

Gila County Planning and Zoning Commission
October 18th, 2007
Star Valley Conference Room, Milepost 257, Payson, AZ

1. Call to order/Pledge of Allegiance

Planning and Zoning Commission meeting was called to order by the Chairman, Don Ascoli at 10:00 am.

2. Roll Call

Commission Present:	Chairman:	Don Ascoli
	Vice Chairman:	Lori Brown-Absent
	Members:	Jack Larimore
		Mickie Nye
		Renee Zeising
		Ron Christensen-Absent
		Rose Harper
		Travis Williams
		Jay Spehar-via phone

3. Review and Approval of Minutes

Mickie Nye motioned to approve the minutes of September 20th, 2007 seconded by Commissioner Renee Zeising with addition of "if a property is in violation", page two paragraph one; motion passed unanimously.

4. Director/Commission Communications

Bob Gould, Director of Community Development, asked if anyone was interested in attending the Board and Commission Conference scheduled for December 7th, 2007; anyone interested needs to notify staff before November 2nd, 2007. Chairman Don Ascoli stated that he, Vice-Chairperson Lori Brown and Commissioner Travis Williams attended last year. He recommended that anyone who can attend do so.

Bob Gould, Director of Community Development, stated that Arizona Department of Real Estate will be conducting a training session on minor land divisions at Besh-Bah-Gowah in Globe. Anyone interested is welcome to attend. Staff will email a map to the Commission.

5. Z-07-04 Applicant: Val Greenhalgh; Owner: Larry Alexander: Request for change in zoning from R1L-D8 to R1-D8 for lots 34, 35, 36 & 38 in Gisela Heights Subdivision Amended. Current zoning R1L-D8 prohibits the use of manufactured homes as a primary dwelling unit. Requesting R1-D8 classification would allow manufactured homes as a primary dwelling unit.

Director of Community Development, Bob Gould introduced this item to the Commission. He stated that in 1999 the County did rezone parcels 32 and 33 to from R1L-D8 to R1-D8. Staff recommends rezoning with stipulation that any unit permitted cannot be any older than 2000 and in order to accomplish this a PAD (Planned Area of Development) designation be included.

Chairman Ascoli asked if anyone has discussed with the owner the issue of the units being 2000 or newer.

Director, Bob Gould stated that during the neighborhood meeting that was held, no negotiations were determined, the neighbors felt that the applicant was rude and domineering and they are very adamant that they do not want the proposed rezoning.

Mr. Val Greenhalgh, applicant, stated that when they talked to Rudy Frost, Planning and Zoning Planner, that they were going with a ten year or newer stipulation at the time of application. He did not know how or why that stipulation was changed. Applicant stated that the property next door is zoned R1 and that allowed for a manufactured home to be placed on it. The manufactured home will take on a site built look. Owner, Larry Alexander has the same intentions. Mr. Greenhalgh stated that Mr. Alexander did not want to have his neighbor be allowed to do something that he was not allowed to do and for the purpose of keeping discrimination cases out of the courts the proposal of rezoning was presented to the county and procedures followed as county requested.

Mr. Gould, Director of Community Development stated to the commission that if they decide not to approve this, he felt that there was not a discrimination issue.

Commissioner Renee Zeising asked for clarification regarding June 22, 1999 decision (included in staff report from Rudy Frost and part of the Planning and Zoning Commission packet) regarding stipulations to Kathy Shoults which read: The rezoning was based on three conditions; one, two lots would be consolidated into one tax assessor parcel, two, building permits would not be issued until the consolidation was completed and three, the development would comply with the zoning district stipulations and provisions. Records indicated that a homeowner's association would be forthcoming and that the association could determine the acceptable year models of 'mobile homes' that would be allowed within the subdivision. No evidence was found that a homeowner's association was legally established.

Mr. Greenhalgh stated that a homeowners association has not been established, but the properties were combined into one tax parcel.

After discussion between the commission and staff regarding stipulations, it was determined that the creation of a homeowner's association was not a stipulation.

