



## MINUTES OF THE GILA COUNTY PLANNING & ZONING COMMISSION

Meeting of June 20<sup>th</sup>, 2013

APPROVED AUGUST 1, 2013

Held at the Gila County Public Works Administration Building  
745 N. Rose Mofford Way, Globe, AZ.

1. Called to order: Chairman Mickie Nye called the meeting to order at 10:25 am
2. Pledge of Allegiance: The Pledge of Allegiance was lead by Chairman Mickie Nye
3. Roll Call: Chairman-Mickie Nye (present)  
Vice Chairman-Lori Brown (present)  
Members present: Travis Williams, Mary Lou Myers, Randy Slapnicka, Jay Spehar,  
Ray Jones & Dawn Brunson  
*Absent:* Jack Larimore

Community Development Staff: Robert Gould, Director  
Beverly Valenzuela, Exec. Admin Asst.  
Jake Garrett, Wastewater Manager

4. Review and Approval of Planning and Zoning Minutes for May 16, 2013  
Commissioner Dawn Brunson motioned to approve the minutes, Commissioner Travis Williams seconded the motion, and the minutes were unanimously approved.

5. Director/Commission Communication:  
Community Development Director, Robert Gould had nothing to report to the commission. Chairman Mickie Nye stated that he would like to see development of property in Roosevelt and at the intersection of Hwy 60 and State Route 77 (on the other side of the City of Globe headed to Winkelman) and stated that this would be a project for Bob Gould, Director of Community Development. Commissioner Jay Spehar stated that it seemed outside the purview of this commission and there are other agencies that are suppose to do that. Mr. Gould stated that at some point the Planning and Zoning Commission might be involved in this also.

### PUBLIC HEARINGS

6. ZOA-12-01 Unified Development Code: Consideration of the Draft Unified Development Code as presented and requesting amendment and consolidation of the Zoning Ordinance, Wastewater Ordinance, Outdoor Light Ordinance, Subdivision Ordinance, Minor Land Division Ordinance, Grading & Drainage Ordinance, Clean & Lien Ordinance and Hearing Officer Ordinance into one code to be known as the Unified Development Code.

Robert Gould-Community Development Director introduced this item and stated that it's been a long time getting to this point. The money budget for printing of this UDC has been cut from this year's budget and staff will be making copies on cd's instead. He continued by stating that at the beginning we only wanted to consolidate the ordinances into one document but had decided to make some amendments.

Mr. Gould went through each of the changes listed in the report.

#### Article #1 General Provisions:

1. Amended regulations that apply to mining and agricultural use. These uses are exempted by the State from the regulations of our Zoning Ordinance. What we have done here is to more clearly state how those exemptions work or when are they applicable. This is not a change in regulation.

We have simply included the process we use administratively in determining if the exemption is applicable.

Commissioner Jay Spehar motioned to delete Article 1 under General Provisions, Vice Chairman Lori Brown seconded the motion; unanimously approved to be deleted.

2. Added a new item #7 on pages three and four that deals with “Accessory Uses and Structures” Allows structures to be as close as 3 feet from side or rear property lines. Requires the applicant to apply for an administrative variance.

No changes from the Commission.

3. The amendments to Nonconforming regulations are primarily to do with more clearly stating the application of these regulations to nonconforming uses that exist at the time this code is adopted. There are three amendments included that have been implemented in the past through state statutes. Here we simply spell out those statutes in our code with the exception of the first item:
  - a. Section 1-20, Item C.3 allows the Director to approve modifications to existing non conforming uses that decrease the infringement on adjoining properties while not fully complying with current regulations.
  - b. Section 1-20, Item C.5 allows us to remove nonconforming uses when a rezoning or variance is requested.
  - c. Allows the Board of Supervisors to acquire by purchase or condemnation a nonconforming use or structure.

No comments, corrections or changes from the Commission.

#### Article #2 Administration

This section is new. It states the responsibilities for staff, boards and commissions. Even though this is a new section the only real change from current practices is to allow the commission to make the final decision on conditional use permits with the right to appeal their decision to the Board of Supervisors.

