

A G E N D A

WORK SESSION OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, TO BE HELD SEPTEMBER 13, 2011, AT 6 P.M., AT THE COTTONWOOD COUNCIL CHAMBERS BUILDING LOCATED AT 826 NORTH MAIN STREET, COTTONWOOD, ARIZONA.

I. CALL TO ORDER

II. ROLL CALL

III. ITEMS FOR DISCUSSION, CONSIDERATION, AND POSSIBLE DIRECTION TO STAFF:

Comments regarding items listed on the agenda are limited to a 5 minute time period per speaker.

1. PRESENTATION OF A STUDY CONDUCTED BY NAU REGARDING TOURISM AND THE WINE INDUSTRY.
2. REQUEST TO OPERATE A COMMERCIAL HORSE DRAWN CARRIAGE BUSINESS IN OLD TOWN.
3. PROPOSED AMENDMENTS TO THE COTTONWOOD ZONING ORDINANCE TO ALLOW KEEPING OF CHICKENS IN CITY LIMITS.
4. PROPOSED AMENDMENTS TO THE COTTONWOOD ZONING ORDINANCE, SECTION 406 "PARKING AND LOADING REQUIREMENTS," REGARDING PARKING REQUIREMENTS IN THE OLD TOWN HISTORIC COMMERCIAL AREA.
5. PROPOSED AMENDMENTS TO THE COTTONWOOD ZONING ORDINANCE REGARDING POLITICAL SIGNS.
6. REQUEST FOR SUPPORT OF THE ARIZONA CATTLE GROWER'S ASSOCIATION'S "SAVE ARIZONA'S FOREST ENVIRONMENT" (SAFE) PLAN.

IV. ADJOURNMENT

Pursuant to A.R.S. § 38-431.03.(A) the Council may vote to go into executive session on any agenda item pursuant to A.R.S. § 38-431.03.(A)(3) Discussion or consultation for legal advice with the attorney or attorneys of the public body.

The Cottonwood Council Chambers is accessible to the disabled in accordance with Federal "504" and "ADA" laws. Those with needs for special typeface print or hearing devices may request these from the City Clerk (TDD 634-5526.) All requests must be made 24 hours prior to the meeting.

Members of the City Council will attend either in person or by telephone conference call.

City of Cottonwood, Arizona
City Council Agenda Communication



Meeting Date: September 13, 2011
Subject: **Horse Carriage in Old Town**
Department: Community Development
From: George Gehlert, Director

REQUESTED ACTION

Discuss and provide direction to staff regarding a request to operate a commercial horse drawn carriage business in Old Town

BACKGROUND

Attached is a written proposal from Jackie Odom / Gypsy Wind Carriage Company, to conduct a horse carriage operation along portions of North Main Street and Pima Street in Old Town. The applicant currently provides this service in tandem with the Farmers Market series, which occurs on Thursday evenings from July through September. The proposal is to also allow the service on a daily, year round basis.

The carriage would be staged at the site of the old car wash, just east of the Rendezvous property. The route would proceed north along Main Street to the parking area in front of Hippie Emporium where the carriage would turn around and head south, stopping to drop and pick up in front of the Cottonwood Hotel. On Farmers Market days the carriage would also turn east onto Pima Street to drop/pick up in the parking area along the south side of Pima Street, where the rig would again turn around and head west to North Main Street.

Horse carriage operations are often regulated by City codes. However, the City of Cottonwood has no current standards for such uses. Codes often address:

- Liability coverage for the City
- Confinement to a specific route
- Traffic rules and required safety equipment (lights, brakes, etc.)
- Operating standards (horse tending, maximum number of passengers, etc.).

- Animal health and safety, maintenance. Clean up of fecal matter.
- Penalties for violations

JUSTIFICATION/BENEFITS/ISSUES

Staff sees the horse carriage as an attraction for Cottonwood’s Historic District however; there are some issues the Council may want to address in the form of a written agreement. It is also recommended that both the Police and Fire Departments review any agreement to ensure any concerns they may have are addressed. The Council may also elect to amend the Municipal Code to address these standards.

Should the Council elect to direct staff to move forward with this request, Staff recommends formalization of a written agreement which establishes the following performance standards:

1. That the applicant provide sufficient liability coverage naming the City of Cottonwood and any other affected property owners as an additional insured.
2. That the applicant provide written permission from any other affected property owners for use of staging and turnaround areas.
3. That the carriage route be confined to those areas described in the proposal.
4. That the carriage comply with all related traffic safety rules, including those for appropriate safety equipment (lighting, brakes, number of passengers per vehicle, etc.).
5. That the horse be kept in good health, subject to a yearly certification by a local veterinarian.
6. That all fecal matter be removed immediately from the site.
7. That the horse and carriage be tended by the driver at all times.
8. That the agreement be subject to review and renewal by the City Council on a yearly basis. Violation of standards may be cause for revocation or fine.

COST/FUNDING SOURCE

There would be no cost to the City for this service.

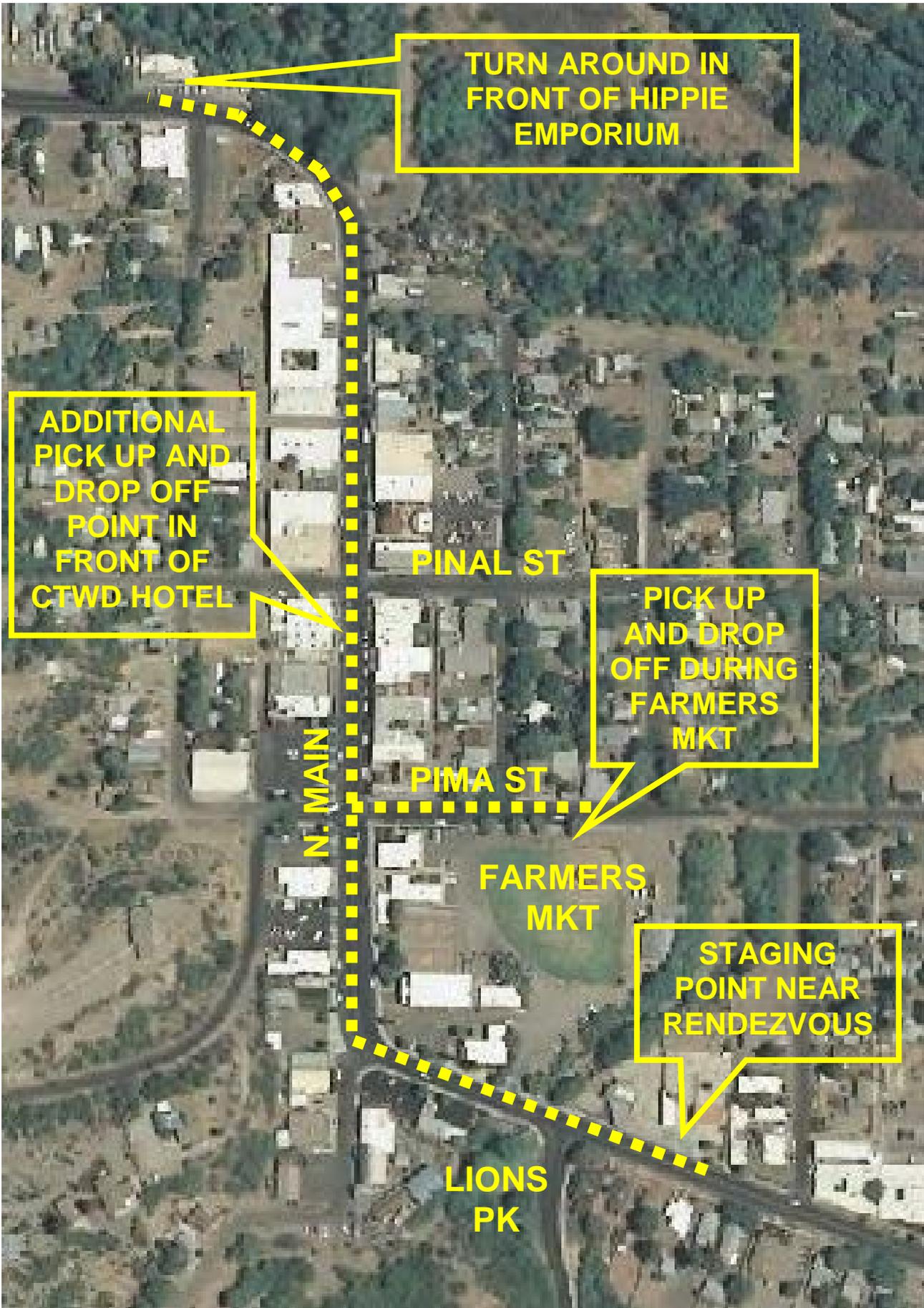
REVIEWED BY:

City Manager: _____

City Attorney: _____

ATTACHMENTS

- Written Request
- Route Map



TURN AROUND IN FRONT OF HIPPIE EMPORIUM

ADDITIONAL PICK UP AND DROP OFF POINT IN FRONT OF CTWD HOTEL

PICK UP AND DROP OFF DURING FARMERS MKT

STAGING POINT NEAR RENDEZVOUS

PINAL ST

PIMA ST

FARMERS MKT

LIONS PK

N. MAIN

Business proposal for Gypsy Wind Carriage Company
PO Box 471
Rimrock, Az 86335
928-202-5277

Gypsy Wind Carriage Company has been in service for four years. We started in Clarkdale and since then have been working in Sedona. We have participated in special events in Cottonwood, Camp Verde, Clarkdale, Rimrock, VOC and Sedona. I am interested in relocating the business to Cottonwood. If approved, I will be staging out of Rendezvous in Old Town, at 777 N. Main St. in Cottonwood. It is my desire to provide visitors with an enjoyable horse drawn ride through Old Town, giving the history of the area and giving guest the chance to take a slower look at the business' in the area. I will support the local business by bringing attention to all the fine shops and diners that are along my route. My plan will to leave 777 N. Main and travel down Main St, turning around at the Hippy Emporium store. I have received permission from the owners of Ye Old Hippy Emporium and Rendezvous to use their property for staging and turning around. I have submitted written statements from both parties in regards to the use of their properties.