Chairman Ascoli opened the meeting for public comment.

Beth Tatum resides in Gisela Heights and stated that she was not aware that a homeowners association was expected to be created.

Margene Esley resides in 284 Zimmer Lane which is in the boundaries of where Mr. Alexander is proposing the zoning change. She is a realtor. She stated that she is concerned with property values. One of the biggest detracts is the concerns with mixed use of the area. Gisela Heights is one of the last areas that require only site built homes. When purchasing the property, clients were told that there wasn't a home owners association and that they would only allow site built homes. When Shoults approached them about the prior rezoning it was never suppose to be a blanket to cover the rest of the subdivision. She recommended to the commission not to allow rezoning.

William Zevan stated that the decision should get out of the hands of the commission and put it in the hands of a homeowners association. He's against the rezoning.

Tom Easley stated that he is totally against it and does not believe anything that the applicant says.

After some comments from Mr. Greenhalgh and some discussion from the Commission regarding property value, appraisals and location of existing manufactured homes and zoning, Chairman Ascoli closed public comment.

Mr. Gould commented that if the commission decides to recommend approval to the Board of Supervisors, he does not feel comfortable with the recommended year 2000 for manufactured homes and would suggest they table it and let staff come back with a full set of standards.

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Motion was made by Commissioner Mickie Nye to recommend denial to the Board of Supervisors, Commission Renee Zeising seconded the motion and the motion was unanimously denied.

6. Amendment to the Building Code: Request amendment of the Gila County Building Code Ordinance (originally adopted August 4th, 1986).

Director, Bob Gould stated that Joe Mendoza will be handling this issue but basically this will create Buildings Advisory/Appeals Board and to make some other minor corrections (such as how we deal with building without permits, fines for building without permits and designate seismic zones).

Joe Mendoza, Deputy Director stated that the following changes are being proposed:

1. Establish the Building Advisory/Appeals Board. This is a statutory requirement and the Board of Supervisors will appoint the members.
2. Deleting all the sections that refer to appeal process.
3. Correct seismic design category. A portion of Gila County is in the seismic design category but does not affect one-two family dwellings; it does affect multi family dwellings and commercial buildings.
4. Delete the adopted amendments to the International Residential Code that regulate the location of LPG appliances. After meeting with the suppliers/installers we found that this amendment was probably not necessary because the equipment used now would sense a leak and shut itself down.
5. Investigation Fees. For consistency, it will be placed in the Building Code Ordinance so that it applies in every case where work commences without a permit.

Page 9 - Building Ordinance reflects the seismic design category.

Page 14 State Plumbing Code, Section 112 is deleted and we've already adopted the 2006 International Plumbing Code and the International Fuel Gas Code.

Page 17- Park model trailers will be permitted and inspected in the same manner as manufactured homes subject to zoning and other applicable regulations.

Page 24 No. 8-"Appeals will be heard at special meetings called and noticed pursuant to law. Hearing dates will be scheduled to allow for noticing and posting requirements to be met."

Page 31 – Lists all the amendments.

Chairman Ascoli opened for public comment.

Val Greenhalgh asked if park models will permitted at the same price that a manufactured home would be permitted.

Joe Mendoza, Deputy Directed stated that the cost would be the same.

Commissioner Jay Spehar asked how an investigation fee is calculated; Mr. Mendoza replied that it is basically doubled and only applies to the permit portion of the fee and not the plan review fee. Commissioner Spehar, Mr. Mendoza and Director Bob Gould discussed the Appeals Board.

Page 24 – No. 9 will now read: In their written request for a hearing, appellants shall disclose any evidence, witness(es) or testimony, other than their own, that they intend to present at the hearing.

Failure disclose shall may be cause for the Board to prohibit delay the presentation of such evidence, witness(es) or testimony.

Public comment was closed.

