONINO COUNTY, ARIZONA

RESOLUTION ACCEPTING THE PETITIONS REQUESTING FOR THE INCORPORATION OF THE TOWN OF KACHINA AND CALLING AN ELECTION THEREON, AND PROVIDING FOR NOTICE THEREOF.

WHEREAS, a certain Petition bearing the signatures of more than ten percent of the qualified electors within the Territory proposed to be incorporated as the Town of Kachina has been filed with the Board of Supervisors of Coconino County pursuant to Arizona Revised Statutes, Article 1, Chapter 1, Title 9, requesting that the Board of Supervisors call an election of the qualified voters within the Territory proposed to be incorporated as the Town of Kachina pursuant to Arizona Revised Statutes Section 9-101B, to vote upon the question of whether said Territory should be incorporated as the Town of Kachina; and

WHEREAS, the Board of Supervisors has found that the non-transient population within the Territory proposed to be incorporated as the Town of Kachina is in excess of 1,500 persons; and

WHEREAS, the Board of Supervisors has found that the inhabitants of the Territory constitute a community as defined by Arizona Revised Statutes sec. 9-101E and the Territory does not contain large areas of uninhabited, rural or farm lands, but is urban in nature, as described in Arizona Revised Statutes sec. 9-101F; and

WHEREAS, the City of Flagstaff has, pursuant to Arizona Revised Statutes sec. 9-101.01, approved the proposed incorporation, and

WHEREAS, the Board of Supervisors of Coconino County has determined that the Petition meets all legal requirements and is signed by the requisite number of qualified electors.

NOW, THEREFORE, IT IS FOUND RESOLVED, DETERMINED AND ORDERED AS FOLLOWS:

1. That the Petition is signed by ten percent (10%) or more of the qualified electors within the Territory proposed to be incorporated as the Town of Kachina.
2. That the Petition requesting the call for the election is in lawful form and meets the requirements of the Laws of the State of Arizona.
3. That the public health, comfort, convenience, necessity or welfare will be promoted by the incorporation.
4. That the Territory proposed to be incorporated is described in Exhibit A, attached hereto and incorporated herein by reference.
5. That an election be held on November 4, 1986, on the question of incorporation of the Territory as the Town of Kachina, as shown on the attached legal description and map.
6. That the poll shall be located at the Kachina Village Fire Department Station No. 1, Kachina Village, Arizona.
7. That the poll shall be open from 6:00 a.m. to 7:00 p.m.
8. That the Election Board will consist of the following persons:
INSPECTOR: Tom Ryan
JUDGE: Sam Rush
JUDGE: Pam Taylor
CLERK: Lillian Rush
MARSHALL: Sonny Sundeen
9. That the form of the ballot shall be substantially same as that shown on Exhibit B, attached hereto and incorporated herein by reference.
10. That the special election shall be held, conducted and canvassed in conformity with the provisions of the general election laws of the State of Arizona for State and County elections, except as otherwise provided by law, and only persons who are qualified electors of the Territory to be incorporated shall be permitted to vote at the special election. A qualified elector is one who is a resident within the area to be incorporated, and whose name appears on the general register of voters for the last preceding general State and County election and who has not been cancelled out for failure to vote, or a person who voted in the last preceding general election for presidential electors only and has subsequently met the residency requirements for voting in all elections, and who has or was registered to vote prior to midnight of the fiftieth (50) day preceeding the date of the election.
11. That this Resolution shall constitute the Notice of the Election.
12. That the Resolution and Notice shall be published three times in a newspaper published in Coconino County and of general circulation within the Territory proposed to be incorporated. The publications shall be one week apart and the first publication shall be not less than (10) days prior to the date of the election. In addition, the Notice shall be posted in five public places within the Territory to be incorporated, at least ten days before the election.
13. All necessary election materials shall be printed in English and Spanish.
14. The results of the election will be canvassed by the Board of Supervisors of Coconino pursuant to the Laws of the State of Arizona.
15. The County Attorney is authorized and requested to execute a letter when prepared by the petitioners attorney, John G. Gliedge, to the U. S. Department of Justice requesting a preclearance for this election pursuant to Section 5 of the United States Voting Rights Act of 1965, as amended.
16. For the purposes of this election the entire Territory proposed to be incorporated as the Town of Kachina shall constitute the election precinct.

Adopted this 4th day of August, 1986

ATTEST:

/s/ Lupe M. Padilla
Deputy Clerk

APPROVED AS TO FORM:

/s/ Terence C. Hance
Deputy County Attorney

Upon motion of Supervisor Yellowman, seconded by Supervisor English, the Board of Directors unanimously resolved into the Board of Supervisors.

KACHINA VILLAGE IMPROVEMENT DISTRICT: Upon motion made by Supervisor English, seconded by Supervisor Yellowman, the Board of Supervisors unanimously resolved as the Board of Directors for the District.

Ms. Meikle, Special Districts Manager, apprised the Board of the outcome of Bid #86-22 regarding the Kachina Village Sewer Rehabilitation project. No bids were received and the bid specifications are currently being evaluated as to why this occurred. Upon conclusions derived from this investigation, a recommendation will be made to the Board as to the pursuance of the Kachina Village Sewer Rehabilitation project.

Motion was made by Director Yellowman to resolve into the Board of Supervisors, seconded by Director English and carried unanimously.

SPECIAL EVENT LIQUOR LICENSE APPLICATIONS: There being no written or oral objections, upon motion made by Supervisor Yellowman, seconded by Supervisor English and carried unanimously the application submitted by A. Dean Pickett, Chairman of the Coconino County Republican Central Committee, for an event to be held on August 23, 1986 from 12:00 (noon) to 5:00 p.m. at the Ft. Tuthill County Fairgrounds, was approved by the Board.

There being no written or oral objections, upon motion made by Supervisor English, seconded by Supervisor Yellowman and carried unanimously the application submitted by William F. Fennimor for a Special Event Liquor License for the Mark A. Moore #3 American Legion, for an event to be held on August 10, 1986 from 12 (noon) to 7:00 p.m. at Ft. Tuthill County Fairgrounds was approved by the Board.

The meeting was recessed at 11:35 a.m. until 1:30 p.m. The meeting reconvened at 1:40 p.m., all present as hereinabove stated.

COMMUNITY DEVELOPMENT - PUBLIC HEARINGS: This being the time and date set, William Towler, Director, presented the following:

a) Case No. Z-86-3: A request to amend the master plan of development for Starlight Pines. The Amendment would delete 140 townhouse units, a lodge, motel and equestrian area and would add 97 single family lots. The subject property, consisting of 797.4 acres, is located in Section 31, East on Highway 87 northeast of Clints Well in the southeasterly portion of Coconino County. Applicant: Studnek/Kohner, Phoenix, Arizona.