No changes from the Commission.

#### Article #3 Procedures

1. This is also a new section. The purpose of this section is to list the procedures one would need to follow. As with the preceding section conditional use permits are being changed to allow the Commission to make a decision to approve or deny with appeal rights being assigned to the Board of Supervisors.
2. The Board of Adjustments has been assigned to hear appeals to the Director’s decision on use permits. The appeal must be filed within 15 days of the director’s decision.
3. Added language that requires an expiration date be included on a temporary use permit.

The commission requested a number of conditional use permits be provided to them at the next meeting.

No corrections or changes from the Commission.

#### Article #4 Amendments

1. Added a new section for amending the Comprehensive Plan. This is taken directly from the Arizona Revised Statutes.
2. Added a requirement that an application to amend the zoning designation of land other than that owned by the applicant must include a petition with at least 75% of property owners agreeing to the application.

Mr. Gould stated that this came from the Municipal Code requirements.

No corrections or changes from the Commission.

#### Article #7 Residential Zoning Districts, Single Family

1. Guest houses are permitted in single family residential zoning with a use permit. Kept the language that a guest house cannot be used as a rental unit.
2. We included language that allows group homes. This is currently mandated under the fair housing act.
3. Included regulation that placed a limit on yard sales of no more than three consecutive days, or more than two consecutive weeks or more than eight times a year.
4. Included language to allow fencing at a maximum height of six (6) feet and that they would not create a line of site traffic problem.
5. Included language that specified the keeping of livestock.

Mr. Gould, Director of Community Development stated that this is a new section that basically combines all the residential zoning districts into one. Commissioner Dawn Brunson asked if the regulation would mean that it would allow 2 ½ horses per acre and Mr. Gould stated that was correct. SR (Suburban Ranch) was used to define livestock. Commissioners Dawn Brunson, Mary Lou Myers and Lori Brown requested a copy of the horse regulations.

No corrections or changes from the Commission.

#### Article #12 Overlay Zoning District

This is a new section with minor changes such as citations being fixed to this code rather than the Zoning Ordinance. Districts in this section must have a base zoning district from the code. These regulations simply adjust development standards within the hard districts.

No corrections or changes from the Commission.

#### Article #14 Parking Requirements

1. This section was removed from Section 103 of the Zoning Ordinance and given its' own section.
2. Added ADA parking requirements as they are currently applied in accordance with federal regulations.

No corrections or changes from the Commission.

#### Article #19 Wastewater Systems

This section needed significant cleanup. When Wastewater was moved into Community Development Division it should have been changed. As it is now it is under the Health Division and not the Community Development Division but is operated by the Community Development Division. The basic change was to delete any reference to the Health Division.

1. The Wastewater Department currently provided training for those who install, perform soils evaluations and not ADEQ. So this change was made to reflect that.
2. Included language that if a person provided false information on three occasions they could be barred from doing any further soils investigations of future designs of wastewater systems.
3. Included language to define a public nuisance.
4. Added language to provide a 24 hour requirement for cleaning up wastewater spills and included language to remove water supplies or power sources from the property if spills are not cleaned up.
5. Provides language to give authority for enforcement to the Community Development Division.
6. Provided language to allow either civil or criminal violations.

Jake Garrett-Wastewater Manager answered questions from the commission regarding the 24 hour clean up and determining whose complaint it is. He stated that wash water that is running off the property can be taken to the Code Enforcement Hearing. Bob Gould explained to the commission that the county normally does not go criminal nor does it deal with Sanitary Districts.

No corrections or changes from the Commission.

#### Article #21 Outdoor Lighting

The only change to this section was to delete a type of bulb that is no longer allowed.

Bob Gould, Community Development Director stated that there are several articles in the UDC that were cut and paste.

No corrections or changes from the Commission.

#### Article #24 Permitted Use Tables

The intent here was to portray uses in an easier to read manner. There is still a permitted uses section in each zoning district that contains uses with certain criteria attached.

While reviewing the Residential Use Tables question marks “?” were discovered to still exist under certain property uses.