Hours of operation will vary. During the summer months we will be working later on in the afternoon into the evening. Since we are staging out of RIOT's, we wish to work with their schedule. If they, or the town have an event that starts earlier in the day, we wish to be able to participate regardless of the time. I never work my horse for more than a few hours at a time without taking him back to our trailer and allowing him something to eat, drink and rest for a while. The wagon we use is in perfect shape, and is equipped with reflective tape on the back as well as the slow moving triangle. Also on the back of the wagon are orange LED lights and on the front are a pair of 12 volt halogen lights. The horse is very comfortable working at night, and the street lights will also be helpful in visibility.

The horse has been working commercially for four years and we have a perfect safety record. He has been around emergency vehicles and has never spooked or bolted . He has participated in many parades and is always a hit wherever we go. The horse that I use in my business is a Gypsy Vanner, a small draft type of horse, originally imported to the US from the UK. They are considered an exotic breed of horse to the US, and I feel honored to own and work this fine horse in our area.

For solid waste collection, I use a diaper bag on the horse, and it is dumped into a sealed container as soon as possible. If he defecates while on a tour, I dump the bag as soon as we return from the tour. The waste is taken home by me at the end of the day. I use small absorbent pellets in the bag itself to help minimize the odor.

I use a water based fly repellent on the horse, and he is always bathed and clean prior to arrival in town. If he is not feeling well, I do not bring him in. I also bring and provide water for him at our horse trailer and allow him to drink when he needs it.

There is no gasoline or other combustible material on my wagon. One of the best features about my small wagon is the fact that I can turn around in within the width of a street. If the occasion should arrive that I need to move and get out of the way for any reason, this rig is capable of tight turns and the ability to drop off to a side street, quickly and safely.

I have been providing tours of the area for four years now, both with local tour companies and my own company , Gypsy Wind Carriage Company. I believe my horse and wagon will make an appropriate addition to Old Town . I have enough knowledge of the area to provide an enjoyable tour for visitors and locals alike. I have worked with A Day In The West in Sedona and also Sedona Off Road Adventure, and have been talking with locals to get more of the historical stories of and surrounding Cottonwood, Az.

City of Cottonwood, Arizona
City Council Agenda Communication



Meeting Date: September 13, 2011

Subject: Proposed Revision to the Cottonwood Zoning Ordinance to Allow Keeping of Chickens in City Limits.

Department: Community Development

From: George Gehlert, Director

REQUESTED ACTION

Council consideration of amending the Cottonwood Zoning Ordinance to allow the keeping of chickens within City limits.

BACKGROUND

The keeping of fowl and other animals is addressed by the Cottonwood Zoning Ordinance, Section 404.O (General Provisions / Animals and Pets). Raising of poultry is currently allowed in the GA (General Agricultural) and AR Agricultural/Residential) zones. The practice is not currently permitted in any other zones. The City's Municipal Code does not address the issue of chickens.

Chickens are permitted in other nearby jurisdictions:

- Yavapai County allows eight (8) poultry per acre, or fraction thereof.
- Camp Verde permits the keeping of chickens subject to their nuisance code.
- Clarkdale permits 1 chicken per 1,000 sq. ft. of lot area (10,000 sq. ft. lot minimum).

Attached is Section 404.O from the zoning ordinance, detailing the proposed revisions to the General Provisions section of the zoning ordinance. The proposed revision would also amend Sub-section B (allowed uses) of Sections 413 and 414 (R-1 and R-2, single family and multiple family residential zones), to add the following as a permitted use:

“The keeping of fowl, subject to the standards set out under Section 404.O.”

JUSTIFICATION/BENEFITS/ISSUES

Will allow for the domestic production of chickens and eggs as a food source.

Could also result in nuisance related impacts (and complaints) due to odor and waste by-products, particularly in residential zones where small lots are prevalent.

COST/FUNDING SOURCE

N/A

REVIEWED BY:

City Manager: _____

City Attorney: _____

ATTACHMENTS

PROPOSED AMENDMENT TO SECTION 404.O: ANIMALS AND PETS

PROPOSED AMENDMENT TO SECTION 413.B: R-1 ZONE (PERMITTED USES)

PROPOSED AMENDMENT TO SECTION 414.B: R-2 ZONE (PERMITTED USES)

PROPOSED AMENDMENT TO SECTION 404.O: ANIMALS AND PETS

O. ANIMALS AND PETS.

1. Household Pets: Except as otherwise permitted in this Ordinance, the keeping of animals in connection with each dwelling shall not exceed a total of three (3) pets, such as dogs, cats and similar household pets, exclusive of birds, fish and other pets which at all times are kept within a fully enclosed building or accessory building and which do not create odor or sound which is detectable on an adjoining lot.
 - a. *Exception for Chickens: The regular (non-commercial) keeping and raising of chickens is permitted, as allowed by specific use districts, subject to the following performance standards:*
 - 1) *Conformance to all applicable Yavapai County Health standards.*
 - 2) *Keeping shall also be subject to the same standards as for Show Animals (below) pertaining to setback, caging, cleaning, and for storage of feed and equipment, except as otherwise modified by subsection O.1.a.6 below.*
 - 3) *Number of chickens is limited to six (6) per household.*
 - 4) *Roosters are prohibited.*
 - 5) *Outdoor slaughtering is prohibited.*
 - 6) *Containment areas shall be located a minimum of 15 feet from property boundaries.*
 - 7) *Issuance of an annual permit by the Community Development Department.*
2. Show Animals: The keeping of animals as show projects, not to exceed one lamb, or three adult ~~poultry~~, rabbits or other small animals per project or premises, shall be an allowable use only by family members residing on the premises. Annually a completed form, prescribed by the Planning and Zoning Department, with name and physical address of each applicant and type, duration and number of animals of each project shall be submitted to the Planning and Zoning Department by said resident. Goat, swine, beef, adult sheep and horse projects shall be limited to Agricultural zones. Lamb, ~~poultry~~, rabbits and other small animal projects shall be allowed in residential zones by permit only. The projects in zones other than Agricultural shall be of a limited duration not exceeding six (6) months in one (1) calendar year, allowing for the care, feeding and grooming of such animals to be shown and/or sold annually at events such as the Verde Valley, Yavapai County and/or Arizona State Fair. In the instance that a prize winning animal is to be entered into competition more than one time, an extension of the permit may be applied for and after evaluation by the Planning and Zoning Department conditionally extended. Pens, stables, cages and other shelters for such animal projects shall not be located closer than twenty five (25) feet to any property line. All structures shall be kept in a neat and sightly manner and shall be controlled daily from refuse, manure, flies and other nuisances at all times. Storage of feed equipment and other material related to such animals shall be entirely within an enclosed building. Carports or garages attached to a residence shall not be used to contain such animal projects.
3. Nuisance: Where the keeping of such animals becomes a nuisance, the Planning and Zoning Inspector shall have the authority to require a reduction in the number of and/or removal of the animals. Normally the Inspector will allow a ten (10) day grace

period for compliance to the Ordinance. In exceptional cases the Inspector shall require immediate removal of the animals in question.

4. The provisions of the Ordinance are not intended to authorize the keeping of animals, regardless of number, size or type, in a manner which constitutes a nuisance and which impairs the enjoyment or use of nearby properties or violates other legal restrictions the properties are subject to.

PROPOSED AMENDMENT TO SECTION 413.B: R-1 ZONE (PERMITTED USES):

Add the following as a permitted use:

8. The keeping of fowl, subject to the standards set out under Section 404.O.”

PROPOSED AMENDMENT TO SECTION 414.B: R-2 ZONE (PERMITTED USES):

Add the following as a permitted use:

11. The keeping of fowl, subject to the standards set out under Section 404.O.”

City of Cottonwood, Arizona
City Council Agenda Communication



Meeting Date: September 13, 2011

Subject: Proposed amendments to the Cottonwood Zoning Ordinance, Section 406 "Parking and Loading Requirements" regarding parking requirements in the Old Town historic commercial area.