The property is surrounded by National Forest on all four sides. The proposal is an overall reduction in density. Mr. Towler preceded to read the conditions under which County Staff recommends approval. He asked for comments or questions from the Board.

Upon inquiry made by Supervisor English, Mr. Towler replied that all residential lots in Unit 1 had been sold and that there would not be other recreational facilities developed besides the green belt.

Upon further inquiry Mr. Towler stated that there was no documented opposition at the Planning and Zoning Commission meeting. Chairperson Tachias asked for comments or questions from the Board. There being none, the public hearing was opened for public testimony. There being no testimony in favor or in opposition, the public hearing was closed.

Supervisor English inquired as to what would happen to the people that bought property thinking that there would be recreational facilities such as the lodge, motel, clubhouse and equestrian area. She stated her concern with the proposed changes and that changes such as these is what originally happened out at Kachina Village. A lot of deletions were made to the original master plan of Kachina Village--much to many residents dismay.

There being no further comments or questions, upon motion made by Supervisor English seconded by Supervisor Yellowman and carried unanimously, the Board approved Case No. Z-86-3 subject to the 11 conditions as listed in Planning and Zoning Resolution No. 837, as follows:

1. All development and improvements to be constructed on the site shall substantially conform to the Master Plan as revised and approved by the Planning Commission. All requirements specified in the Coconino County Zoning Ordinance for the PC (Planned Community) Zone shall be applicable to this property.
2. Development standards for the Service Commercial Area shall conform to the requirements of the CN-2A (Commercial Neighborhood) Zone.
3. Development standards for the single-family lots shall conform to the requirements of the RS-36,000 (Residential-Single-Family) Zone.
4. Development standards for the R. V. park shall be subject to the discretion of the Coconino County Planning and Zoning Commission pursuant to the provisions of the PC (Planned Community) Zone.
5. All greenbelt areas shall remain in undeveloped open space except for road and utility crossings and pedestrian and/or equestrian trails.
6. All roads and drainage improvements shall conform to the standards and specifications of the County Engineer and Coconino County Subdivision Ordinance.
7. All proposed driveway and street intersections with Highway 87 shall be subject to the standards, specifications and approval of the Arizona Department of Transportation.
8. A property owner's association consisting of all parties of real interest in the development shall be established. Said association shall be responsible for care and maintenance of effluent treatment plants, if any and greenbelt areas. Said association shall also be responsible for the operation of fire protection services sufficient to ensure an underwriter's insurance rating of 8. In lieu of this, a fire district encumbering the entire development may be established to facilitate similarly rated fire protection services.
9. Commission Resolution No. 760, as it applies to surface and subsurface hydrology reports, shall apply to this subdivision.
10. The permanent Real Estate Sales Office may be located in Area A subject to the granting of a Conditional Use Permit.
11. Improvements for each phase of the Final Plat shall be fully constructed except for ABC and paving prior to the next phase of development.

b) Case No. UP-86-11: An appeal of a Planning and Zoning Commission denial of a conditional use permit to change one nonconforming use to another, to convert 6 apartment units to nightly rentals. The property, on

Applicant: Oak Creek Canyon Resort, Sedona, Arizona. Mr. Towler informed the Board that the applicant had submitted a letter requesting a continuance of this case.

As to the reason for the continuance request, Julie Bluff, spouse of the applicant, stated the reason is because they would like to have an attorney present the case. It is their feeling that a professional could present more precise evidence than previously submitted to the Planning and Zoning Commission.

Doug McPhearson, Robin Nichols and Paul Begovack all commented on the inconvenience of a continuance. They stressed to the Board that they all had to alter plans and schedules to be present today. They would have to do it again if the continuance were granted.

Mr. Towler recommended that if this case were to be continued, that it be scheduled for the September 2, 1986 Board meeting at 1:30 p.m.

Chairperson Tachias asked for comments or questions. There being none, motion was made by Supervisor English to approve the request for a continuance of Case No. UP-86-11 and that it be rescheduled for September 2, 1986 at 1:30 p.m. Motion was seconded by Supervisor Yellowman and upon call for a vote, carried unanimously.

c) 1) Mr. Towler asked the Board to review the 1985 edition of the Uniform Building Codes. He stated that all amendments will be available in a bound document for a fee of \$2.00. In addition, Mr. Towler asked for the approval of 2) a 25% building permit fee increase for single-family residential construction and a 68% building permit fee increase for all other construction. Approval of these increases would bring a projected \$435,000 in revenue for next year. Upon review of the amended codes and recommended fee increases, motion was made by Supervisor English for adoption of Ordinance No. 86-4 and approval of the 25% building permit fee increase for single-family residential construction and 68% building permit fee increase for all other construction, as recommended by the Building and Safety Advisory Board. Supervisor English amended her motion to include that the amended codes and permit fee increases would become effective on September 1, 1986. Motion was seconded by Supervisor Yellowman and upon call for a vote, the motion carried unanimously and Ordinance No. 86-4 was hereby approved, adopted and entered into as follows:

ORDINANCE FOR ADOPTION OF THE UNIFORM BUILDING CODE AND STANDARDS UNIFORM PLUMBING CODE UNIFORM MECHANICAL CODE UNIFORM FIRE CODE UNIFORM HOUSING CODE UNIFORM ADMINISTRATIVE CODE UNIFORM SIGN CODE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

ORDINANCE NO. 86-4

An ordinance of the Coconino County Board of Supervisors regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and/or structures in Coconino County; AND, regulating and controlling the erection, installation, alteration, addition, repair, relocation, replacement, maintenance or use of any plumbing system within Coconino County; AND, regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat-producing appliances within Coconino County; AND, prescribing regulations consistent with nationally recognized good practice for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises in Coconino County; AND, regulating and controlling the use and occupancy, location and maintenance of all residential structures in Coconino County; AND regulating and controlling the construction, prefabrication, alteration, repair, use, occupancy and maintenance of detached one- or two-family dwellings not more than three stories in height and their accessory structures within Coconino County; AND, regulating the administrative organizational and enforcement rules and regulations for the technical codes which regulate the site preparation and construction, alteration, moving, demolition, repair, use, and occupancy of buildings, structures and building service equipment within Coconino County; providing for the collection of fees therefor; repealing Ordinance 83-2, 83-3, 83-4, 83-5, 83-7 of the Coconino County Board of Supervisors and all other ordinances and parts of the ordinances in conflict therewith.