Commissioner Renee Zeising motioned to approve the recommended changes including section 3 – Rules of Definition, Page 24 (as above), Commissioner Travis Williams seconded the motion and the motion passed 8 – 1 (against) with Mickie Nye voting against.

- 7. Canyon River Ranch Final Plat:** Property is zoned R1-D40 (Residential One w/40,000 density); Gila County Assessor's Parcel 301-46-001A, 301-46-001C and 301-45-001A. Proposed development consists of 116 one acre-plus lots on 155 acres of undeveloped ranch land.

Community Development Director, Bob Gould introduced this item by stating that this project had some minor changes to the preliminary plat.

1. Fire protection was to be provided by the Payson Fire Department but Town of Payson, at this time, did not approve. The developer will have a volunteer fire department service.
2. Access-Cracker Jack Road will be improved to provide the second pt. of ingress and egress.

Justin Roylance, owner, addressed the Commission. He stated that Forest Service is telling them what they will approve (see letter from USDA dated October 4, 2007 signed by Edward E. Armenta).

Community Development Director, Bob Gould stated that Gila County Public Works Division could not be at the meeting but did want the Commission to know that they had a lot of issued and that they had not received anything at this time that they would approve.

Chuck Jacobson, retained by the developer, stated that the options are limited for fire protection.

1. Contract with the closest organized fire department. In this case it would be the Town of Payson and have been turned down.
2. Form their own fire district. A fire district would be too small to initially provide the services to do that. There would be not enough tax money to do that.
3. They tried to annex into an existing fire district, East Verde and Oxbow and they both contract with the Town of Payson.

Chairman Ascoli opened for public comment; with no comments, public comment portion was closed.

Commissioner Mickie Nye made a motion to approve the changes in the preliminary plot plan, with the stipulation that the ingress/egress road be traversable pending Public Works concurrent and that adequate fire protection services be provided. Motion was seconded by Commissioner Travis Williams and item was unanimously passed.

- 8. Dream Catcher Ranch:** Re-name Dream Catcher Subdivision to Rose Creek; Gila County Assessor's Parcel 202-14-001 located on Hwy 288. Property is zoned R1L-D40 (Single Family Residence w/ 40,000 sq. ft. lots). Subdivision approval was September 10, 1996.

Community Development Director, Bob Gould introduced this item and stated that the Final Plat was signed and recorded in 1998. Several lots have been sold. Mr. David Thompson has purchased this subdivision and has finished some of the improvements and wants to make some minor changes to the subdivision.

1. He wants to change the name to Rose Creek.
2. Update boundaries to flood plain and descriptions.
3. Upgrade information on the plat to eliminate conflict between septic and wells. Several lots will go on a joint system for septic.
4. Some of the street names will change.

Ralph Bossert from Tetra Tech and represents Dave Thompson, who apologized for him for not attending.

Mr. Bossert stated that Mr. Thompson owns property on both sides of the development.

Mr. Bossert stated that they are calling the plat Rose Creek Ranch being the second amended plat of Dream Catcher Ranch. He further stated that there will be eleven (11) lots sharing a collection system for septic.

He further stated that they are trying to cluster the wells to keep any of these lots to be un-build able. Fire protection will be provided by Pleasant Valley.

No comments from the public.

Motion to approve was made by Commissioner Rose Harper, seconded by Commissioner Jack Larimore; motion unanimously passed.

9. Discussion on Board of Supervisors/Planning & Zoning Work-study

Work-study is scheduled for 10:00 am on November 28th, 2007 at the Emergency Services Conference Room. Lunch will be provided.

10. Date & time for the next scheduled meeting

Next meeting is scheduled for November 15th, 2007. Commission determined it will be held in Globe. Discussion items will be the county wide public meetings and discuss all the things we haven't completed in our general plan.

Commissioner Jay Spehar suggested that the Commission discuss possibility of having the Planning and Zoning meeting in the evening so that the public would have the opportunity to attend. Community Development Director, Robert Gould stated that that would be placed on the next agenda.

11. Adjourned at 12:37 pm

