

**PLANNING AND ZONING MINUTES**  
**MINUTES OF THE BENSON PLANNING AND ZONING COMMISSION**  
July 5, 2016

1. CALL TO ORDER-Chair Cliff Deane opened the meeting at 7:02pm.
2. PLEDGE- Chair Cliff Deane led the pledge.
3. ROLL CALL-Cliff Deane, Andrew Abernathy, Barbara Thompson, Jim Thelander, Randy Robichaud and Debbie Braatz were present. A quorum was present.
4. CALL TO PUBLIC-

There was no answer to the call to the public

5. APPROVAL OF MINUTES

April 12, 2016

Vice Chair Randy Robichaud motioned to approve the minutes of April 12, 2016. Commissioner Jim Thelander seconded. Motion passed 5-0-1 with Cliff Deane abstaining as he was not present at the April 12, 2016 meeting.

June 18, 2016

Vice Chair Randy Robichaud motioned to approve the minutes of June 18, 2016. Commissioner Debbie Braatz seconded. Motion passed 5-0-1 with Cliff Deane abstaining as he was not present at the June 18, 2016 meeting.

6. OLD BUSINESS

There was no old business.

7. PUBLIC HEARING

Cliff Deane opened the public hearing at 7:03pm.

Ken Goranson introduced himself as the CFO of the Benson Hospital. He stated that the hospital supports the Vigneto development as it will help bring physicians and specialists to the area.

Bob Gent, Sierra Vista, introduced himself as a representative of the Astronomical League, a group of 300 astronomical societies including 11 in Arizona. He noted that he has served on the Cochise County and Sierra Vista committees that recently updated lighting codes. He was pleased to that the updates the astronomical organizations requested have been incorporated into the CMP document. He did request that the exemption for lighting at 75watts be removed. Mr. Gent stated his appreciation of El Dorado having recognized the importance of the night sky to both amateur astronomers and the local professional observatories. Mr. Gent closed by thanking the Commission for the opportunity to speak and offering to serve on a lighting code commission to help Benson update the existing regulations.

Tricia Gerrodette, Sierra Vista, began by telling the Commission she appreciated the discussion at the June 18 work session regarding dark sky and native plants. She mentioned that she looked

forward to hearing what revisions were included as a result of those discussions. Ms. Gerrodette further noted that the basis of the plant palette was Benson's own list and she would like to see revision to that list as well; she volunteered to assist with that process. Ms. Gerrodette expressed frustration with the entire process, specifically that it is hard to comment on the CMP document when she hasn't been able to see the most current revisions as discussed. She commented that she hoped the discussions haven't been non-productive to the outcome of the document. She stated she continues to have concerns about impacts to the water table, aquifer and San Pedro River. She volunteered to help with outreach and information regarding the water concerns since she wasn't sure if the attempt had ever been made, concluding with the comment that water is an important issue for the entire area.

Laura White, St. David, read and submitted a letter to be included as part of the record.

George Scott introduced himself as representing the Southeastern Arizona Economic Development Group, which supports the Vigneto project. He noted that the plan has been in progress for over a year with many drafts. He stated that he had read the drafts, including this final proposal. Mr. Scott noted he was born and raised in Benson but young people now have to leave because there are no jobs. He commented that this development will create jobs immediately and will allow existing businesses to thrive as new people come in. He encouraged the Commission to approve the project so it can get up and running and be a good opportunity for Benson.

Debbie Di Biasie, Benson, introduced herself as a small business consultant formerly of Boston. She commented that she was recently given a report about the decline in small business in the area over the past few years. She stated that Cochise County is in trouble and without the Villages project that the County will continue to go downhill. She commented that people can't stay in the area to raise their family and requested that the Commission recommended approval.

Matt Clark, Tucson, read and submitted a letter to be included as part of the record. Additionally, he noted that one of Benson's key amenities is the San Pedro River as a nationally recognized riparian area, a hemispherically important migratory corridor and one of the last great places on earth.