THE COCONINO COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

SECTION 1.a: That certain documents, three (3) copies of which are on file in the office of the Clerk of the Board of Supervisors for Coconino County, being marked and designated as the "Uniform Building Code", 1985 edition, published by the International Conference of Building Officials, be and the same is hereby adopted as the Code of Coconino County for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy equipment, use, height, area and maintenance of all building or structures in Coconino County providing for issuance of permits and collection of fees therefor; and each and all regulations, provisions, conditions and terms of such "Uniform Building Code", 1985 edition, published by the International Conference of Building Officials, on file in the office of the Clerk of the Board of Supervisors are hereby referred to, adopted and made part hereof as is fully set out in this ordinance with the following amendments:

1. Chapter 3--Time limitations: That from the date of issuance of any building permit there will be a two year time limit for completion of the structure, there will be two (2), six-(6) month extensions allowed, if after that period the structure is not completed, a new permit will be required and must be purchased in order to complete the structure.
 - 1a. Amendments in Ordinance 83-2 shall be adopted with change to 1.a-1 to include "any permit obtained prior to July 1, 1983, shall have one (1) year to complete structure after which a new building permit will be required".
2. Chapter 17: That all educational buildings, public and/or private, be of a one-hour fire-resistant construction with no restriction on size of the structure.
3. Chapter 29--Footing requirements: Frostline 30" (Sedona 24"), thickness 8", width 16".

SECTION 1.b: That certain documents, three (3) copies of which are on file in the office of the Clerk of the Board of Supervisors for Coconino County, being marked and designated as the "Uniform Plumbing Code", 1985 edition, published by the International Conference of Building Officials, be and the same is hereby adopted as the Code of Coconino County for regulating and controlling the erection, construction, installation, alteration, repair, relocation, replacement, maintenance or use of any plumbing system in Coconino County providing for the issuance of permits and collection fees therefor; penalties for violation of such code; and each and all of the regulations, provisions, penalties, conditions and terms of such "Uniform Plumbing code", 1985 edition, published by the International Conference of Building Officials, on file in the office of the Clerk of the Board of Supervisors are hereby referred to, adopted and made part hereof as is fully set out in this ordinance with the following amendment:

1. Amend to allow "K" copper under concrete slab for radiant heat.

SECTION 1.c: That certain documents, three (3) copies of which are on file in the office of the Clerk of the Board of Supervisors for Coconino County, being marked and designated as the "Uniform Mechanical Code", 1985 edition, published by the International Conference of Building Officials, be and the same is hereby adopted as the Code of Coconino County for regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance or use of heating, ventilating, cooling, refrigeration systems,

Newcastle Island, is off Brewer Road in Sedona and is identified as Assessor's Parcel Number 401-21-18J. Applicant: Oak Creek Canyon Resort, Sedona, Arizona. Mr. Towler informed the Board that the applicant had submitted a letter requesting a continuance of this case.

As to the reason for the continuance request, Julie Bluff, spouse of the applicant, stated the reason is because they would like to have an attorney present the case. It is their feeling that a professional could present more precise evidence than previously submitted to the Planning and Zoning Commission.

Doug McPhearson, Robin Nichols and Paul Begovack all commented on the inconvenience of a continuance. They stressed to the Board that they all had to alter plans and schedules to be present today. They would have to do it again if the continuance were granted.

Mr. Towler recommended that if this case were to be continued, that it be scheduled for the September 2, 1986 Board meeting at 1:30 p.m.

Chairperson Tachias asked for comments or questions. There being none, motion was made by Supervisor English to approve the request for a continuance of Case No. UP-86-11 and that it be rescheduled for September 2, 1986 at 1:30 p.m. Motion was seconded by Supervisor Yellowman and upon call for a vote, carried unanimously.

c) 1) Mr. Towler asked the Board to review the 1985 edition of the Uniform Building Codes. He stated that all amendments will be available in a bound document for a fee of \$2.00. In addition, Mr. Towler asked for the approval of 2) a 25% building permit fee increase for single-family residential construction and a 68% building permit fee increase for all other construction. Approval of these increases would bring a projected \$435,000 in revenue for next year. Upon review of the amended codes and recommended fee increases, motion was made by Supervisor English for adoption of Ordinance No. 86-4 and approval of the 25% building permit fee increase for single-family residential construction and 68% building permit fee increase for all other construction, as recommended by the Building and Safety Advisory Board. Supervisor English amended her motion to include that the amended codes and permit fee increases would become effective on September 1, 1986. Motion was seconded by Supervisor Yellowman and upon call for a vote, the motion carried unanimously and Ordinance No. 86-4 was hereby approved, adopted and entered into as follows:

ORDINANCE FOR ADOPTION OF THE UNIFORM BUILDING CODE AND STANDARDS UNIFORM PLUMBING CODE UNIFORM MECHANICAL CODE UNIFORM FIRE CODE UNIFORM HOUSING CODE UNIFORM ADMINISTRATIVE CODE UNIFORM SIGN CODE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

ORDINANCE NO. 86-4

An ordinance of the Coconino County Board of Supervisors regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and/or structures in Coconino County; AND, regulating and controlling the erection, installation, alteration, addition, repair, relocation, replacement, maintenance or use of any plumbing system within Coconino County; AND, regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat-producing appliances within Coconino County; AND, prescribing regulations consistent with nationally recognized good practice for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises in Coconino County; AND, regulating and controlling the use and occupancy, location and maintenance of all residential structures in Coconino County; AND regulating and controlling the construction, prefabrication, alteration, repair, use, occupancy and maintenance of detached one- or two-family dwellings not more than three stories in height and their accessory structures within Coconino County; AND, regulating the administrative organizational and enforcement rules and regulations for the technical codes which regulate the site preparation and construction, alteration, moving, demolition, repair, use, and occupancy of buildings, structures and building service equipment within Coconino County; providing for the collection of fees therefor; repealing Ordinance 83-2, 83-3, 83-4, 83-5, 83-7 of the Coconino County Board of Supervisors and all other ordinances and parts of the ordinances in conflict therewith.