Day Care Centers will have U for SR and SFR instead of ?.

Halfway Homes should have P all the way across.

Secondary Schools has a ? and that should be a C.

Commissioner Travis Williams asked if “C” = CUP and C<sup>2</sup> would have some stipulations in the code; Robert Gould confirmed that.

Commissioner Jay Spehar asked what the purpose of not allowing neighborhood service in residential districts; Robert Gould stated that it was not a problem if requiring a Use Permit. Chairman Mickie Nye asked if there was a consensus to change neighborhood service to a C (Conditional Use Permit). Everyone agreed.

Commissioner Jay Spehar asked if the mineral extraction was five contiguous lots and stated that the fewer “NP’s” (not permitted) we had there was more flexibility. Everyone agreed to change to “C” (Conditional Use Permit).

Commissioner Jay Spehar requested that staff review the exemptions for sand and gravel.

Commissioner Jay Spehar asked why golf courses were not allowed in residential areas; golf courses are located in certain subdivisions; consensus was to change to “C” (Conditional Use Permit).

Chairman Mickie Nye asked if staff would consider adding motocross anywhere; Robert Gould suggested they add that to Commercial/Industrial Use Table. Mr. Gould stated that if an application was submitted to Gila County at this time he would take that application to the Board of Adjustment for the determination. Commissioner Jay Spehar and Chairman Mickie Nye requested staff add motocross/recreation vehicle facility to the Use Tables with a “C” in industrial areas, C3, M1, M2, M3 and GU.

Commissioner Travis Williams asked what the difference between a “bakery” and an “eatery” were and stated that these should be the same across the board; consensus was that they should be the same and Mr. Gould stated that they would be changed.

Conversation ensued between Robert Gould and Commissioner Jay Spehar about factory built buildings vs. site built. Robert Gould stated that we do not enforce CCR’s and HUD standards are not factory built buildings.

Commissioner Jay Spehar stated that medical marijuana section should be added with conditional use permits.

The commission agreed that utility and emergency substations should be deleted from the Use Table.

Commissioner Jay Spehar stated that water wells should be reviewed; Commissioner Ray Jones stated that it should be deleted; the commission agreed.

Chairman Mickie Nye stated that in 6 months the document could be reviewed and modified if necessary; Vice Chairman Lori Brown suggested that staff write down any problems that they run into during that time.

Motion was made to recommend approval to the Board of Supervisors subject to all the changes that were made today; motion seconded by Mary Lou Myers and the motion unanimously passed.

SEE ATTACHED RESIDENTIAL USE TABLE.

7. ZOA-13-01 Gila County Fee Schedule: Consideration for the amendment of current fees for Planning and Zoning, Subdivision, Wastewater, Floodplain applications, inspections and permits.

Commissioner Mary Lou Myers had to leave at this time but the commission remained in session with a quorum.

Robert Gould, Director of Community Development introduced this item and stated that state statute allows the county to amend fees. He explained that the proposed Floodplain fees were new and explained that he believed that people who pay taxes should not have to pay for people to build.

Commissioner Randy Slapnica stated that he talked to several people in the Kohl's Ranch area and they believe that fees should be increased.

Commissioner Dawn Brunson stated that Gila County doesn't want to deter building and there is only a small percent of public land.

Public Works Floodplain Manager Darde de Roulac explained the Floodplain Fees. There was discussion between the commission, Mr. de Roulac and Bob Gould concerning the proposed Floodplain Use Permit fees w/engineering required. Commissioner Jay Spehar stated that floodplain issues are dealt with regularly and that the only way not to be in the floodplain is to build on the mountain top. Vice Chairman Lori Brown stated that there are people in Tonto Basin who can't build because they bought in the floodplain and didn't understand.

After a lengthy discussion on the Floodplain fees Commissioner Jay Spehar motioned to table the item so that staff could compile more data for the July 18<sup>th</sup>, 2013 meeting, the motion was seconded and the commission unanimously approved to table.

Commissioner Ray Jones motioned to adjourn and Commissioner Randy Slapnicka seconded the motion. The meeting adjourned at approximately 12:45 pm.