Department: Community Development

From: Charlie Scully, AICP, Long-Range Planner

REQUESTED ACTION

Discussion and direction to staff regarding proposed amendments to the Zoning Ordinance that would add a new Section 406. G. Regulations Applicable to Parking in the "Cottonwood Commercial Historic District," and adding a new Section 406. B. 7. "Exceptions for uses located near Public Parking Lots," and adding a new Section 406. E. 6. "Off-Street Loading Requirements in the Cottonwood Commercial Historic District."

BACKGROUND

Currently properties in the Old Town Cottonwood commercial area along Main Street in the Historic District area are subject to all standard parking requirements, including providing off-street parking for new and expanded uses. This requirement does not work for most properties in the area because the historic development pattern was based on buildings being built to the property lines on relatively small lots. The proposed amendments would correct this ongoing policy deficiency and respond to the unique conditions in this area by waiving the individual parking requirements for each property. Rather than requiring individual on-site parking, it is a common practice in historic commercial centers to address the parking needs with public parking opportunities located on the streets and in parking lots.

Historic Development

Commercial development began in the historic center of Cottonwood after 1908. Buildings were generally located side by side along the street. Automobiles were less common and parking was not an issue in the site planning for these early businesses. When the Cottonwood Zoning Ordinance was adopted in 1979, most of the existing commercial uses in the historic Old Town area became nonconforming in terms of the parking requirements. The existing uses may continue indefinitely as legally nonconforming uses; however, new development or a change of use that results in increased requirements technically is subject to the same parking requirements as applied city-wide. Parking in this area has been subject to administrative policy based on the existing nonconforming status.

Review of Other Cities

Many cities and towns with historic business districts provide exceptions to off-street parking requirements for uses in those areas. Some cities in Arizona that have reduced or eliminated off-street parking requirements in their central historic districts include Clarkdale, Camp Verde, Prescott, Phoenix, Chandler, Gilbert, and Flagstaff. A summary is attached.

Parking Management Strategies

The parking strategy in downtown historic commercial districts is more commonly addressed through a combination of physical and management approaches. Instead of requiring each use to provide separate off-street parking, the City would manage public on-street parking and public parking lots. In addition, a Parking Management approach looks at both physical improvements and ongoing management techniques that promote more efficient use of parking. A Parking Management Outline is attached

Old Town Parking Estimates

The study area for Old Town parking looks at the historic commercial district along Main Street between the bridges and approximately one block on each side street. These are estimates because many areas do not have standard striping of spaces, including gravel parking areas.

Public Parking Lots	136
On-street Parking	107
Off-street Private Parking	63

Proposed New Parking Lots	67
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Existing parking

306 total spaces are identified in the study area.
243 are public spaces with others identified as privately maintained property.

The Proposed parking lots (Old Town Jail and behind Orion Bakery) could add 24% more parking to the total number of parking spaces in the Old Town historic commercial area.

PROPOSED AMENDMENTS:

The following amendments to the Cottonwood Zoning Ordinance are proposed:

ADD NEW Section 406. G. REGULATIONS APPLICABLE TO PARKING IN THE "COTTONWOOD COMMERCIAL HISTORIC DISTRICT." as follows:

G. REGULATIONS APPLICABLE TO PARKING IN THE "COTTONWOOD COMMERCIAL HISTORIC DISTRICT."

1. Purpose: This section is intended to provide reasonable exceptions to the off-street parking requirements in the area commonly known as "Old Town Cottonwood" where most properties have been developed with full lot coverage to the property lines and where lots are generally smaller than comparable lots in other parts of the city.
2. Applicability: This section applies to properties located in the Cottonwood Commercial Historic District as listed on the National Register of Historic Places.
3. Exempt Parking. Except as described in this Section, properties located in the Cottonwood Commercial Historic District, shall be exempt from the off-street parking and loading schedule as set forth in Section 406. "Parking and Loading Requirements."
4. Existing off-street parking. Off-street parking existing as of the date of this ordinance amendment within the historic district shall be maintained where such parking is considered as required parking for that property. Such parking shall not be removed for purposes of expanding buildings or similar development uses.
5. Design Standards: Where new or remodeled parking facilities are provided, all such parking and/or loading shall be required to conform to City of Cottonwood development standards, including dimensions, location, safe access, landscaping, lighting, surfacing, drainage and engineering standards.

ADD new Section 406. E. 6. (pertaining to Off-Street Loading Requirements), as follows:

6. Exempt Uses: Uses located within the Cottonwood Commercial Historic District are exempt from requirements for providing loading spaces. If provided, such loading spaces must conform to development standards, including dimensions, location, safe access, landscaping, lighting, surfacing, drainage and engineering standards.

ADD new Section 406. B. 7. Exceptions for uses located near public parking lots.

7. Exceptions for uses located near public parking lots: The Community Development Director may administratively approve a reduction of up to 25% of required off-street parking for non-residential uses located within 300 feet of a City of Cottonwood owned public parking lot, as measured from the building entrance to the parking lot. Appeal of the decision of the Director shall be to the Planning and Zoning Commission.

REVIEWED BY

City Manager: _____

City Attorney: _____

ATTACHMENTS

- Old Town Parking Estimates
- Parking Management Outline

OLD TOWN PARKING ESTIMATES

The study area includes off-street public parking lots, private off-street parking, and on-street parking along Main Street and generally one block of each side-street.

<u>Public Parking Lots</u>	<u>Spaces</u>	136
Pinal & 1	26	
Pima & Main NWC	33	
Pima & Main SWC	15	
South of City Council Chambers	18	
Civic Center (on corner)	14	
City Hall (behind)	25	
Parks & Rec (behind building)	15	
Balboa (parking facing wash)	10	
Old Jail (existing)	10	
<u>On Street</u>		117
Main Street (bridge to bridge)	66	
Pima – east: (to bridge past 2nd)	17	
Pima – west	0	
Pinal – east (to 1 st St)	9	
Pinal – west	10	
Balboa	5	
Cactus near Main	10	
<u>Private Off-Street</u>		63
Thai Restaurant	5	
Art Glitter	3	
Antiques/ Bings Restaurant	22	
Cottonwood Hotel (off Pinal)	16	
Cottonwood Water Works	12	
Foxy Fashions	5	
<u>Proposed / Potential</u>		67
Old Jail - Visitor Center (proposed)	32 net	
Behind Orion Bakery	35	

OLD TOWN PARKING MANAGEMENT STUDY
City of Cottonwood
August 2011

INTRODUCTION

As the Old Town commercial area continues to develop, the demand for safe, convenient parking will increase. Strategies to improve parking in the area include both physical improvements and program management solutions.

Purpose of the Parking Plan:

The purpose of this plan is to develop and implement a parking program to address current and future needs for Old Town Cottonwood. The parking management plan is intended to ensure the parking supply supports the development of a vibrant, growing and attractive destination for shopping, working, living and recreating.

Parking Utilization Study

A parking utilization study is intended to provide a thorough understanding of current use patterns and future needs. This type of study includes:

- (1) An inventory of existing parking facilities within the study area, including:
 - a. Public parking lots.
 - b. On-street public parking.
 - c. Private off-street parking.
- (2) Identify potential new public parking facilities within the study area. Review practical feasibility of locations in terms of physical constraints, as well as potential to develop off-street locations for public use. This may include new and expanded parking lots, as well as potential improvements to on-street parking that identify additional spaces.
- (2) Survey of parking use patterns by time of day, including Mornings, Mid-day/Lunch, Afternoons, Evenings, Weekends, and Special Events.
- (3) Analysis of typical parking duration and turnover rates throughout the day for on-street and parking lot locations.
- (4) Review of signs that identify public parking, including directional signs, locational signs and any other regulatory parking signs.
- (5) Review of loading and delivery activities and locations.
- (6) Identify handicap parking locations.
- (7) Survey businesses, property owners, residents and visitors regarding parking conditions, including qualitative and quantitative perceptions, concerns and priorities.

EXISTING PARKING OPPORTUNITIES

Public Parking Lots: There are several smaller off-street public parking lots, including those located at the City Hall complex and at the corner of Main and Pima. There may be opportunities to improve and expand off-street public parking in several additional locations.

On Street Parking: On-street parking typically takes place on Main Street and on the first block of side streets. As development expands, the commercial parking is likely to spill further into the residential areas resulting in more traffic, noise and disturbance to the neighborhood residents unless alternatives are provided.

Private Lots and Spaces: Several businesses have private parking spaces. Some are readily accessible for use by customers; some are limited to a few spaces for use by the business owner and employees. The private parking provides an important addition to the overall number of spaces in the district and should be maintained.