THE COCONINO COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

SECTION 1.a: That certain documents, three (3) copies of which are on file in the office of the Clerk of the Board of Supervisors for Coconino County, being marked and designated as the "Uniform Building Code", 1985 edition, published by the International Conference of Building Officials, be and the same is hereby adopted as the Code of Coconino County for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy equipment, use, height, area and maintenance of all building or structures in Coconino County providing for issuance of permits and collection of fees therefor; and each and all regulations, provisions, conditions and terms of such "Uniform Building Code", 1985 edition, published by the International Conference of Building Officials, on file in the office of the Clerk of the Board of Supervisors are hereby referred to, adopted and made part hereof as is fully set out in this ordinance with the following amendments:

1. Chapter 3--Time limitations: That from the date of issuance of any building permit there will be a two year time limit for completion of the structure, there will be two (2), six-(6) month extensions allowed, if after that period the structure is not completed, a new permit will be required and must be purchased in order to complete the structure.

1a. Amendments in Ordinance 83-2 shall be adopted with change to 1.a-1 to include "any permit obtained prior to July 1, 1983, shall have one (1) year to complete structure after which a new building permit will be required".

2. Chapter 17: That all educational buildings, public and/or private, be of a one-hour fire-resistant construction with no restriction on size of the structure.

3. Chapter 29--Footing requirements: Frostline 30" (Sedona 24"), thickness 8", width 16".

SECTION 1.b: That certain documents, three (3) copies of which are on file in the office of the Clerk of the Board of Supervisors for Coconino County, being marked and designated as the "Uniform Plumbing Code", 1985 edition, published by the International Conference of Building Officials, be and the same is hereby adopted as the Code of Coconino County for regulating and controlling the erection, installation, alteration, addition, repair, relocation, replacement, maintenance or use of any plumbing system in Coconino County providing for the issuance of permits and collection fees therefor; penalties for violation of such code; and each and all of the regulations, provisions, penalties, conditions and terms of such "Uniform Plumbing code", 1985 edition, published by the International Conference of Building Officials, on file in the office of the Clerk of the Board of Supervisors are hereby referred to, adopted and made part hereof as is fully set out in this ordinance with the following amendment:

1. Amend to allow "K" copper under concrete slab for radiant heat.

SECTION 1.c: That certain documents, three (3) copies of which are on file in the office of the Clerk of the Board of Supervisors for Coconino County, being marked and designated as the "Uniform Mechanical Code", 1985 edition, published by the International Conference of Building Officials, be and the same is hereby adopted as the Code of Coconino County for regulating and controlling the design, construction, installation, quality of

incinerators and other miscellaneous heat-producing appliances within Coconino County, providing for the issuance of permits and collection of fees therefor; providing penalties for violation of such code; and each and all of the regulations, provisions, penalties, conditions and terms of such "Uniform Mechanical Code", 1985 edition, published by the International Conference of Building Officials, on file in the office of the Clerk of the Board of Supervisors are hereby referred to, adopted and made a part hereof as is fully set out in this ordinance. 19 198

SECTION 1.d: That certain documents, three (3) copies of which are on file in the office of the Clerk of the Board of Supervisors for Coconino County, being marked and designated as the "Uniform Fire Code", 1985 edition, published by the International Conference of Building Officials, be and the same is hereby adopted as the Code of Coconino County to prescribe regulations consistent with nationally recognized good practice for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use of occupancy of buildings or premises in Coconino County, providing for the issuance of permits and collection of fees therefor; providing penalties for violation of such code; and each and all regulations, provisions, penalties, conditions and terms of such "Uniform Fire Code", 1985 edition, published by the International Conference of Building Officials, on file in the office of the Clerk of the Board of Supervisors are hereby referred to, adopted and made a part hereof as is fully set out in this ordinance with the following amendments:

1. Amend all references to the Fire Chief to read: Chief Building Inspector
2. Amend all references to the Fire Department to read: Building Division

SECTION 1.e: That certain documents, three (3) copies of which are on file in the office of the Clerk of the Board of Supervisors for Coconino County; being marked and designated as the "Uniform Housing Code", 1985 edition, published by the International Conference of Building Officials, be and the same is hereby adopted as the Code of Coconino County for regulating and controlling the use and occupancy, location and maintenance of all residential buildings and/or structures in Coconino County providing for the issuance of permits and collection of fees therefor; providing penalties for violation of such code; and each and all of the regulations, provisions, penalties, conditions and terms of such "Uniform Housing Code", 1985 edition, published by the International Conference of Building Officials, on file in the office of the Clerk of the Board of Supervisors are hereby referred to, adopted and made a part hereof as is fully set out in this ordinance.

SECTION 1.f: That certain documents, three (3) copies of which are on file in the office of the Clerk of the Board of Supervisors for Coconino County, being marked and designated as the "Uniform Administrative Code", 1985 edition, published by the International Conference of Building Officials, be and the same is hereby adopted as the Code of Coconino County for regulating the administrative, organizational and enforcement rules and regulations to the technical codes which regulate the site preparation and construction, alteration, moving, demolition, repair, use and occupancy of buildings, structures and building service equipment within Coconino County, providing for the issuance of permits and collection of fees therefor; providing penalties for violation of such code; and each and all of the regulations, provisions, penalties, conditions and terms of such "Uniform Administrative Code", 1985 edition, published by the International Conference of Building Officials, on file in the office of the Clerk of the Board of Supervisors are hereby referred to, adopted and made a part hereof as is fully set out in this ordinance.

SECTION 2: That Ordinance No. 83-2 of Coconino County, entitled "An Ordinance for Adoption of the Uniform Building Code and Standards", Ordinance No. 83-3 of Coconino County, entitled "An Ordinance for Adoption of the I.C.B.O. Plumbing Code", Ordinance No. 83-4 of Coconino County, entitled "An Ordinance for Adoption of the Uniform Mechanical Code", Ordinance No. 83-5 of Coconino County, entitled "An Ordinance for Adoption of the Uniform Fire Code", and Ordinance No. 83-7 of Coconino County, entitled "An Ordinance for Adoption of the Uniform Housing Code", and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: That the Clerk of the Board of Supervisors shall certify to the adoption of this ordinance and cause the same to be published.

SECTION 4: That if any section, subsection, sentence or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Coconino County Board of Supervisors hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 5: That this ordinance shall be and is hereby declared to be in full force and effect, from after 30 days from this date of final passage and approval.

SECTION 6: It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish, equip, use, occupy, or maintain any building or structure in the County, or cause or permit the same to be done, contrary to or in violation of any of the provisions of these codes.