Jerry DeGrazia introduced himself as representing San Pedro Partners, LLC. He commented that he is well aware of the San Pedro Valley and the San Pedro River and the asset they both are. He stated that the plans have been well done and he offered his congratulations to staff and Commissioners who vetted the plan. Mr. DeGrazia said the project is a big step forward and that the entire community plan needs to be approved with the understanding that it will be developed in smaller phases and that over time the plan and project can evolve. He stated that the project will help Cochise County. Mr. DeGrazia acknowledged that economics and ecosystem need to be balanced and he feels that balance has been found in the proposal.

Joannah Hines, Tucson, introduced herself as representing the professional observatory at Mt. Hopkins, a repeating MMT observatory. She expressed appreciation for inclusion of dark skies in the CMP, noting that professional and amateur astronomy brings money to the area. She

agreed with Mr. Bob Gent that the outdoor lighting section is sufficient except for the wattage exemption. She also offered MMT professionals to help update the outdoor lighting code.

Alex Binford-Walsh, Cascabel, commented that many people speaking are outsiders to Benson, but in his opinion the people most affected are those in the rural areas. He acknowledged that Benson will have some affects, such as increased traffic, but the rural users will also be affected as more people put stress on the existing open space. He stated his preference that the master plan would have included more wild area and wildlife corridors, rather than trails. Mr. Binford-Walsh stated that this development will block north/south migration between Arizona and Mexico. He pointed out that El Dorado has been buying old farms to mitigate water usage but that action only removes land from agriculture use. He suggested that Benson could become like Flagstaff. Mr. Binford-Walsh stated that the Development Agreement binds future City Councils for the next 40 years. He requested that water consultants be included to make a better effort. He concluded by stating that he would love it if Benson felt wilder, with trees on Fourth Street, instead of creating a new city.

Jeff Cook, Benson, stated that he was neither for nor against the project, but that he had seen a lot of money being spent on outside consultants to help the City review everything. He didn't know how many consultants there were plus other agencies. He noted that he was not concerned with how many of their respective comments were incorporated into the document but he was concerned about how many recommendations were not included. Mr. Cook acknowledged that there could be good and reasonable reasons why some items were not included. He specifically commented that self-certification for infrastructure included in the Development Agreement frightened him. He concluded by stating the wattage varies widely so he agreed that the wattage exemption should be removed and the term lumens be used instead.

Mark Fenn, Benson, introduced himself by stating that he had lived most of his life in Benson as well as raised his kids in Benson. He commended the Commission, developer and staff for their work, noting that not all of the given recommendations could or should be adopted into the document. He stated his opinion that the developer incorporated as much as was feasible and of quality while still keeping the project economically viable. He noted that a developer puts out a lot of money before any profit is realized, but that in the meantime the town will reap benefits of construction and economic growth. Mr. Fenn acknowledged that his own properties are suffering due to lack of tenants and he knows potential tenants will look at Benson based on Vigneto approval and growth. He stated that more employees and better services will be offered to residents with the project. Mr. Fenn commented that he has built houses along the river and has seen a lot of development junk, haphazard construction without regulations that the government probably has no idea how much water is used or how to control it. He concluded by stating that control starts at the beginning of the project and will bring people to the area.

Brent Smith introduced himself as the Southern Regional Manager for AZ State Parks, including Kartchner Caverns. He stated that he currently lives on park grounds and does not oppose or support the project but simply wants to raise concerns that should be taken into consideration regarding the health and safety of the cavern system.

Bob Casavant introduced himself as a research scientist for AZ State Parks who has been doing studies at and around Kartchner Caverns for the past 10 years. He stated that the linkage

between wells is more extensive than what had been expected. He noted that the new data will be incorporated into new models for groundwater. Mr. Casavant said that analysis done in the past decade shows the basins are volumetrically limited, with water traveling in faults and fracture zones. He noted that there are few areas where water is found, but there is quite an extensive amount when it is found. He said that development can be miles away but water can travel great distance through these fault and fractures so these studies raise concern the Kartchner Caverns could be impacted if the water is not appropriately modeled. He concluded by stating that source and use areas are more intricately connected than previously thought.