PARKING IMPROVEMENT STRATEGIES

A. PUBLIC IMPROVEMENT PROGRAM

The City currently provides several public parking lots in the Old Town area. These facilities provide a valued amenity to the public and contribute to the economic vitality of the historic town center. Additional improvements should be seen as an investment in the long-term well being of the entire City.

1. Improve Existing Public Parking.

Evaluate public parking areas. Consider additional paving, lighting, landscaping, signage and pedestrian access improvements.

2. Develop New Public Parking.

Evaluate opportunities and develop recommendations.

3. Improve Directional Signage.

Install better directional and location signage for public parking throughout the area.

4. Develop Informational Kiosks.

Strategically located information kiosks designed primarily for pedestrians could provide useful information and maps pertaining to local businesses and activities in the area. Kiosks located in proximity to parking lots would help orient visitors, tourists and residents to things going on in the historic district. Kiosks can be freestanding structures or panels mounted on walls.

B. PARKING MANAGEMENT PROGRAM

1. Employee Parking.

As activity levels have picked up in the area, the demand for convenient parking in relatively close proximity to business locations has become more acute. In the past when there was often less demand for parking in the area, many employees, business owners and residents became accustomed to parking in prime parking spaces along

Main Street during business hours. Employees and residents should be encouraged to park in secondary locations during peak hours as this would free up additional spaces for business customers. This type of program is based on voluntary cooperation from businesses and residents.

2. Loading and Delivery.

On-street loading zones should be looked at on a case-by-case basis. Certain uses depend more on periodic deliveries throughout the day and it may help alleviate congestion by designating specific commercial loading spaces in some locations. Alternative approaches for delivery and loading uses should also be considered:

- a. Identify alternative strategies to accommodate deliveries and loading needs. Encourage business to plan their loading and delivery activities for off-peak times and to use side streets and rear alleys where possible so as to not block the main travel streets or parking lots.
- b. If commercial loading spaces are installed in the district, then time limits and regulations for their use should be posted and enforced.
- c. Restrict loading zones to service vehicles engaged in delivery or pick up only.

3. Demand Reduction Strategies.

Reducing the demand for parking is seen as another strategy for improving transportation conditions. This may affect a relatively small percentage of people; however, the cumulative effect of demand side reduction can add up.

a. Bicycle Parking.

So as to encourage greater use of bicycles to the area, bicycle parking facilities should be located in safe, convenient and secure locations. Preferred locations have a high potential for surveillance from nearby public areas or from within buildings – they should not be located in hidden or out of the way areas.

b. Pedestrian Improvements.

People will walk where the routes are considered safe, convenient and inter-connected. Attractive and interesting environments also tend to encourage greater use of walking. Well-marked crosswalks, ADA ramps, adequate lighting, and removal of any dangerous obstacles should be evaluated.

4. Handicap Parking.

“Handicap” parking spaces need to be located in convenient, safe locations. These spaces are typically located in parking lots rather than on-street spaces for safety and maneuvering reasons. Attention should be given to ensure they are well distributed throughout the area with proper signage and markings.

D. PROGRAM RECOMMENDATIONS

1. Develop a Parking Management Plan for the Old Town district that looks at both physical improvements and management-based approaches. This includes improving

both off-street parking lots and on-street parking opportunities.

2. Amend the Zoning Ordinance parking requirements for the Old Town Commercial Historic District by waiving on-site parking requirements based on existing and historic development patterns. (i.e., full lot coverage of buildings and generally smaller lots.)
3. Ensure the parking plan is developed through a process based on public input and participation and encourage ongoing public involvement and support in the implementation of the plan. Use surveys and outreach to find out the parking needs, interests and opinions of businesses, residents and others.
4. Consider establishing a Parking Overlay Zoning District if there is interest in expanding the program area or adding other unique requirements.
5. Provide improved and coordinated directional signage for public parking throughout the area.
6. Install one or more kiosks for pedestrians with information and maps regarding local businesses and events.
7. Evaluate the conditions and opportunities for pedestrian, bicycle and transit improvements in the area.
8. Evaluate handicap spaces in the area.
9. Evaluate loading and delivery use and needs in the area.
10. Evaluate potential sources of funding for improvements.
11. Identify a program manager or contact person to coordinate the program.

References:

EPA Report: *Parking Space/Community Places: Finding the Balance through Smart Growth Solutions*, EPA Development, Community and Environmental Division, Wash. D.C. January 2006.

City of Cottonwood, Arizona
City Council Agenda Communication



Meeting Date: September 13, 2011

Subject: Discussion and direction to staff regarding proposed amendments to the Cottonwood Zoning Ordinance regarding Political Signs

Department: Community Development

From: Charles Scully, AICP, Long-Range Planner

REQUESTED ACTION

Discussion and direction to staff regarding proposed amendments to the Zoning Ordinance Section 405. Signs., deleting existing Section 405. G. 6. "Political Signs" in its entirety; and adding a new Section 405. E. 14. "Political Signs" and, 405. E. 15. "Political and Campaign Signs located in public Right-of-Way"

BACKGROUND

As of July 2011, new state legislation requires municipalities to allow political signs to be located in municipal right-of-way. Arizona Revised Statutes § 16-1019, "Political signs; tampering; classification," requires municipalities to allow relatively large political and campaign signs to be located within city right-of-way as a matter of right under certain conditions. So as to bring existing sign standards into conformance with the new State law and to address other local concerns, the following amendments are proposed for the Cottonwood Zoning Ordinance Section 405, "Signs." The state law took effect July 20, 2011.

The state law and proposed amendments address two conditions for political signs:

1. Political signs in all zoning districts and update to general regulations.
2. Political signs in municipal right-of-way. (as per new state law)

DELETE Existing Section 405. G. 6. Political Signs.

G. REGULATIONS APPLICABLE TO SIGNS IN COMMERCIAL AND INDUSTRIAL ZONES

6. Political Signs: Political Signs of not more than six (6) square feet are permitted during an election campaign. Such signs may not be erected prior to ninety (90) days before the pertinent election and must be removed immediately thereafter.

ADD new Sections 405 E. 14 & 15:

E. REGULATIONS APPLICABLE TO SIGNS IN ALL DISTRICTS

- 1.) **405. E. 14. Political and Campaign Signs; and,**
- 2.) **405. E. 15. Political and Campaign Signs located in public Right-of-Way:**

Summary of new Political Sign regulations as per Arizona Revised Statutes:

Relatively large political signs are now allowed to be placed in municipal right-of-way under certain conditions. The removal of political signs in R-O-W is prohibited during the period from 60 days prior to a primary election to 15 days after a general election (or to 15 days following a primary election for signs of candidates who lose the primary) if the following conditions are met:

- The sign is in a public right-of-way that is controlled or owned by that jurisdiction. Does not include State or Federal highways.
- The sign is not placed in a hazardous location that obstructs clear vision in the area.
- The sign is not in violation of the provisions of the Americans with Disabilities Act as defined by federal law.
- The sign has a maximum area of 16 square feet, if the sign is located in an area zoned for residential use, or the sign has a maximum area of 32 square feet, if the sign is located in any area other than land zoned for residential use.
- The sign contains the name and telephone number of the candidate or campaign committee contact person.

Emergencies

If a jurisdiction deems it an emergency matter, it may relocate an improperly placed sign, but it must notify the candidate or campaign committee within 24 hours of relocation. In the case of an improperly placed sign that does not constitute an emergency, the jurisdiction must notify the candidate or campaign committee. If the sign is not moved within 24 hours of notification, the jurisdiction may remove the sign but must retain it for 10 business days, during which time the campaign committee may retrieve the sign without penalty.

Prohibitions

The law also provides that municipalities may ban placement of political signs on any structure owned by the jurisdiction. It further clarifies that a local government employee acting within the scope of his employment is not liable for injury caused by the failure to remove a sign, unless the employee intended to cause injury or was grossly negligent.

Political Sign-free Zones for Right-of-way

Municipalities have the right to regulate certain aspects of the placement of political signs, including the ability to designate **Commercial Tourism, Commercial Resort and Hotel Sign Free Zones** for political signs. Municipalities may identify sign-free zones in areas of predominant commercial tourism. There may not be more than two such zones in a municipality and each zone shall not be larger than three square miles. The City Council can do this by Resolution.

REVIEWED BY

City Manager: _____

City Attorney: _____

ATTACHMENTS

- Summary of proposed amendments to Section 405. "Signs" adding new sub-sections 405. E. 14 & 15 regarding Political Signs.
- ARS § 16-1019. "Political signs; tampering; classification."

Existing Cottonwood Regulations: Political Signs:

1. AMEND the Title of Section 405. B. (Definitions) 22. SIGN, POLITICAL. to Section 405. B. 22. SIGN, POLITICAL AND CAMPAIGN, as follows:

B. DEFINITIONS.

22. SIGN, POLITICAL AND CAMPAIGN - Any temporary sign announcing or supporting any candidate for public office or issues in connection with any national, state or local election.

2. DELETE EXISTING Section 405. G. 6. Political Signs, in its entirety.

G. REGULATIONS APPLICABLE TO SIGNS IN COMMERCIAL AND INDUSTRIAL ZONES

~~6. Political Signs: Political Signs of not more than six (6) square feet are permitted during an election campaign. Such signs may not be erected prior to ninety (90) days before the pertinent election and must be removed immediately thereafter.~~

3. ADD NEW Sections 405. E. 14. Political and Campaign Signs; and, 405. E. 15. Political and Campaign Signs located in public Right-of-Way:

E. REGULATIONS APPLICABLE TO SIGNS IN ALL ZONES

14. Political and campaign signs shall not require a sign permit but shall be subject to the following regulations:

- a. Political and campaign signs may be located on private property with the property owner's permission.**
- b. Political and campaign signs shall be no more than six (6) square feet in area.**
- c. Political and campaign signs may not be erected prior to sixty (60) days before the election. All such signs shall be removed within fifteen (15) days after a general election or fifteen days (15) after the primary election for a candidate who does not advance to the general election. The person or parties responsible for erecting the signs are responsible for their removal.**
- d. Political and campaign signs shall not be placed in any public right-of-way, except in accordance with Subsection E.15 below.**
- e. Political and campaign signs shall not be installed or placed on any structure, building or property owned or managed by the City of Cottonwood. Such signs shall be subject to immediate removal.**
- f. Political and campaign signs shall not be attached to any other sign or sign structure, street light pole, traffic signal pole, utility pole or utility structure.**

- g. Political and campaign signs shall include the name and telephone number of the candidate or campaign contact person placed in a clearly visible location on the sign.**

15. Political and Campaign Signs located in City Rights-of-Way.

- a. Notwithstanding any other statute, ordinance or regulation, the City shall not remove, alter, deface or cover any political or campaign sign located within a public right-of-way owned or controlled by the City as long as the following requirements are met:
 - (1) The sign supports or opposes a candidate for public office or ballot measure.**
 - (2) The sign does not pose a safety hazard, restrict movement of vehicles or people, obstructs clear vision in the area, or interfere with the requirements of the Americans with Disabilities Act. Signs shall not be located within or immediately adjacent to any travel lane or vehicle maneuvering area. Signs shall not be attached to any other sign or sign structure, street light pole, traffic signal pole, utility pole or utility structure.**
 - (3) Signs shall not be located within the sight visibility triangle at street intersections and driveways as measured twenty-five (25) feet from the intersecting point from the side property lines.**
 - (4) The sign may have a maximum area of sixteen (16) square feet, if the sign is located in an area zoned for residential use, or a maximum area of thirty-two (32) square feet if the sign is located in any other area.**
 - (5) The sign shall include the name and telephone number of the candidate or campaign contact person placed in a clearly visible location on the sign.****
- b. If authorized representatives of the City deem that the location of a political or campaign sign constitutes an emergency, City representatives may immediately relocate the sign. The City representative shall notify the candidate or campaign committee that placed the sign within twenty-four (24) hours after the relocation. If a sign is otherwise placed in violation of this Section and the placement is not deemed to constitute an emergency, the City shall notify the candidate or campaign committee that placed the sign of the violation. If the sign remains in violation at least twenty-four (24) hours after the City notified the candidate or campaign committee, the City may remove the sign. The City shall contact the candidate or campaign contact person and shall retain the sign for at least ten (10) business days to allow the candidate or campaign committee to retrieve the sign without penalty. If the sign has not been retrieved by the candidate after the 10 day notification period, the City shall have the right to dispose of the sign.**
- c. The City Council may by Resolution designate political sign-free zones within the City for areas associated with commercial tourism, commercial resorts, and hotels. No political signs may be located within municipal rights-of-way in any areas designated as political sign-free zones within the City.**

- d. As per ARS § 16-1019, the exception allowing political signs in public rights-of-way does not apply to state highways or routes, or overpasses over such state highways or routes, which includes all of State Route 89A and State Route 260 through Cottonwood.**
- e. This section applies only during the period commencing sixty (60) days before a primary election and ending fifteen (15) days after the general election, except for a candidate in a primary election who does not advance to the general election, the period ends fifteen days (15) after the primary election.**
- f. This section does not apply to the removal, alteration, defacing or covering of a political sign by the candidate or the authorized agent of the candidate in support of whose election the sign was placed; by the owner or authorized agent of the owner of any private property on which such signs are placed with or without permission of the owner; or to signs placed in violation of any state law or City ordinance or regulation.**

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 - (1) The sign supports or opposes a candidate for public office or ballot measure.**
 - (2) The sign does not pose a safety hazard, restrict movement of vehicles or people, obstructs clear vision in the area, or interfere with the requirements of the Americans with Disabilities Act. Signs shall not be located within or immediately adjacent to any travel lane or vehicle maneuvering area. Signs shall not be attached to any other sign or sign structure, street light pole, traffic signal pole, utility pole or utility structure.**
 - (3) Signs shall not be located within the sight visibility triangle at street intersections and driveways as measured twenty-five (25) feet from the intersecting point from the side property lines.**
 - (4) The sign may have a maximum area of sixteen (16) square feet, if the sign is located in an area zoned for residential use, or a maximum area of thirty-two (32) square feet if the sign is located in any other area.**
 - (5) The sign shall include the name and telephone number of the candidate or campaign contact person placed in a clearly visible location on the sign.**
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- c. The City Council may by Resolution designate political sign-free zones within the City for areas associated with commercial tourism, commercial resorts, and hotels. No political signs may be located within municipal rights-of-way in any areas designated as political sign-free zones within the City.**
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- e. This section applies only during the period commencing sixty (60) days before a primary election and ending fifteen (15) days after the general election, except for a candidate in a primary election who does not advance to the general election, the period ends fifteen days (15) after the primary election.**
- f. This section does not apply to the removal, alteration, defacing or covering of a political sign by the candidate or the authorized agent of the candidate in support of whose election the sign was placed; by the owner or authorized agent of the owner of any private property on which such signs are placed with or without permission of the owner; or to signs placed in violation of any state law or City ordinance or regulation.**

ARS §16-1019. Political signs; tampering; classification

- A. It is a class 2 misdemeanor for any person to knowingly remove, alter, deface or cover any political sign of any candidate for public office for the period commencing forty-five days ~~prior to~~ BEFORE a primary election and ending seven days after the general election.
- B. ~~The provisions of~~ This section ~~shall~~ DOES not apply to the removal, alteration, defacing or covering of a political sign by the candidate or the authorized agent of the candidate in support of whose election the sign was placed, ~~or~~ by the owner or authorized agent of the owner of private property on which such signs are placed with or without permission of the owner, or placed in violation of state law, or county, city or town ordinance or regulation.
- C. NOTWITHSTANDING ANY OTHER STATUTE, ORDINANCE OR REGULATION, A CITY, TOWN OR COUNTY OF THIS STATE SHALL NOT REMOVE, ALTER, DEFACE OR COVER ANY POLITICAL SIGN IF THE FOLLOWING CONDITIONS ARE MET:
1. THE SIGN IS PLACED IN A PUBLIC RIGHT-OF-WAY THAT IS OWNED OR CONTROLLED BY THAT JURISDICTION.
 2. THE SIGN SUPPORTS OR OPPOSES A CANDIDATE FOR PUBLIC OFFICE OR IT SUPPORTS OR OPPOSES A BALLOT MEASURE.
 3. THE SIGN IS NOT PLACED IN A LOCATION THAT IS HAZARDOUS TO PUBLIC SAFETY, OBSTRUCTS CLEAR VISION IN THE AREA OR INTERFERES WITH THE REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT (42 UNITED STATES CODE SECTIONS 12101 THROUGH 12213 AND 47 UNITED STATES CODE SECTIONS 225 AND 611).
 4. THE SIGN HAS A MAXIMUM AREA OF SIXTEEN SQUARE FEET, IF THE SIGN IS LOCATED IN AN AREA ZONED FOR RESIDENTIAL USE, OR A MAXIMUM AREA OF THIRTY-TWO SQUARE FEET IF THE SIGN IS LOCATED IN ANY OTHER AREA.
 5. THE SIGN CONTAINS THE NAME AND TELEPHONE NUMBER OF THE CANDIDATE OR CAMPAIGN COMMITTEE CONTACT PERSON.
- D. IF THE CITY, TOWN OR COUNTY DEEMS THAT THE PLACEMENT OF A POLITICAL SIGN CONSTITUTES AN EMERGENCY, THE JURISDICTION MAY IMMEDIATELY RELOCATE THE SIGN. THE JURISDICTION SHALL NOTIFY THE CANDIDATE OR CAMPAIGN COMMITTEE THAT PLACED THE SIGN WITHIN TWENTY-FOUR HOURS AFTER THE RELOCATION. IF A SIGN IS PLACED IN VIOLATION OF SUBSECTION C AND THE PLACEMENT IS NOT DEEMED TO CONSTITUTE AN EMERGENCY, THE CITY, TOWN OR COUNTY MAY NOTIFY THE CANDIDATE OR CAMPAIGN COMMITTEE THAT PLACED THE SIGN OF THE VIOLATION. IF THE SIGN REMAINS IN VIOLATION AT LEAST TWENTY-FOUR HOURS AFTER THE JURISDICTION NOTIFIED THE CANDIDATE OR CAMPAIGN COMMITTEE, THE JURISDICTION MAY REMOVE THE SIGN. THE JURISDICTION SHALL CONTACT THE CANDIDATE OR CAMPAIGN COMMITTEE CONTACT AND SHALL RETAIN THE SIGN FOR AT LEAST TEN BUSINESS DAYS TO ALLOW THE CANDIDATE OR CAMPAIGN COMMITTEE TO RETRIEVE THE SIGN WITHOUT PENALTY.

- E. A CITY, TOWN OR COUNTY EMPLOYEE ACTING WITHIN THE SCOPE OF THE EMPLOYEE'S EMPLOYMENT IS NOT LIABLE FOR AN INJURY CAUSED BY THE FAILURE TO REMOVE A SIGN PURSUANT TO SUBSECTION D UNLESS THE EMPLOYEE INTENDED TO CAUSE INJURY OR WAS GROSSLY NEGLIGENT.
- F. SUBSECTION C DOES NOT APPLY TO COMMERCIAL TOURISM, COMMERCIAL RESORT AND HOTEL SIGN FREE ZONES AS THOSE ZONES ARE DESIGNATED BY MUNICIPALITIES. THE TOTAL AREA OF THOSE ZONES SHALL NOT BE LARGER THAN THREE SQUARE MILES, AND EACH ZONE SHALL BE IDENTIFIED AS A SPECIFIC CONTIGUOUS AREA WHERE, BY RESOLUTION OF THE MUNICIPAL GOVERNING BODY, THE MUNICIPALITY HAS DETERMINED THAT BASED ON A PREDOMINANCE OF COMMERCIAL TOURISM, RESORT AND HOTEL USES WITHIN THE ZONE THE PLACEMENT OF POLITICAL SIGNS WITHIN THE RIGHTS-OF-WAY IN THE ZONE WILL DETRACT FROM THE SCENIC AND AESTHETIC APPEAL OF THE AREA WITHIN THE ZONE AND DETER ITS APPEAL TO TOURISTS. NOT MORE THAN TWO ZONES MAY BE IDENTIFIED WITHIN A MUNICIPALITY.
- G. A CITY, TOWN OR COUNTY MAY PROHIBIT THE INSTALLATION OF A SIGN ON ANY STRUCTURE OWNED BY THE JURISDICTION.
- H. SUBSECTION C APPLIES ONLY DURING THE PERIOD COMMENCING SIXTY DAYS BEFORE A PRIMARY ELECTION AND ENDING FIFTEEN DAYS AFTER THE GENERAL ELECTION, EXCEPT THAT FOR A SIGN FOR A CANDIDATE IN A PRIMARY ELECTION WHO DOES NOT ADVANCE TO THE GENERAL ELECTION, THE PERIOD ENDS FIFTEEN DAYS AFTER THE PRIMARY ELECTION.
- I. THIS SECTION DOES NOT APPLY TO STATE HIGHWAYS OR ROUTES, OR OVERPASSES OVER THOSE STATE HIGHWAYS OR ROUTES.

City of Cottonwood, Arizona
City Council Agenda Communication



Meeting Date: September 13, 2011

Subject: Arizona Cattle Grower's Association's Save Arizona's Forest Environment (SAFE) Plan.

Department: City Clerk

From: Marianne Jiménez, City Clerk

REQUESTED ACTION

Consideration of a request by Paul Groseta for the Council's support of the Arizona Cattle Grower's Association's Save Arizona's Forest Environment (SAFE) Plan.

BACKGROUND

Paul Groseta sent Mayor Joens a request for the Council' support of the Arizona Cattle Grower's Association's Save Arizona's Forest Environment (SAFE) Plan, which he indicated the ultimate goal was to streamline the United States Forest Service policy.

According to Mr. Groseta, the Yavapai County Board of Supervisors endorsed the SAFE plan through a resolution, and the Camp Verde Town Council considered this matter at its September 7 meeting and is giving the public two weeks to review the resolution prior to considering its adoption slated for their September 21 council meeting.

Attached are a copy of the SAFE plan and a sample resolution of support for the plan for your review.

REVIEWED BY:

City Manager: _____

City Attorney: _____

ATTACHMENTS

SAFE Plan & Draft Resolution

RESOLUTION NO. ____

A RESOLUTION IN SUPPORT OF THE “SAVE ARIZONA’S FOREST ENVIRONMENT” (SAFE) PLAN.

WHEREAS, Arizona’s National Forests are an invaluable resource to the State and its citizens, offering recreational opportunities, timberlands, wildlife habitat and livestock forage; and

WHEREAS, in recent years, burdensome rules and regulations, forest management practices and time-consuming, costly litigation have drastically reduced timber harvests, resulting in a 3.9 billion board-feet increase in forest fuel loads, which, in turn, has resulted in ever-larger and more destructive forest fires; and

WHEREAS, recent “mega-fires” alone – notably, the Rodeo-Chediski Fire, Wallow Fire, Horseshoe Fire, Murphy Complex Fire, Monument Fire, Arlene Fire and the Bull Fire – have collectively burned in excess of 1,346,000 acres, destroying wildlife habitat, timberland, livestock forage, recreational lands and private property; and

WHEREAS, in those Arizona counties where Forest Service lands are used for livestock production cattle populations have fallen from 300,000 in 1993 to 203,000 in 2010 with 55,000 of that decline estimated to have resulted from Forest Service regulatory policies and management practices;

WHEREAS, these losses have had dire economic consequences throughout the State of Arizona and, particularly, in those resource-based communities located in the vicinity of the National Forests; and

WHEREAS, the decline of resource-based communities is leading to the deterioration, and potential extinction, of the vocational and physical infrastructure necessary for the future viability of resource-based businesses; and

WHEREAS, it appears unlikely that these disturbing trends can be reversed without significant changes to current forest-management policies that would expedite and expand fuel reduction and forest restoration activities on the National Forest, streamline forest planning and minimize costly and time-consuming litigation; and

WHEREAS, the “Save Arizona’s Forest Environment” (SAFE) Plan as proposed by the Arizona Cattle Growers’ Association identifies specific policy, regulatory and managerial changes which, if adopted, would promote forest health, restore viable levels of timber and livestock production and stimulate economic activity statewide in the resource-based communities;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF YAVAPAI COUNTY, ARIZONA AS FOLLOWS:

That the _____ hereby supports the goals and objectives of the “Save Arizona’s Forest Environment” (SAFE) Plan as authored by the Arizona Cattle Growers’ Association and urges prompt consideration and implementation of the of the specific proposals set forth in the Plan.

ADOPTED AND APPROVED this ____ day of _____, 2011.

By: _____

ATTEST:

By: _____



SAVE ARIZONA'S FOREST ENVIRONMENT (SAFE)

July 29, 2011



By:

Arizona Cattle Growers' Association
1401 N. 24th Street
Phoenix, AZ 85008
(602) 267-1129
www.azcattlemensassoc.org

Background

Nearly one million acres in Arizona have tragically burned in the last 120 days. These fires have killed and harmed more endangered species and their habitats than all human activity since statehood. These fires polluted our air and will soon pollute our waterways unlike any of man's activity in our state's history. The very sad part is – ever since the Rodeo-Chediski Fire (and in some instances even before) – we all knew it was going to happen, and still we were obstructed and frozen in place by a never ending process of litigation, appeals, objections, studies, consultations, designations, collaborations and planning efforts for the past 10 years.



These fires burned trees, forage, animals, homes, barns, fences and many other property structures that fell in their wake. These fires have burned or impacted approximately 100 ranch families' pasture lands and beef producing infrastructure. We estimate that 18,000 head of cattle (cows and their calves) are or will be displaced by the after effects of these fires. We currently know of over 150 miles of ranch fences that have been destroyed. Many people have provided gracious donations of money and hay that have allowed for over \$80,000 worth of relief efforts from the ACGA's "Bale Out Relief Fund" and another \$100,000 from sportsmen groups to people and communities impacted by these fires.

The fires and their size were: Wallow Fire – 538,049 acres; Horseshoe 2 Fire – 222,954 acres; Murphy Complex Fire – 68,078; Monument Fire – 30,526 acres; Arlene Fire – 10,610 acres; and the Bull Fire – 9,711 acres. These fires burned high mountain meadows and large swaths of endangered Mexican Spotted Owl (MSO), fish and frog habitats in the White Mountains, bird sanctuaries in the Chiricahua Mountains, Leopard Frog habitats in Cochise County and people's homes, possessions and businesses.

The United States Forest Service (USFS) estimates that from 1986 through 2000 Arizona’s forests produced 367,000,000 board feet of timber per year. This totals over 5,500,000,000 board feet of growth over 15 years. The USFS’s own “Forest Plan” from the 1980s called for an “Allowable Sale Quantity” (ASQ) of 267,000,000 board feet to be harvested annually, an amount at which even if the targets established for fiber removal were reached, our forests would still be increasing in fiber production and therefore fuel accumulation by 27% percent per year even if the harvest targets were reached. But we never even came close to reaching the targeted harvest. Instead, timber harvests in Arizona’s forests were only 1,600,000,000 board feet of timber during these same 15 years. This means the fuel load in Arizona’s forests grew by 3,900,000,000 board feet over 15 years. They have grown even more since. Man, in the form of the Forest Service, had decided not to harvest the excess. Nature has stepped in.



These wood fibers are really just particles of energy captured through sunlight, soil and water and concentrated into a wood product through a living tree. As anything that lives – it must die someday. Such large amounts of fuel production during this time period cannot be ecologically sustained for long periods of time and as nature is – it harvests them when man will not.

Table 1. Arizona Saw Timber Sold, Fiscal Years 1986 – 2000

	Arizona	Apache-Sitgreaves Forest MMBF Harvested	Coconino Forest MMBF Harvested
Estimated Annual Growth	367 (MMBF)		
ASQ ¹	267	99.0	89.0
1986	212.6	81.4	47.7
1987	235.9	88.7	74.5
1988	206.0	75.1	64.9
1989	252.3	81.6	82.3
1990	198.4	57.7	69.0
1991	159.4	94.5	33.1
1992	115.2	31.7	53.4
1993	83.5	31.8	21.3
1994	38.2	10.2	11.1
1995	30.9	15.9	8.5
1996	0.5	0.5	0.0
1997	0.6	0.0	0.0
1998	0.0	0.0	0.0
1999	43.2	25.5	2.2
2000	33.1	7.8	11.6

¹ The Allowable Sale Quantity (ASQ) is the quantity of timber that may be sold over the time period specified by the Region 3 Forest Plan. It is usually stated on an annual basis as the average annual allowable sale quantity.



The economic value of the fiber resources lost in these fires is astounding. The USFS estimates that 2.5 billion board feet of wood was lost in the Wallow Fire alone. At \$1 per board foot of economic value this equates to \$2.5 billion of lost economic activity from the wood loss alone.

If we use our memory and add the loss of wood resources in the Rodeo-Chediski Fire to the Wallow Fire – the rural resource-based communities of Flagstaff, Payson, Heber, Show Low, Snowflake, Taylor, Pinetop-Lakeside, McNary, Eagar, Williams and Springerville have lost approximately \$4 billion in economic activity and jobs from the loss of these renewable natural resources in their forests. Imagine how much value these renewable natural resources would have provided to these resource-based communities if they could have harvested them over 20 years – rather than watch them go up in smoke during two fires in a 10-year time frame. If this was not criminal – it certainly was malfeasance.

Our wonderful forests produce other fuels and fibers in the form of plant (rather than wood) forages. These forages have provided food for wildlife, cattle and sheep for over 100 years of Arizona's history. The economic value of the loss in livestock production from the reduction in forage harvests in our forests is an additional loss for these communities and our state. The ACGA performed a study based on livestock numbers from the United States Department of Agriculture's (USDA) National Agricultural Statistic Service (NASS) Reports for Arizona from 1993 thru 2010. This study demonstrates that a total of approximately \$126 million dollars was lost annually from the reduction of approximately 55,000 head of livestock foraging in Arizona's forests. This allows us to reflect on how these plant fuels have been allowed to build up from the lack of harvest and how they have been diminished right along with the reduction in wood harvests. A copy of this study is provided on the next two pages:

It is clear that the process of planning, studying, consultation, litigation, appeals, objections and collaborations are failing us and our forests. All of these processes have only led to another 500,000 acre fire, the killing of endangered species, the release of massive amounts of pollution and the devastation of several decades of forest growth.



The worst part is – it is not over. Our forests are growing today and these lawsuits and appeals have driven off our wood harvesting economy. The infrastructure of small and large diameter wood mills is gone. There are only a couple of small ones left. The range and animal science expertise that used to oversee the day-to-day management of livestock production to harvest the forage that grows daily in our forests has shrunk because many of those ranch families found less dangerous and uncertain areas to produce food in. We are at a breaking point where either we continue to talk about the forest, study the forest and collaborate about the harvest of small diameter trees – or we act. We act by inviting back investment and expertise in the form of wood mills and ranch families. We act by inviting back those “forest engineers” who worked in the woods and understand how to harvest trees and make valuable products for mankind.

**Estimate of Reduction in Livestock Production in Arizona
Due to United States Forest Service (USFS) Policies
On National Environmental Policy Act (NEPA) Reviews; Endangered Species
Act (ESA) Consultation/Mitigation; Changes in Seasons of Use; and Changes
in Utilization Standards**

Background

This document attempts to quantify the total reduction in livestock production in Arizona due to changes over the past 25 years in USFS policies regarding permitted livestock use. The estimates are compiled from the comparison of the United States Department of Agriculture’s National Agricultural Statistics Service Report for Arizona for the years 1993 and 2010. The numbers are taken directly from each county with major acreages of National Forest Lands and a percentage of the reduction in livestock numbers for each county attributed to the number of acres of Forest and assumptions from prior permitted use numbers. These numbers reflect the estimated loss of permitted livestock use numbers on these forests coupled with season of use/utilization reductions.

It is provided as information regarding discussions about the loss of revenues to Arizona counties from the massive

reduction in PILT payments from the USFS. These reductions have become magnified since the early 1990's when saw timber sales and permitted livestock use on these forests began to be reduced drastically.

Livestock Numbers

The table below reflects the numbers of cattle in each of 8 counties which contain USFS lands as part of the range for livestock production. It compares the 1993 cattle population with the 2010 population number. Provided within the table is an estimated percentage number of livestock population reduction due to USFS policies and procedures.

County	1993 Cattle Population	2010 Cattle Population	Total Reduction in Cattle Population	Contributing % due to Forest Policies	Number Head Reduced due to USFS Policies
Apache	52,000	35,000	17,000	50%	8,500
Coconino	51,000	45,000	6,000	75%	4,500
Gila	30,000	10,000	20,000	95%	19,000
Graham	35,000	15,000	20,000	50%	10,000
Greenlee	11,000	8,000	3,000	50%	1,500
Navajo	39,000	30,000	9,000	50%	4,500
Yavapai	64,000	45,000	19,000	30%	5,700
Santa Cruz	18,000	15,000	3,000	60%	1,800
Total	300,000	203,000	97,000		55,500

Economic Loss

The annual loss of beef production from the 55,500 head of cattle totals 30,525,000 pounds of beef (average of 550 pounds per head). The direct total value of this lost beef production would be \$36,630,000 (\$1.20 per pound).

In April of 2009 the University of Arizona completed a study titled, "*Impacts from Agricultural Production on the Arizona Economy, Jorgen R. Mortensen,*" which quantified an economic multiplier of 3.46 for livestock production in Arizona. Using this study the loss of beef production means a loss of \$126,739,800 (3.46 x 36,630,000) to Arizona's economy. Overall, the study pegged Arizona's total livestock production value at \$4.45 billion dollars. Livestock were the largest segment of Arizona's agricultural economy.

Key Points

- While the total 55,500 head of lost livestock production may not have grazed year round on the forest, many of these numbers were lost because the forest was utilized as either summer or winter range. When a critical component of a season's use is lost the overall ranching unit has to reduce drastically or eliminate itself.
- USFS lands are critical ranges for most northern Arizona ranches. Their ability to provide plentiful plant forage during the summer months allows ranch families to maintain larger production numbers throughout the year.

- Recent USFS policies to only allow 35% or 40% of available forage to be consumed by livestock has led to a large buildup of plant fibers and fuels in our forests. After several years of only 35% use the plant litter begins to build up and desiccate making itself ripe for fire fuels.
- When our rural resource-based communities are allowed access to these wood, plant and mineral resources – they thrive.
- The additional benefit of fuel-reduction projects from livestock grazing does not cost the USFS any dollars. This at a time when they are calling for \$2,000 per acre to “clean and thin” our forests.
- Utilization of 55 to 60 percent, depending on season and historical use, is more in line with the proper management of fuels in an already fuel-heavy forest.

Over the last 30 years the policy decisions and statutory requirements that govern our forests have changed dramatically. The implementation of the Endangered Species Act (ESA), which calls for single-species management, has been placed over the United States Forest Service (USFS) like a super-zoning law. To complicate matters, this super-zoning law is implemented by another agency of the federal government—the United States Fish & Wildlife Service (USFW), which is not statutorily empowered to manage USFS lands, but now finds itself empowered through ESA. In addition to the hammer of ESA, individual employees of the USFS can be charged with personal liability if they make a decision that may harm a species. Ironically, this same liability does not apply if the USFS employee makes a decision that harms people. Thus USFS employees will always err on the side of the species to the extent that they will not make any decision that may be challenged by the USFW. This scenario allows the USFW to insert itself into forest planning processes with no accountability for the results of such a process. For example, they can say the USFS cannot perform a certain action such as thinning, controlled burns, permitting grazing or conducting a timber sale because it may harm a species, yet they bear no responsibility for the results of this management gridlock, such as catastrophic wildfire.



In addition to this disconnect between authority and accountability we now have several well-funded advocacy activist organizations who have found that the ESA and National Environmental Policy Act (NEPA) provide an avenue to “paper wrench” the USFS into a “process predicament” with their litigiousness. These groups have discovered that these two federal laws provide an avenue for them to grind the management of these lands to a halt and at the same time provide federal funds, through the awarding of attorney’s fees, to pay these advocacy groups for the litigation. Hence timber sales, thinning projects and grazing allotment planning processes that take years to complete, are continually stymied. These litigious tools are so prevalent that the USFS did a review and published a study called, *Process Predicament, How Statutory, Regulatory, and Administrative Factors Affect National Forest Management, June 2002*, An Arizona example from the study follows:

It’s About Good Government

The Coconino National Forest in Arizona is home to the northern goshawk. In 1996, the forest proposed thinning trees near a goshawk nest, partly to protect the bird from fire hazards. The project was stopped because environmentalists protested. That year, catastrophic fire destroyed the forest, including the tree with the goshawk nest. “There was not a green tree left,” said a Forest Service biologist. “What the scientists said could happen, did happen, right in front of my eyes.”

If process keeps projects from restoring the land, the land ultimately suffers. At stake are wildlife habitat and all of the other values that the Forest Service is charged with protecting and delivering on the national forests and grasslands. By streamlining the procedures, the agency can reduce costs and increase its ability to do more on the ground for healthy, resilient ecosystems.

Many values might or might not flow out of that, such as recreation, wildlife habitat, and timber. But the particular values are incidental to the core purpose – good government. It’s about reducing waste and mismanagement. It’s about efficient, effective service delivery.

*Tom Knudson, “Playing With Fire: Spin on Science Puts National Treasure at Risk,” Sacramento Bee, 25 April 2001.

Finally, the USFS federal planning theme, coupled with the political whim of Congress and the Executive Branch, has ignored rural communities and citizens in Arizona for far too long. The impacts of their decisions could not be felt in Washington D.C. or in some instances even in the urban areas such as Phoenix. We now not only feel – but have seen first-hand – the results of this “process predicament.” It is time we move forward in giving Arizona a voice in the management of these lands unencumbered by the gridlock of ESA, NEPA and a distant electorate.

The Problem

The following example and summary is taken from *Process Predicament, How Statutory, Regulatory, and Administrative Factors Affect National Forest Management, June 2002.*

In December 1995, a severe winter storm left nearly 35,000 acres of wind thrown trees on the Six Rivers National Forest in California. The storm's effects created catastrophic wild land fire conditions, with the fuel loading reaching an estimated 300 to 400 tons per acre – ten times the manageable level of 30 to 40 tons per acre.

The forest's management team proposed a salvage and restoration project to remove excess fuels and conduct a series of prescribed burns to mitigate the threat to the watershed. From 1996 through the summer of 1999, the forest wrestled its way through analytical and procedural requirements, managing to treat only 1,600 acres.

By September 1999, nature would no longer wait. The Megram and Fawn Fires consumed the untreated area, plus another 90,000 acres. Afterward, the forest was required to perform a new analysis of the watershed, because the post fire conditions were now very different. A new round of processes began, repeating the steps taken from 1996 to 1999.

Seven years after the original lowdown, the Megram project was appealed, litigated, and ultimately enjoined by a federal district court. The plan to address the effects of the firestorm – a direct result of the windstorm -- remains in limbo.

Process and Predicament goes on to state, “The Megram case example, encapsulated above, illustrates the process predicament faced by Forest Service decision- makers at all levels. As many Forest Service employees see it, they are caught in a bind, where the very procedures they need to follow to get them to their goal are keeping them from getting there.”

To summarize *Process and Predicament*, the Forest Service is so busy following its procedural requirements in performing studies, planning and documenting that it cannot fulfill its mission – “to sustain the health, diversity, and productivity of the nation's forests and grasslands to meet the needs of present and future generations.” In its own words, “Too frequently, the paralysis results in catastrophe.”

Proposed Solutions

Given the unquestionable “process predicament” that has encumbered the forest management process to a point that it can no longer conduct or prescribe management treatments in a timely manner, the following solutions need to be implemented:

Save Arizona's Forest Environment Goal: Reduce fuel loads and take other appropriate actions so that risk of catastrophic wild fire is reduced in Arizona's National Forests by providing for long-term, self-funding mechanisms and infrastructure to eliminate the dangerous accumulation of overgrown trees and forests.

Action Items Supporting SAFE Goal:

- Suspend NEPA and other pre-decisional requirements for fuel/fiber reduction activities on Arizona forests (forage and timber management) for 5 years.
- Immediately require consultation on risk of catastrophic wild fire in critical habitat determinations with US Fish and Wildlife Service to attain intended goal of conserving species, not allowing their habitat to be destroyed by fire.
- Begin restoration of burned forest immediately working in consultation and conjunction with local authority and community to restore ranching infrastructure, wildlife habitat and recreational areas destroyed by fires.
- Authorize and effectuate immediate harvest of salvage timber burned in the National Forest and utilize intensive livestock management to recover burned areas.
- Streamline US Forest Service decision process for reduction of fuel and fiber reduction activities including the harvest of timber and forage.
- Allow logging operations of both saw timber and pre-commercial timber on a scale and for a term which will permit private sector infrastructure investment in areas surrounding Arizona's forests.
- Require the US Forest Service to harvest an amount of timber each year approximating annual growth and increase in forage harvest with livestock of up to 60% utilization of annual growth.
- Review Wild Fire Fighting techniques which are now biased towards "re-introducing" fire into landscapes where intense fire suppression has been utilized for one hundred years. This should include forest closure to all non-authorized forest actions. Meteorological conditions need to be considered along with overgrowth of forest in restricted areas.
- Institute budget reforms where Congress and the Administration dedicate 25% of its resources which are normally appropriated for fighting wildfire in Arizona, to direct these monies to the "Save Arizona's Forest Environment (SAFE)" account which will be housed in the Arizona State Land Department. Rural communities, homeowners, businesses and healthy forests entrepreneurs would be able to present plans applying for grants that provide for the protection of their locales by implementing their "SAFE" plans. This proposal will assist in creating safe forests, jobs and economic activity in these threatened areas.
- Designate an office within the Department of Agriculture that would work with rural communities and individuals to assist them in addressing any grievances or issues related to forest planning or to resolve other Arizona State agency issues surrounding forest management.
- Convene a "Save Arizona's Forest Environment (SAFE)" Summit at which we will issue a request to all interested individuals and advocate or activist groups to sign a pledge to refrain from utilizing the Courts or Administrative processes for a period of five years while we consider and implement adaptive management measures to enhance the health of Arizona's forest lands and the protection of forested communities.

Summary

To achieve forest health, protection of adjacent communities from catastrophic fire, other forest management goals and to maintain Arizona's Forest lands in an ecologically sustainable condition, the ACGA proposes to use proven silvicultural practices, prescribed fire and proper forage management to achieve these goals.

The National Forests are capable of providing the many values and benefits that people expect from our forests, but they need proper management in order to provide these values. ACGA supports prescribed fire, commercial timber harvest, noncommercial treatments and enhanced forage harvests on Arizona's Forest lands allocated for such uses through appropriate land and resource management planning processes. Further, we believe the commercial utilization payments can be a big part of bringing back private investment to help finance the total treatment needs of the forests.

For far too long we have allowed outside interests and bureaucratic paralysis to dictate the management of our forests in Arizona. Our federal government needs to reduce the current bureaucratic planning process and litigious playing field that our forests have been subject to for most of the last 30 years.

We have spent the last nine years since the Rodeo-Chediski Fire collaborating, talking, appealing and planning our next step of action. All of this has led to a proposal known as the Four Forests Restoration Initiative (4FRI). The 4FRI is a noble effort, but in and of itself it is not of sufficient size or scope to return our forests to health or to invite enough private investment of wood harvesting infrastructure into these rural resource based communities. The 4FRI has taken 9 years (since the Rodeo-Chediski Fire) to "collaborate" on a solution for a single type of fiber mill in the form of an Oriented Strand Board (OSB) plant to be the infrastructure to process the necessary amount of annual growth from our forests. When our forests are growing at 367 million board feet per year, a single OSB plant is not sufficient to deal with the scope of fuels building in our forests.

It will be through the empowerment of private investment, individuals and communities that we set the guidepost for future forest planning. We need to direct and see through the initiative to return people to work in the woods, protect habitats and communities and return to the days of 5,000 to 10,000 acre fires in our forests – not 500,000 acre catastrophes.