Any person, firm or corporation violating any of the provisions of these codes shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of these codes is committed, continued or permitted and upon conviction of any such violation such person shall be punishable by a fine of not more than \$300 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

PASSED and ADOPTED, this 4th day of August, 1986, by the Coconino County Board of Supervisors by the following roll call vote:

AYES: Tachias, English, Yellowman

NOES: None

ABSENT: Wells

COCONINO COUNTY BOARD OF SUPERVISORS

/s/ Tio A. Tachias
Chairperson

ATTEST:

/s/ Lupe M. Padilla, Deputy
Deputy Clerk

CONSENT AGENDA: Upon review of the Consent Agenda, motion was made by Supervisor English, seconded by Supervisor Yellowman and carried unanimously the Board approved the Consent Agenda as follows:

a) BIDS

1. Rejected Bid #86-19, Cattle Guards, as being in the County's best interest to solicit greater competition.

2. Awarded Bid #86-20, Metal Fence Posts to Odds-N-Ends (Homco) of Flagstaff, AZ., for the total amount of

c) 1.

A RESOLUTION AUTHORIZING THE COUNTY SCHOOL SUPERINTENDENT TO ENTER INTO A CONTRACT ENTITLED "COCONINO ENVIRONMENTAL EDUCATION PROJECT (CEEP)", TO PROVIDE INSTRUCTIONAL SUPPORT IN THE AREA OF ENVIRONMENTAL EDUCATION The Governing Board of Coconino County hereby authorizes the signing by Mary L. Nackard, Superintendent of Schools of an Intergovernmental Agreement entitled Coconino Environmental Education Project for the purpose of providing instructional support in the area of environmental Education.

This resolution was adopted by the Governing Board of Coconino County on August 4th, 1986.

/s/ Tio A. Tachias
Member of Governing Board

/s/ Karan L English
Member of Governing Board

/s/Mary L. Nackard
Authorized Signatory

/s/ Louise Yellowman
Member of Governing Board

ABSENT
J. Dennis Wells - Member of Governing Board

d) AGREEMENTS/CONTRACTS/AMENDMENTS (All documents are to be recorded with the County Recorder's Office excluding those with the State which are filed with the Secretary of State)

- 1. Food Service Agreement Renewal, 1986/87, between the Arizona Department of Education and Coconino County, for receipt of Commodity foods for Seniors Nutrition Program.
- 2. Agreement for Services between Sedona Chevron and Coconino County for service station services in Sedona, for the period of July 1, 1986 through June 30, 1987. (Result of Bid #86-12, awarded on July 7, 1986)
- 3. Contract between Northern Arizona Council of Governments and Coconino County Department of Public Health to provide dental services to program participants of the Flagstaff Headstart Center. Contract for school year 1986/87 for \$7,935.00

e) BOARDS & COMMISSIONS

- 1. Air Pollution Hearing Board - Appointed Greg Goga, District #2. Expiration date, March 12, 1989.
 - f) BOARD OF EQUALIZATION - The Board of Supervisors convened as the Board of Equalization and approve the Unsecured Taxroll Abstract for April 26, 1986, Report Nos. PS5074-01 and PS5074-02.
 - g) TAXROLL CHANGES as requested by the County Assessor for the 1983, 1984, 1985 and 1986 Unsecured and the 1985 Secured, Taxroll Nos. 830 through 841, inclusive.
 - h) Approved the June 2, 1986 Board of Supervisors Minutes as written.
 - i) Accepted the letter of resignation of Verne D. Seidel, Jr., as Supervisor of Coconino County, District #1, and as Chairperson of the Board of Supervisors effective August 1, 1986.
 - j) OTHER - Notary Bonds as approved by the Chairperson; Paula Vicker, Marcia Brown, Mandy G. Harvel, Carole Rosasco, Cynthia Ann Peck, Julie A. James, Betty L. Rash, Beverly J. Azbill, Scott J. Roberts, MERCHANTS MUTUAL BONDING CO.; Barbara A. Phinzy, FIDELITY AND DEPOSIT COMPANY; Janis Ribeiro, Vicky T. Michel, Dorothy A. Crock, WESTERN SURETY COMPANY.
- Appointment of Deputy Registrars; Blake Wilson Whitten, Flagstaff Precinct #2; Elizabeth Harlene Newton, Flagstaff Precinct #8; Marlene R. Nebitsi, Flagstaff Precinct #14; Tammy Y. Howie, Flagstaff Precinct #16; Linda Lee Charles, Fernwood Precinct; Dorene Gay Fritz, Parks/Bellefont Precinct.

There being no further business before the Board, the meeting was adjourned at 2:25 p.m.

COCONINO COUNTY BOARD OF SUPERVISORS

Tio A. Tachias
Tio A. Tachias, Chairperson

(SUPERVISOR'S SEAL)

ATTEST:

Ethel Ulibarri
Ethel Ulibarri, Clerk

OFFICE OF THE BOARD OF SUPERVISORS
COCONINO COUNTY, FLAGSTAFF, ARIZONA
TUESDAY, AUGUST 5, 1986

The Board of Supervisors met in special session at 6:00 o'clock p.m., in the Board of Supervisors Meeting Room, Administrative Center, First Floor, 219 E. Cherry, Flagstaff, Arizona.

PRESENT: Tio A. Tachias, Chairperson; Karan L English, J. Dennis Wells, Louise Yellowman, Members; Catherine R. Eden, County Manager; John Verkamp, County Attorney; Ethel Ulibarri, Clerk of the Board; Lupe M. Padilla, Deputy Clerk.

The meeting was called to order at 6:25 p.m. by Chairperson Tachias.

PLEDGE OF ALLEGIANCE: was led by Supervisor Wells.

OFFICIAL APPOINTMENT TO FILL THE VACANCY ON THE COCONINO COUNTY BOARD OF SUPERVISORS FOR DISTRICT #1: Chairperson Tachias apologized to the audience for the late start.

At this time, Chairperson Tachias appointed Ms. Lupe M. Padilla, Deputy Clerk as the recording secretary for this meeting. This was due to the County Attorney's interpretation of A.R.S. 11-213 (3) empowering Ethel Ulibarri, the Clerk of the Board of Supervisors, an appointive statutory official, rather than county recorder or some other elected official, to cast a vote in filling a vacancy on the board.

Chairperson Tachias stated that he had never before had such a large group of qualified applicants to choose from. He informed the public of the selection process and of the people that had applied for the position. They were as follows: Ms. Kay J. McKay, Mr. James L. Irby, Mr. John H. Simpson, Mr. Gordon Evans, Jr., Mr. G. Mike Howell, Ms. Anita H. Wood, Mr. Robin W. "Wally" Quayle, Mr. Robert M. Montoya, Mr. Paul J. Babbitt, Jr., Flagstaff; Mr. Jim Stubbs, Page. Chairperson Tachias apprised the public that Mr. Gary Scarramazo of Page had formally withdrawn his application earlier in the afternoon.

