

**BOARD OF SUPERVISORS MINUTES
GILA COUNTY, ARIZONA**

Date: October 11, 2011

TOMMIE C. MARTIN

Chairman

JOHN F. NELSON

Clerk of the Board

SHIRLEY L. DAWSON

Vice-Chairman

By: Marilyn Brewer
Deputy Clerk

MICHAEL A. PASTOR

Member

Gila County Courthouse
Globe, Arizona

PRESENT: Tommie C. Martin, Chairman (via ITV conferencing) ; Shirley L. Dawson, Vice-Chairman; Don McDaniel, Jr., County Manager; John Nelson, Deputy County Manager; Marian Sheppard, Chief Deputy Clerk; and Bryan Chambers, Chief Deputy County Attorney (via ITV conferencing). Supervisor Pastor was not present.

Item 1 – Call to Order – Pledge of Allegiance – Invocation

The Gila County Board of Supervisors met in a special session at 10:00 a.m. this date in the Board of Supervisors hearing room. Jacque Griffin led the Pledge of Allegiance and Reverend Rick Hatch of the First Southern Baptist Church in Payson delivered the invocation.

Item 2 – REGULAR AGENDA ITEMS:

2A. Information/Discussion regarding the draft Gila County Unified Development Code as developed and recommended by the Gila County Planning and Zoning Commission. (Robert Gould)

Bob Gould, Community Development Division Director, stated that for the past year a Planning and Zoning Committee (Committee) has been working on the Zoning Code. The Committee has come to some conclusions about what it wants to accomplish beginning with the need to have a Unified Development Code (UDC), a copy of which was provided to the Board. He stated that there are 2 staff reports--the first staff report lists the process and the changes to the UDC and the second staff report reviews the actual amendments. There are very few amendments even though there appear to be a lot of them; however, many of the changes noted are just rewording and reformatting. Mr. Gould stated that Mickie Nye, Chairman of this UDC Committee, would review the draft of the UDC with the Board. Mr. Nye stated that the members of the

Committee, who worked on this UDC are as follows: Don Ascoli, Randy Slapnicka, Travis Williams, Jay Spehar and himself serving as its chairman. He stated that for Open Meeting Law reasons, not everybody attended every meeting and some of the people were just present for the review. Mr. Nye stated that the documents being reviewed today have been approved by the Planning and Zoning Commission for presentation to the Board and it is certainly not a finished document. He stated that there are several things that the Committee wants to accomplish today, 3 of which include the following: obtaining the Board's direction, the Board's help and it is also looking for opportunities to encourage growth in Gila County. Mr. Nye then began a PowerPoint presentation in which he reviewed with the Board the draft of the UDC beginning by providing some the statistics showing the growth of Gila County since the Zoning Code was adopted. In 1960 the population of Gila County was 25,745 people; in the 2010 census it had grown to 53,597; and in 2030, it is projected to reach 64,597. In 1960, 7.4% of the population in Gila County was over 65 years of age; today that percentage has grown to 22.4%. The number of housing units has grown from 9,059 in 1960 to 30,019 in 2010. Mr. Nye moved on to the current identified needs as taken from the Comprehensive Plan, which include the following: the County needs a more user friendly code document; it needs a regulatory system that increases the protection from development in hazardous areas like hillsides, floodplains and floodways; it needs to enhance opportunities for affordable housing; it needs to ensure that there is adequate infrastructure and resources to support growth; it needs to encourage recreational usage by encouraging growth of adequate services and facilities for the tourist and traveler; and it also needs to promote the quality of water. He then discussed the goals for updating the Zoning Ordinance, which include the following: create a more user friendly document by limiting legalese language, having more regulations in one document and use more charts and graphics; find ways to reduce time for the permit review; provide a more flexible regulatory system; incorporate "Smart Growth Principles" into the new code; and provide more options for affordable housing opportunities. He explained that the definition of the UDC is a single document that includes all development-related regulations, including zoning and subdivision regulations. The UDC would contain the following items: the Zoning Ordinance, Subdivision Regulations, Minor Land Division Regulations, Grading and Drainage Ordinance, Outdoor Lighting Ordinance and the Wastewater Ordinance. Mr. Nye stated that the Committee would first like to initiate a 2-month review process of the current document and then schedule several community meetings to discuss the UDC. The UDC also needs to be posted on the County website to allow community comments to be submitted with those comments going to the Planning & Zoning Commission, as well as to the Board of Supervisors at the end of the review process. This would be followed by the initiation of public hearing processes in January 2012. In conclusion, Mr. Nye then reviewed all of the proposed amendments to the UDC, which included the following: Formatting changes; Article 1-General Provision Changes; Article 2-Administration; Article 3-Procedures; Article 4-

Amendments; Article 7-Residential Zoning Districts-Single Family; Article 12-Overlay Zoning Districts; Article 14-Parking Requirements; Article 19-Wastewater Systems; Article 23-Definitions; and Article 24-Permitted Use Tables. Vice-Chairman Dawson stated, "I know this isn't going to be an immediate adoption of the process, but a broken segmented process. There are some things in there that I believe there will be some objections to, but for the most part seeing that we are moving forward and working towards a smooth permitting and also encouraging the housing development throughout the County is an important part. Affordable housing still is a challenge in this area and we need encouragement for investors to invest in more of the low-income housing as those are at capacity as far as I know." Chairman Martin thanked Mr. Nye, Mr. Gould and the Commission for all of their hard work in putting this together. Don Ascoli, Chairman of the Planning & Zoning Commission, stated that when he first arrived in Payson and decided to do some small building, he found the County's system to be very complex. He then found out through his experience on the Planning & Zoning Commission and on this Committee that many things needed to be addressed to make the system simpler. He stated, "The Committee that Mickie (Nye) has chaired and the folks on the Committee have done a great job with input from Mr. Gould and staff." He stated that a major effort was one to make the UDC simple to read, user friendly and have all of the attachments in one area in order to enhance the County's ability to serve its customers and to serve those who want to come in and develop. Chairman Martin stated that she would like the Board of Supervisors and the Planning & Zoning Commission to work together in work sessions to craft and develop the UDC in order to be able to discuss that as combined boards rather than debate it after it has been completed. Mr. Gould stated that when Mr. Nye was discussing the changes since the original Zoning Ordinance was adopted in 1960, he believes one of the biggest and the most dramatic changes in our population has been the increase in the over 65 age population. The Ordinance needs to be cognizant of that and provide for same by ensuring that there is adequate housing and that services are available for those folks. Mr. Gould explained that the draft plan only has minimal changes, not wholesale changes that have been put together in a format that the Planning & Zoning Commission feels is appropriate to use with the customers. The goal was to get the process going on reviewing the UDC and then as they continue to amend it, they would like to either have a consultant come on board and work with the group to get it done in a timely manner, or they can take 1 or 2 sections at a time and amend them and bring them to the Board for approval. He stated that time will be the difference as it will take a lot longer to do it a few sections at a time. The Planning & Zoning Commission just wants to get the UDC updated so it is more relevant to current needs that reflect the needs of today, and right now the UDC does not do that. It doesn't reflect the needs of the population, the situation the County has with private land, the situation with the population as a whole and the growth in the areas. Mr. Gould advised that he still needs to meet with Don McDaniel, County Manager, to see what his recommendations are for proceeding, and that a future work

session may be appropriate for a structure to address smaller sections. Vice-Chairman Dawson stated that she thought there would need to be a work session; however, she had no problem with the Planning & Zoning Commission structuring that time and then asking for the Board's input. She stated that regarding the Open Meeting Law maybe one person on the Board could proceed with this and then periodically the Planning & Zoning Commission and the Board of Supervisors could have a joint work session. Mr. Nye stated that this process has been ongoing for 2 years and if it continues with just the Commission reviewing the UDC, it will probably take at least a couple more years. He suggested that a consultant be hired that will help navigate through the changes so there won't be any adverse impact from Proposition 207. He stated that the Planning & Zoning Commission is looking for the Board's help and direction in moving this process forward. Chairman Martin stated that perhaps staff needs to give the Board a recommendation on how the Planning & Zoning Commission would like to proceed. Mr. McDaniel stated that the consultant approach is often the right way to go because you get a concerted effort on the project in a short amount of time and get a lot done. He pointed out that some of the disadvantages include turning over decisions to somebody else rather than somebody in our own community. He agreed with having staff meet and deciding how to proceed. He and Mr. Gould will get together and determine the best steps to move forward. He stated, "It is difficult to amend the UDC piecemeal because everything is so interrelated and one district relies on another, but then again that might be the way to get chunks of it done over time. Mr. McDaniel advised that will be part of the discussion and then a direction for the next step in the process will be proposed to the Board. He stated that obviously if the decision is made to go with the consultant route, the Board will be involved in the hiring and approval of a contract. No action was taken by the Board.

2B. Information/Discussion/Action to consider issuing official comments from the Board of Supervisors to the U.S. Fish and Wildlife Service as to their proposal regarding designation of revised critical habitat for the Southwestern Willow Flycatcher.

Jacque Griffin, Assistant County Manager/Librarian, stated that on August 15, 2011, the Board of Supervisors received a press release from the U.S. Fish & Wildlife Service (USFWS) announcing that it is accepting public comment regarding their proposal to revise critical habitat for the southwestern Willow Flycatcher under the Endangered Species Act. The public comment period is 60 days and by October 14, 2011, all public comments must be received at the USFWS's office in Arlington, Virginia. Ms. Griffin stated that designation was made in 2005 for critical habitat for the Willow Flycatcher and she reviewed the new proposals to compare the differences. Approximately 2,090 miles of streams are being proposed for designation in 6 states, which is up from about 730 miles of streams. Within Gila County, the conservation space of Roosevelt Lake will be considered for exclusion because the Salt River Project has created

some alternate habitat at Rock House Farms and also down on the San Pedro. Additionally the proposed rule states that the portion of the Gila River where it occurs within the San Carlos Apache Tribal land and the San Carlos lake bed will be considered for exclusion. Another additional significant change in this proposed revision is that in 2005 the USFWS had attempted to put Pinto Creek down in Roosevelt designated as critical habitat and after all the legal battles that was left out. This time Pinal Creek is being included from the water treatment plant in Wheatfields to the confluence where it runs into the Salt River. The Tonto Creek Habitat is being expanded. Previously excluded was Tonto Creek from Roosevelt to the end of the Tonto Basin community, but will now be expanded to the beginning of Gisela. In 2005, and also at this time, the USFWS is still talking about Salt River from Roosevelt Lake to the confluence of the Salt River in Cherry Creek and they are adding that piece of Pinal Creek. Also proposed in 2005, and at this time, is all of the Gila River as it borders Gila County as it goes through - below the San Carlos Reservation. The 2011 rule, as it is currently stated, does not appear to include the estimated economic costs. What was estimated in 2005 as the economic impact was a total of \$32.7 million to \$38 million with the Gila County portion estimated at \$2.5 million, including the additional cost of management for Roosevelt Lake. Ms. Griffin advised that additional comments will be considered part of the public record and will be included in the final project record. She stated that also before the Board is a draft of a proposed comment letter from the Board of Supervisors to the USFWS, which is a summary of some of the key points within the Critical Habitat Rule as it was published in the Federal Register. Ms. Griffin stated that she included excerpts of the portions that dealt with Gila County and the USFWS news release announcing the public comment period. Chairman Martin inquired whether the economic impact Ms. Griffin mentioned was on the County or on the U.S. Forest Service to administer the program. Ms. Griffin stated that next week when the Board will be discussing a similar proposal that includes an environmental assessment or an economic analysis, it specifically only addresses the added costs to the agencies for consultation, which is the economic impact that they looked at. She stated that this proposal attempts to quantify the economic impact for additional management and it at least included Salt River Project and did have some consideration for the cost of recreation and the cost to multiple use, natural-resource-based industry. Ms. Griffin stated that one of the things that it says in the letter that was very unclear in their proposal was the part that says, "...the conservation area of the Roosevelt Lake." It doesn't identify if that's to the water's edge or if it's to the lake banks. A map was not included and they don't identify or describe in words what they mean. The loss of opportunity for recreation and the loss of potential business to the small businesses that depend on recreation for their survival, particularly in the Tonto Basin and Roosevelt communities, is not included in that economic analysis. Vice-Chairman Dawson commented, "...The Forest Service has so many financial challenges. I sit back and try to figure out what motivates their move in this direction..." Ms. Griffin stated "What motivates them is a threat of a lawsuit

from the Center for Biodiversity...It's land management by litigation and not by science.”

Vice-Chairman Dawson made the motion that the Board issue an official comment letter from the Board of Supervisors to the U.S. Fish & Wildlife Service as proposed in the letter attached to this agenda item. The motion was seconded by Chairman Martin. Chairman Martin then spoke about another area being considered for exclusion, which is at the U Bar Ranch in New Mexico. She stated that is such a success story of the growing population of the Willow Flycatcher there as a result of the presence of livestock. Ms. Griffin also spoke about another prominent native bird known as the Cowbird and questioned the reason they are selecting one native bird over a different native bird. Chairman Martin stated that there was a motion and a second and called for a vote. The motion passed unanimously.

3. CALL TO THE PUBLIC: Call to the Public is held for public benefit to allow individuals to -- address issue(s) within the Board's jurisdiction. Board members may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to Arizona Revised Statute §38-431.01(G), action taken as a result of public comment will be limited to directing staff to study the matter, responding to criticism, or scheduling the matter for further discussion and decision at a future date.

There were no requests to speak from the public.

4. At any time during this meeting pursuant to A.R.S. §38-431.02(K), members of the Board of Supervisors and the Chief Administrator may present a brief summary of current events. No action may be taken on issues presented.

Each Board member and the County Manager presented information on current events.

There being no further business to come before the Board of Supervisors, Chairman Pastor adjourned the meeting at 11:02 a.m.

APPROVED:

Tommie C. Martin, Chairman

ATTEST:

Marian Sheppard, Chief Deputy Clerk