Russell Moore introduced himself as the Chief of Planning and Development for Arizona State Parks. He confirmed that Bob Casavant has been busy with groundwater modeling with certain results that any development that is proposed will adversely affect the Cavern. He stated that since the Cavern relies on water, the development and potential change in water is a serious matter for the park. Mr. Moore said the plan and concept is sound and he also acknowledged that the development will increase park visitors, but that stated that he feels it needs to be developed correctly. He stated that he's heard that a lot of work has been done on this plan, but he expressed his opinion that there has been some oversight in relation to the Cavern. He commented that the City owes it to the community to proceed wisely as action will affect the park and the city itself. Mr. Moore then read a memo proposing several stipulations that the park would like to see included in the CMP.

The public hearing closed at 7:50pm.

## 8. NEW BUSINESS

### Consideration and Possible Action regarding the proposed Final Community Master Plan for the Villages at Vigneto

Commissioner Debbie Braatz asked about new sign regulations to which Planner Michelle Johnson replied that updated sign regulations will be followed by the Vigneto development. Commissioner Debbie Braatz then asked about lighting, commenting that she appreciated Vigneto's effort but that she had been reading about the effect of LEDs on human health and wildlife. She stated that she hoped those concerns would be alleviated by El Dorado working with the professional groups that have offered their assistance. Commissioner Braatz acknowledged the sentiment that some parties think the city and Commission have been short-sighted in regard to the project but she stated they have not been short-signed and they are looking toward Benson long term. She commented that she feels the CMP process was a positive approach to take in spite of the amount of time taken. She noted that El Dorado did work with the City and did not throw something together. She closed by saying she wants to see a city remain, not become a ghost town, and a well-organized development is better and has a more positive impact than unregulated hodge-podge.

Commissioner Barbara Thompson had no comments.

Vice Chair Randy Robichaud asked if El Dorado would consider using lumens instead of wattage as a measure. Mike Reinbold, El Dorado principle, replied that he is in favor of working with the latest technology so if lumens are the standard measure then El Dorado will work in that

arena. He noted that El Dorado has been in communication with the lighting groups and will continue to further define lighting. Vice Chair Randy Robichaud asked about water studies and the concern over Kartchner Caverns. Mr. Reinbold replied that the hydrology reports used to determine the 100 year adequate water supply state there are different aquifers between the Caverns and the development. He also stated that most of the development's wells will be toward the north end, not close to the Caverns. Further, Mr. Reinbold noted that the Cavern's requested a hook up to public water which El Dorado is not opposed to assisting with when the water system is built that far south. He stated that the water studies El Dorado has seen don't show impact to the Caverns because Vigneto will be drawing water from other sources and locations. Mr. Reinbold concluded by noting that El Dorado also has an interest in protecting water. Vice Chair Randy Robichaud commented that the assumption seems to be that since Vigneto is lower than the Caverns, it should not affect the Caverns.

Commissioner Jim Thelander asked what water approvals had come from the City. City Attorney Paul Loucks responded that water adequacy comes from Arizona Department of Water Resources and that he was not aware of any reconsideration of the existing certificate.

Vice Chair Randy Robichaud was pleased that El Dorado was willing to work with the lighting groups, but expressed concern about Kartchner Caverns since the issue was just brought up. He stated that he thought all approvals had been received. Bob Casavant confirmed that the Kartchner Cavern studies have not been published, stating that the studies used in current groundwater modeling are outdated and don't incorporate what has been learned over the past 8 years. He stated the Caverns will lose water if draw-down occurs through the fault zones, but the model that shows this is not being used by either ADWR or USGS. He said the new data is ready to be used for modeling and the current data is outdated since it is already 10 years old.

Commissioner Jim Thelander asked about the obsolete data, with Bob Casavant responding that the existing data is not comprehensive so this new data should be incorporated to see what the effects could be. Commissioner Debbie Braatz asked who would pay for the new study and model, noting that Benson wouldn't be able to afford it. Bob Casavant replied that he'd like ADWR to include this new data.

Vice Chair Randy Robichaud asked Mike Reinbold if he could incorporate the new data. Mike Reinbold responded that he does not have authority to incorporate anything since it is ADWR that determines water limits and water availability for the city. He briefly explained that the city files a water activity report with ADWR on an annual basis and ADWR would raise concerns if they saw any. Mr. Reinbold stated that there is crown between the Caverns and the development that separates them.

Bob Casavant interjected that there is a topographical crown, but that feature doesn't extend underground. He noted that cross contamination could occur. Mr. Reinbold responded that the developer will monitor ground water and expressed his opinion that the Caverns are an asset to their development too. He also reiterated the consent to deliver potable water as soon as possible to the Caverns. Bob Casavant stated they will make the request for water to Benson to which Mr. Reinbold replied that the entire water system will eventually be Benson's. Mr. Reinbold continued to state that El Dorado's goal is to work with the Caverns, in hopes of making the

Caverns better if possible. He stated that studies will take place on a continual basis over the decades and he wants to work together to solve any problems that might come up because the Caverns are an important neighbor. Bob Casavant concurred with Mike Reinbold about working together and stated they would like to share their information with El Dorado and have them incorporate it. Vice Chair Randy Robichaud expressed his hope that both the Caverns and the developed could be saved.

Vice Chair Randy Robichaud asked about fire sprinklers, wondering how El Dorado could know that the State would pass a law to require them. City Engineer Brad Hamilton clarified that current building codes require residential fire sprinklers, but state law prohibits them. Randy Robichaud clarified that El Dorado will follow state law, whatever it is. Mike Reinbold agreed, noting that the City would also have to adopt fire sprinklers if it were a state law. He also commented that the City and El Dorado have already reach agreement about Fire Department equipment and staffing.

Chair Cliff Deane commented that the Commission had received a letter from the Fire Chief and Building Official regarding fire sprinklers. He stated that if the current law prohibits residential fire sprinkler enforcement then the city doesn't have any choice as to their requirement. He read the sentence from the letter about the developer encouraging home builders to offer fire sprinklers until such time as they become mandatory. Mike Reinbold agreed that if the customer wants to pay for the sprinkler upgrade then it can be done.

City Attorney Paul Loucks clarified that the current prohibition is regarding the enforcement of residential fire sprinklers and that two things would need to occur for residential fire sprinklers to become mandatory... that state law would need to change to allow the enforcement of residential fire sprinkler provisions and the city would need to adopt a code that had such provisions. Commissioner Jim Thelander suggested that people building homes will want fire sprinklers regardless of state law because insurance companies are going to want sprinklers in homes.

Commissioner Barbara Thompson had no comments.

Chair Cliff Deane asked about the Supplemental Corrections. Planner Michelle Johnson explained that most the corrections were the same as what the Commission had seen at the work session on June 18, with a few additions based on work session discussion. She stated that staff would like several word changes to the Supplemental Corrections, as shown on the staff recommendation. Commissioner Debbie Braatz asked about the location of the correction on page 15, to which Michelle Johnson replied that it is the paragraph below the bullet points.

Commissioner Jim Thelander expressed concern that the CMP document is creating discrepancies between itself and the City Code. He suggested that there is likely to be a mistake somewhere and that he'd like to see a statement that City Code will prevail. City Attorney Paul Loucks explained that the CMP document is essentially a zoning code specific to the development. Commissioner Thelander stated that was the problem, that the CMP will overrule city code and he didn't like that. Chair Cliff Deane commented that there will be two different development documents, one for the City and one for Vigneto. Commissioner Jim Thelander said that did not matter to him.

Mike Reinbold commented that during the process of drafting the CMP document, known conflicts within the existing codes were eliminated. He stated that if they had stayed with existing codes then more conflicts would be likely. Commissioner Jim Thelander asked if staff agreed with that and both Michelle Johnson and Paul Loucks did agree. City Engineer Brad Hamilton pointed out that City Code was not discussed at the work session. Commissioner Debbie Braatz agreed that the City Code is not consistent and that this CMP document was taking things to a step higher.

Commissioner Debbie Braatz noted that the current Supplemental Corrections list showed thresholds for when a site plan would come to P&Z and when it would stay with the Zoning Administrator for approval. She asked what the Commission thought about the threshold levels. Planner Michelle Johnson said the threshold levels had been agreed to between staff and El Dorado but that the Commission could discuss them. Commissioner Andrew Abernathy expressed his opinion that the thresholds were acceptable.

Vice Chair Randy asked about the change from the word business to the word suites. Michelle Johnson explained that suites is a preferred construction related term since at the time of site plan it is not known how many individual business could operate from any given tenant space that is proposed. Commissioner Andrew Abernathy requested clarification about what plants were removed from the plant palette and which were added. Michelle Johnson directed him to the Supplemental Corrections. Randy Robichaud stated he liked staff recommendation number two.

Vice Chair Randy Robichaud commented that recommendation number three (fire sprinklers) had already been discussed. Planner Michelle Johnson asked if the Commission would like to discuss wording to be incorporated into the CMP document.

Commissioner Andrew Abernathy moved to adopt the language regarding fire sprinklers as shown in the joint letter from the Fire Chief and the Building Official. He explained that he would like this motion to be its own line item. Commissioner Jim Thelander seconded. Motion passed 6-0.

*“Fire sprinkler suppression systems will not be required in individual homes until 1) the current State prohibition against residential fire sprinkler enforcement is lifted and 2) building codes requiring sprinkler systems in individual homes are duly adopted by the City and in effect. The developer will encourage home builders to offer fire sprinkler suppression systems as an option until such time as fire sprinklers becomes mandatory.”*

Vice Chair Randy Robichaud motioned to recommend approved of the Final CMP with conditions 1, 2 and 4 as written in the staff report. Commissioner Debbie Braatz seconded. Motion passed 5-0-1 with Commissioner Jim Thelander abstaining.

*1) That the corrections shown on the Supplemental Corrections be incorporated into the Final CMP document including the changes to the Supplemental Corrections recommended*

*By staff, specifically:*

*Page 15, bullet 4-changing the word “and” to “or”*

*Page 35-changing the word “businesses” to “suites”*

*Page 105-changing the word “Final CMP” to “development”*

*Page 154-revising the paragraph*

*By the Commission, if any changes are desired—NO CHANGES WERE MADE BY THE COMMISSION*

*2) That a statement be included within the CMP document to the effect that El Dorado will thoughtfully consider and apply the best practices of the State agencies requesting to work cooperatively with them to best ensure environmental and biologic compatibility with the human development in order to prevent harm or damage to future residents. This statement may also acknowledge that not every request of every State agency can or will be complied with.*

*~~3) That Section 7.C.1. Residential Development Standards be revised in regard to residential fire sprinklers to the satisfaction of the Building Official and the Fire Chief.~~*

*4) That the bullet in Section 6 referring to exempting wattage (50 watts of landscape lighting per the Supplemental Corrections) be removed. Staff notes that a request for an exemption can be repeated, and approved, via the submittal of the Conceptual Outdoor Lighting Plan.*

## ADJOURNMENT

Vice Chair Randy Robichaud motioned to adjourn. Commissioner Jim Thelander seconded. Motion passed 6-0 and the meeting adjourned at 8:38pm.