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Tio A. Tachias
Tio A. Tachias, Chairperson

(SUPERVISOR'S SEAL)

ATTEST:

Ethel Ulibarri
Ethel Ulibarri, Clerk

OFFICE OF THE BOARD OF SUPERVISORS
COCONINO COUNTY, FLAGSTAFF, ARIZONA
THURSDAY, AUGUST 28, 1986

The Board of Supervisors met in special session at 7:30 o'clock p.m. in the Board of Supervisors Meeting Room, First Floor, Coconino County Administrative Center, 219 E. Cherry Avenue, Flagstaff, Arizona.

PRESENT: Tio A. Tachias, Chairperson; Paul J. Babbitt, Jr., Louise Yellowman, J. Dennis Wells, Members; Catherine R. Eden, County Manager; John Verkamp, County Attorney, Ethel Ulibarri, Clerk; Lupe M. Padilla, Deputy Clerk.

The meeting was called to order at 7:35 o'clock p.m. by Chairperson Tachias.

PLEDGE OF ALLEGIANCE: was led by Supervisor Yellowman.

OFFICIAL APPOINTMENT TO FILL THE VACANCY ON THE COCONINO COUNTY BOARD OF SUPERVISORS FOR DISTRICT #4: Chairperson Tachias informed the public that the purpose of this meeting was to fill the vacancy of District #4 Supervisor which occurred upon the resignation of Karan L English. Ms. English resigned her position in order to campaign for the House of Representative seat, left vacant by the Honorable Sam A. McConnell's untimely death. The Supervisors had started interviewing applicants as of 1:00 o'clock p.m, there were 23 applicants in all. He stated that he is confident that the Board has selected the right person for the job.

At this time, Chairperson Tachias appointed Ms. Lupe M. Padilla, Deputy Clerk as recording secretary for this meeting. This was due to the County Attorney's interpretation of A.R.S. 11-213 (3) empowering Ethel Ulibarri, the Clerk of the Board of Supervisors, an appointive statutory official, rather than the county recorder or some other elected official, to cast a vote in filling a vacancy on the Board.

Chairperson Tachias commended all the applicants for coming forth and showing interest in serving the people in Coconino County. He informed the public of the selection process and of the people that had applied for the position. They were as follows: Mr. David McPherson, Mr. Wayne E. Schneider, Mr. William "Tom" Corey, Mr. James M. Coffroth, Ms. Laura L. Mincer, Ms. Maria A. House, Mr. Steve M. Vanlandingham, Ms. Bonny K. Kraske, Mr. Michael A. Goodman, Mr. Henry G. Hastings, Mr. Steve Darden, Mr. John Sigala, Flagstaff; Mr. James W. Woodcock, Mr. Richard Bishop, Mr. Kel M. Fox, Munds Park; Mr. Bruce H. Powell, Long Valley; Mr. Mel J. Hannah, Flagstaff.

Chairperson Tachias asked for questions or comments from the Board. Supervisor Yellowman stated that it is difficult to make a decision when there are so many qualified people to choose from. Supervisor Yellowman made a motion to appoint Mr. Steve Darden to the vacant position. Chairperson Tachias called for a second to the motion. There being none, the Board preceded. Chairperson Tachias entertained another motion.

Supervisor Babbitt made a motion to appoint Mel J. Hannah. Supervisor Yellowman seconded the motion.

Supervisor Wells stated that he felt that the Board had chosen to ignore on two occasions, its opportunity to maintain equitability regarding partisan representatives on the Board.

Upon call for a vote, the motion carried with a vote of 4 to 1. Supervisor Wells casted the naye vote.

Mr. Hannah was present. He thanked the Board for the opportunity. He stated that he will try his best to continue to serve the people of Coconino County in the manner in which Karan L English has done.

There being no further comments or questions, motion was made by Supervisor Yellowman for adjournment, seconded by Supervisor Babbitt and carried unanimously.

COCONINO COUNTY BOARD OF SUPERVISORS
Tio A. Tachias
Tio A. Tachias, Chairperson

ATTEST:

Lupe M. Padilla
Lupe M. Padilla, Deputy Clerk

OFFICE OF THE BOARD OF SUPERVISORS
COCONINO COUNTY, FLAGSTAFF, ARIZONA
TUESDAY, SEPTEMBER 02, 1986

The Board of Supervisors met in regular session at 10:00 a.m., in the Board of Supervisors Meeting Room, Administrative Center, First Floor, 219 E. Cherry Avenue.

PRESENT: Tio A. Tachias, Chairperson; Paul J. Babbitt, Jr., Louise Yellowman, Members; Catherine R. Eden, County Manager; John Verkamp, County Attorney; Terence C. Hance, Chief Deputy County Attorney; Ethel Ulibarri, Clerk; Lupe M. Padilla, Deputy Clerk. The record will reflect the absence of Supervisor J. Dennis Wells.

Prior to the commencement of the regular meeting, Swearing-in Ceremonies were conducted wherein the Honorable Richard K. Mangum, Superior Court Presiding Judge, administered the official oath to Mel J. Hannah, the newly appointed Supervisor for District #4. The appointment of Mr. Hannah was to fill the vacancy left by Karan L English, who resigned her position to run for one of the two Arizona State Representative seats in District #2 on November 4, 1986.

Quayle and Mr. Christopher Bavasi, Flagstaff City Councilman. They concurred that Supervisor Hannah is well versed in Government and has had many accomplishments in his career--the County is sure to benefit from his appointment.

The meeting was called to order at 10:01 a.m. by Chairperson Tachias. Supervisor Mel J. Hannah's presence is officially noted.

PLEDGE OF ALLEGIANCE: was led by Supervisor Hannah.

PUBLIC PARTICIPATION: Chairperson Tachias informed the audience that this portion of the meeting was for the purpose of anyone wishing to bring matters before the Board. Anyone addressing the Board at this time would be for informational purposes only. Individual Supervisors may ask questions of the public, but are prohibited by the Open Meeting Law from discussing or considering the item among themselves until the item is officially placed on the agenda. Chairperson Tachias entertained comments from the audience. There being none, the Board proceeded with the scheduled agenda.

KACHINA TRAIL COUNTY IMPROVEMENT DISTRICT: a) Upon motion made by Supervisor Yellowman, seconded by Supervisor Babbitt, and carried unanimously the Board resolved as the Board of Directors for the District. Jody Meikle, Special Districts Manager, read a letter from John Gleige, Attorney for the District requesting postponement of this item until the next regularly scheduled meeting. There are still many unresolved problems regarding the awarding of this contract.

Director Babbitt made a motion to continue the awarding of this bid to the September 15, 1986 Board meeting. The motion was seconded by Director Yellowman and upon call for a vote, the motion carried unanimously.

Upon motion made by Director Babbitt, seconded by Director Yellowman and carried unanimously, the Board resolved as the Board of Supervisors.

SNOW REMOVAL ORDINANCE: Jim Stalnaker, County Highway Director, apprised the Board that he had discussed this Ordinance with the County Attorney's Office and the Sheriff and they are in concurrence that he has submit the Ordinance to the Board for review. The Ordinance is very similar to the City's Snow Removal Ordinance. It will give the County Sheriff's Office the authority to remove vehicles parked on County right-of-ways during snow removal periods. Pursuant to A.R.S. 11-201 05 a public hearing must be set and a notice of the proposed Ordinance has to be published in the local newspaper. Upon review by the Board members, motion was made by Supervisor Yellowman to set October 6, 1986 at 10:00 o'clock a.m., as the public hearing date. Motion was seconded by Supervisor Babbitt and upon call for a vote the motion carried unanimously.

The meeting recessed at 10:10 a.m., to reconvene at 1:30 p.m.

The meeting was called to order at 1:30 p.m. The record will reflect all were present as hereinabove stated at the morning session with the inclusion of Supervisor J. Dennis Wells and exclusion of Supervisor Yellowman.

COMMUNITY DEVELOPMENT - PUBLIC HEARING: This being the time and date set, William Towler, Director, presented Case No. UP-86-11. He apprised the Board of the location of the subject property which is on Newcastle Island of of Brewer Road in Sedona and is identified as Assessor's Parcel 401-21-18J. This is an appeal of the Planning and Zoning Commission's denial of a conditional use permit to change one nonconforming use to another as specified in Section 17.7 of the Zoning Ordinance. The change being requested is the conversion of the six (6) apartment units to nightly rentals. No additional units nor modifications to the existing structures or site plan are being proposed.

The subject property is located within the designated floodway of Oak Creek Canyon. On the eastside is the actual channel of Oak Creek, on the West side is a high water channel which flows during the creek's flood stage. He showed the Board pictures of the property. Currently, the property is zoned RS-10,000. Mr. Towler stressed that the property is in the floodway and no new construction is permitted. He went on to describe several issues of concern.

Access is an important consideration, currently it is provided by Juniper Drive and Newcastle Lane. Only 300 feet of Juniper Drive is dedicated County Road, the remainder of the access roadway is on private easements or contained on private parcels. The proposed development will not significantly increase traffic flow.

Signs are another issue. The Applicant is proposing commercial use on property that has no highway frontage. Currently there is an existing off-premise sign. The applicant cannot replace this sign as stated in Section 17.3 of the Zoning Ordinance.

Wastewater is an additional concern. Currently there are two septic tanks which were installed in 1968. Wastewater flow will increase slightly with the proposed development. Currently residential use is 100 gallons a day, whereas, the proposed motel use is 125 gallons a day.

At the Planning and Zoning meeting the case was decided by a 5 to 2 vote. There was a petition submitted with 39 signatures of nearby residents in opposition and eight speakers, five in opposition and three in favor of the rezoning. Mr. Towler apprised the Board of their option to concur with the Planning and Zoning Commission or reverse their decision. He asked the Board for comments or questions.

Supervisor Wells asked if there are any other changes that would be required for this development. Supervisor Tachias asked for more information regarding access to the property. Mr. Towler reiterated that 300 feet of the main access (Juniper Drive) is dedicated County road. Other accesses being used would not be the County's responsibility.

The record will reflect the presence of Supervisor Yellowman at this time.

Ron Hegenderfer, Applicant, submitted photographs of the subject property and explained the proposed development. The proposed apartments will be one-bedroom, kitchenette and one bath. They are intended for two people and will be rented out as such. He projected that the development would only experience 50% occupancy throughout the majority of the year. It is his belief that the roads and water will be used less than is being used with the present development.

Chairperson Tachias declared the public hearing open and entertained testimony in favor of the development.

Mrs. Marci Siani, owner of the property, stated they purchased the subject property as a resort and they would like to sell it the same way. Her husband is partially disabled and cannot do the required improvements or maintain responsibility of taking care of the upkeep of the property.

Supervisor Wells inquired about the creek wall. He asked when it was built and if the applicant should have had a permit. Mr. Towler stated that his department had never issued a permit for the constructions of the creek wall. Mrs. Siani explained that Willard Hardcastle had built the creek wall and they had only made yearly repairs.

There being no further comments or questions in favor of the proposed development, Chairperson Tachias asked for testimony in opposition.

17 on the corner of Brewer Road and Juniper Lane. The letter addressed the issue of the sign and the possible replacement of the existing sign by the applicant. The sign had been established upon an agreement with Mr. Hardcastle and was contingent upon the wishes of Mr. Pruitt. It was agreed that if and when Mr. Pruitt did not want the sign, it would be taken down. He is against the establishment of another sign. He also addressed the increased traffic flow in the area if this proposal were approved--it would definately have an adverse affect on the area.

Mr. Nichols made a few remarks on his own behalf and presented photographs of the area for the Board's review. He stressed to the Board that a large majority of the area is developed. Most of the lots are developed right out to the front property line. The photos submitted indicate that access is one--lane wide with a ditch on either side. This is very dangerous, there is no lighting on this road, and non-familiarity with this road will inevitably cause accidents.

Allan R. McPherson, property owner, spoke on behalf of his father and himself. He feels very well versed on the Coconino County Ordinance, and that the Board should not take this case lightly. Whatever is decided will set a precedence and give other people an option in which to change the zoning of their property if they so desire. He feels approval of this would definately be spot zoning. He read a letter from Mr. Harbison stating his opposition. The letter reiterated concerns regarding increased traffic flow and safety of residents. In addition he submitted a petition with signatures of the residents in the area petitioning the denial of Case UP-86-11.

William Laird, Representative of Keep Sedona Beautiful, stated that he hoped that the Board would uphold the decision of the Planning and Zoning Commission.

The Applicant rebutted and stressed to the Board that the proposed development would have little or no adverse effect on the property.

There being no further public input, the public hearing was closed.

Chairperson Tachias asked for comments or questions from the Board. There being none, Supervisor Wells made a motion to concur with the decision of the Planning and Zoning Commission and deny the Conditional Use Permit. The motion was seconded by Supervisor Babbitt and carried unanimously.

CONSENT AGENDA: Chairperson Tachias requested that the Board review the consent agenda as submitted and asked for comments of questions. There being none, upon motion made by Supervisor Wells, seconded by Supervisor Babbitt and carried unanimously, the Consent Agenda was approved as follows:

a) RESOLUTIONS

1. RESOLUTION NO. 86-39

The Coconino County Board of Supervisors hereby resolve to accept a contract amendment with the Arizona Department of Commerce, Contract No. DE-FG03-80CS63700. The purpose of this contract amendment is to increase the value of the agreement from \$29,722 to \$39,722 and to adjust budget line items accordingly.

Mr. Tio Tachias, Chairman, or the Vice-Chairman, in his absence, is authorized to sign the contract amendment thereto on behalf of the Coconino County Board of Supervisors upon approval by the Community Services Department, County Manager, County Attorney, and the County Finance Director.

Dated this second day of September, 1986.

/s/ Tio A. Tachias
Tio A. Tachias, Chairman
Coconino County Board of Supervisors

ATTEST:

/s/ Ethel Ulibarri
Ethel Ulibarri, Clerk
Coconino County Board of Supervisors

APPROVED AS TO FORM:
Pursuant to A.R.S. 11-952

/s/ Terence C. Hance
Coconino County Attorney's Office

b) AGREEMENTS/CONTRACTS/AMENDMENTS (All documents will be recorded with the County Recorders office excluding those with the State which will be filed with the Secretary of State)

1. Amendment No. 1 to Department of Commerce Contract No. 636-86A between the Arizona State Department of Commerce and Coconino County Community Services. The purpose of this contract amendment is to increase the value of the agreement from \$29,722 to \$39,722 and to adjust budget line items accordingly.

2. Food Service Agreement Renewal for 1986/87 between the Arizona State Board of Education and the Coconino County Jail for the Commodity Food Distribution Program, from October 1, 1986 through September 30, 1987.

3. Intergovernmental Agreement between Coconino County and the City of Page for provisions of Sanitary landfill services to the County residents of the area by Page for one year beginning July 1, 1986 through June 30, 1987 for a total of \$25,000.00 payable in four installments.

4. Amendment No. 1, Joint Operating and Financial Plan (Cooperative Agreement) between the Coconino County Sheriff's Department and the Kaibab National Forest for the period of March 15, 1986 to September 30, 1986 for detection, investigation, and/or eradication of Cannibus services on the Kaibab National Forest.

c) Appointed Supervisor Paul J. Babbitt, Jr., as the County Board representative on the NACOG Regional Council, replacing Verne Seidel, effective immediately.

d) BOARD OF EQUALIZATION: Acting as the Board of Equalization, approved the Unsecured Personal Property Taxroll Abstract for May 28, 1986, Area 100-1502, Reports PS5074-10 and 02.

e) Regretfully accepted the resignation of Supervisor Karan L English, District #4, effective August 25, 1986.

f) Awarded Bid #86-15 to McNabb concrete for Williams Shop Alterations for a total price of \$11,589.45, meeting all specifications.

g) TAXROLL CHANGES as requested by the County Assessor, for the 1985 Secured and the 1984, 1985 and 1986 Unsecured Taxrolls, Nos. 018 through 034, inclusive.

h) OTHER - Notary Bonds as approved by the Chairperson: Katherine J. Craig, CONTINENTAL INSURANCE; Nancy E. Hanno, Hugh C. Tillman, Linda Lou Elliott, Larry Deibel, Margaret A. McCullough, Carol A. Glassburn, WESTERN SURETY COMPANY; Tamara Land, William R. Preston, Jr., Barbara J. Sumner, Helen L. Vink, MERCHANTS BONDING CO., Rosa Seyler, AMWEST SURETY INSURANCE COMPANY.

Officials Cash Reports received and ordered filed.

Clerk of Superior Court	General (July)	\$ 11,807.75
	Law Library	3,285.22
	Surcharges	1,591.19

Prob. Fees & Serv. 5,644.00
Victim Compensation 614.00
Child Abuse & Dom. Viol. 2,034.00
Juvenile Probation Services 2,002.00
Transmitted to State 3,285.22

County Recorder

General (July) 22,614.72
Storage & Retrieval Fund 5,068.00

The meeting was adjourned at 3:30 p.m.

COCONINO COUNTY BOARD OF SUPERVISORS

Tio A. Tachias
Tio A. Tachias, Chairperson

(SUPERVISOR'S SEAL)

ATTEST:

Ethel Ulibarri
Ethel Ulibarri, Clerk

OFFICE OF THE BOARD OF SUPERVISORS
COCONINO COUNTY, FLAGSTAFF, ARIZONA
MONDAY, SEPTEMBER 15, 1986

The Board of Supervisors met in regular session at 6:00 p.m., in the Board of Supervisors Meeting Room, Administrative Center, 219 E. Cherry.

PRESENT: Tio A. Tachias, Chairperson; J. Dennis Wells, Paul J. Babbitt, Jr., Members; Catherine R. Eden, County Manager; Ethel Ulibarri, Clerk; Lupe Padilla, Deputy Clerk; John Verkamp, County Attorney; Terence C. Rance, Chief Deputy County Attorney. Record will reflect the absence of Supervisors' Yellowman and Hannah.

The meeting was called to order at 6:00 p.m., by Chairperson Tachias.

PLEDGE OF ALLEGIANCE: was led by Supervisor Wells.

REORGANIZATION OF THE BOARD: Due to the absence of two Board members, this matter was continued to the October 6, 1986 meeting, so that all members may participate.

PUBLIC PARTICIPATION: There was a call for public input, there being none, the Board proceeded with the next item on the Agenda.

CANVASS THE 1986 PRIMARY ELECTION HELD SEPTEMBER 9, 1986: Connie Mazon, Elections Director, presented the total ballots cast and requested approval of the precinct results; the final cumulative for all of the 61 County precincts and the cumulative for the write-in candidates for a 27% voter turnout. Ms. Mazon conveyed her appreciation to all the County personnel that assisted her Department. The County Manager, as well as the Board commended the Elections Director, on a well conducted election by her Department.

Upon motion of Supervisor Babbitt, seconded by Supervisor Wells and carried unanimously, the Board of Supervisors approved and canvassed the 1986 Primary Election returns and determined the vote of the County, by polling places, for each person voted for. Nomination Certificates shall be issued to those receiving the highest number of votes of each political party for the offices as shown by the Official Canvass as set forth in the official tabulated returns by precincts, other provisions of the law being compiled with by said candidates, as follows: