



Beaver Creek Regional Council, Inc.

P.O. Box 939

Rimrock, Arizona 86335

www.BeaverCreekAZ.org

December 12, 2008

Yavapai County Board of Supervisors

10 South 6th Street

Cottonwood, Arizona 86326

Reference: Zoning Ordinance Amendment H7178

Dear Supervisors Davis, Thurman and Springer,

The Beaver Creek Regional Council and the BCRC Planning and Zoning Committee have reviewed the current referenced material and would like to offer the following comments.

There was much concern voiced over the need for this amendment and its ramification in our diverse communities.

- Most of the community comments voiced disagreement to allowing parking of commercial vehicles, by law, in residentially zoned areas. A review of the current circumstances necessitating an amendment: the current laws against such parking are unenforced; an increase of Home Occupations from residential properties; and home owners who wish to reduce travel costs by parking their small commercial vehicles at home opposed to another location **has resulted in most folks agreeing that outside parking of one commercial sized pickup truck (5 ton GVW or less) on residential property was acceptable.**

Extending this privilege, by law, to renters, guests living on the premises, or anyone who occupies a property is an invitation to unintended consequences. It is suggested that the property owner be involved, perhaps by requiring notarized written permission from the property owner.

- When reviewing the portion of the amendment covering **parking one commercial vehicle over 5 ton in residential areas subject to an Administrative Review with Comment Period**, the objections were many, citing a lack of regard for residential density and lot size, roadway conditions, safety issues, property values, noise pollution and other residents affected beyond the 300 feet comment area. **The general consensus was that the parking of any commercial vehicle over 5 tons in residential areas was inappropriate. However, if no written objections are filed - it could be granted administratively - effective for a fixed period of time - not indefinitely. If this costs the County money to administer then charge for the permit.**

Comments provided by residents of the Beaver Creek communities are listed below and should be made a part of this community review and comment submittal.

Respectfully,

Steven Sprinz, Chair

BCRC Planning & Zoning

Beaver Creek Community Comments

Steve

IF it passes I'll park my cement mixer in front of your house.

Richard – Lake Montezuma

There goes the neighborhood.....every county neighborhood. This issue is most probably the result of one specific party wanting this change for their own benefit. It's the unanticipated and unintended consequences that are my greatest concern. It's rather difficult to put spilled milk back in the bottle.

Anon

Because there are a variety of lot sizes in the unincorporated areas of the county I think the parking of commercial vehicles needs to have a reasonable lot size requirement, I am not sure what that should be but in LM any commercial parking potentially creates problems.

Sharon – Lake Montezuma

Steve:

If this passes then why have any zoning. Let's just let everyone do whatever they want to with their property. An individual or individuals are behind this for their own specific requirements. Unfortunately there are unanticipated consequences that will occur should this item pass. Residential areas are not confined exclusively to incorporated cities. Every real estate agent in the county should be against this one as should anyone who wants to maintain the value of their home. I would say the county assessor wouldn't be too happy if property values dropped as a result of commercial vehicles up to 7 tons being allowed to park anywhere in the county. Bet this would never pass in Sedona. Why up to 7 tons? Why not 10 tons? Why not have no limit whatsoever? You mean to tell me that there is so little land in Yavapai County that certain individuals are virtually forced to park commercial vehicles up to 7 tons in residential areas?

Richard – Lake Montezuma

Does anyone remember when the county changed the zoning for the land south of the parts place on the west side of I17 specifically to accommodate the parking of commercial equipment? I believe they first changed the zoning on ~20 acres, leaving a 5-acre parcel not changed. Ownership on the 5 acres changed, and the owner approached groups in this area, asking for suggestions as to what to do with that land. Eventually, the county caved in and changed that zoning so that it could also be used for commercial parking. I don't remember the timing on these transactions.

I would be more understanding of the need to change the zoning were it not for the fact that **that land is now specifically zoned for the parking** of those vehicles now in question. I see no reason for a zoning change in the Beaver Creek area. However, if this passes, the Beaver Creek area will be lumped with all the other unincorporated areas of Yavapai County. Is the county trying to force every unincorporated area to become incorporated just so these areas can protect themselves?

I agree with Richard. Property values are already dropping. Passing this will affect every unincorporated area in the county. But it is especially insane for this area, where the county has already provided for commercial vehicle parking. Why won't they enforce what they have already put in place?

Karin – Lake Montezuma

Thank you for your hard work! Large commercial trucks are using both Cliffside and Cayuga on a regular basis. This is hazardous to residents, lessens quality of life and property values on two areas of the mesa due to the noise, and is very hard on roads which are generally just built to low use residential standards. One of these businesses starts generators at 3 AM on summer mornings. The 93-year old neighbor just doesn't deserve this. For the past 10 years various LMPOA boards have addressed issues with two businesses with no success. Perhaps it's time to try again. Anyway, thank you for leading the charge against this terrible ZOA.

Janet - Rimrock

Hi Steve,

I am not opposed to the ordinance but would like to suggest some amendments.

What I would like to see changed in the proposed ordinance is a larger comment area. Too often in the past when a variance has gone to administrative review there has been no consideration of how the proposed variance would affect neighbors beyond the 300 ft. boundary or (immediate neighbors). No account is taken into how the variance might affect roads, traffic and noise in a neighborhood. The County has gotten better at this, especially when they see a potential problem in that regard. The usual posting of the variance hearings on roads leading into the neighborhood should be sufficient. I don't want to make this a herculean task for the County.

Kayo - McGuireville

Seems to me that Development Services has put this on the fast track. Fast track bills and amendments rarely benefit ordinary people. I would imagine that "Occupants" (whatever that means) would feel devastated if a child got caught under one of these noisy big rigs. It happens with pickups, doesn't it?... the latest being in Camp Verde. Perhaps someone should read this eye-opener to the BOS:

The National Highway Traffic and Safety Administration (NHTSA) estimates that back-over accidents involving all types of vehicle cause at least 183 fatalities annually, and many of the victims are children. In addition, between 6,700 and 7,419 injuries result from back up crashes involving cars, SUVs, pickup truck and other vehicles. Based on its research, the national non-profit organization [KIDS AND CARS](#) states that "every year, thousands of children are hurt or die because a driver backing up didn't see them." Most of the victims are less than two years-old, and over 60% of the tragedies involved a larger size vehicle such a truck, van or SUV. **While back up incidents can happen in any vehicle, because all vehicles have a blind zone, [KIDS AND CARS](#) notes that larger vehicles tend to have larger blind zones.**

The last ten words are particularly telling.

Jeannette - McGuireville

The ordinance, as amended, would legalize outside parking of one commercial vehicle **under 5 tons** on residential zoned property on a regular basis as a matter-of-right, which happens regularly anyway. However, allowing for parking of any commercial vehicle **over 5 tons** (after a 21 day administrative review and comment period by neighbors within 300 feet) in residential areas is irresponsible. The amendment does not address the type of vehicle and could include construction, industrial & agricultural vehicles, a tractor-trailer, a cement mixer, a drilling truck, a dump truck, a garbage truck, a delivery truck, etc.! It is void of addressing lot size, density and traversing roadway conditions whether paved, public or private dirt roads including unsafe and crumbling cement water crossings. And regardless of whether anyone lives, cares or responds within 300 feet of the applicant.

Allowing vehicles over 5 tons a daily transit through residential neighborhoods only stresses the already strained infrastructure not designed to accommodate such traffic. It brings noise and air pollution into our neighborhoods. Property market values are lowered and landscapes are marred.

Let's not turn our residential neighborhoods into industrial zones.

Kala - McGuireville

The more I think about the prospect of large commercial trucks parking in residential neighborhoods the less inclined I am to allow them indefinitely. I think the 'permitted use' for a vehicle over 5 tons (eg has gone through the Sec 504 Administrative Review process) should not be granted an unlimited time permit even if there are no written objections. I suggest an annual or biannual use term. I believe it may be convenient, more efficient, and better for the environment to allow commercial vehicles to park in residential areas but it may diminish property values for the surrounding property owners. A permit situation with a periodic renewal - issued for a specific vehicle NOT for any commercial vehicle would allow the county to accommodate those situations that merit commercial parking but would not grant the permanent use. Essentially a parking permit with annual renewal period subject to a 14 day window at the end of each year to hear protests.

County Staff said that the new ordinance would save the county money. I suppose the savings would result because commercial vehicles under 5 tons would be allowed to park in residential neighborhoods as a matter of right. This is commonly practiced in my neighborhood. It would make an ordinance that is routinely violated a matter of right. I believe there should be a way for people to park commercial vehicles in residential neighborhoods if neighbors don't object. That makes sense for a less costly and time consuming way to allow commercial parking without a full use permit process.

I don't think we should allow commercial vehicles over 5 GVW to park in residential neighborhoods as a matter of right. Let them apply for a parking permit - if no written objections are filed - it should be granted administratively - effective for a fixed period of time - not indefinitely. If this costs the Co. money to administer then charge for the permit (County can estimate the cost to administer and charge accordingly). Another way to handle this would be to grant the permit to a specific vehicle.

The intent is to accommodate residents who already routinely take commercial vehicles home and lighten the burden of Co. Staff having to enforce the relatively unobtrusive commercial vehicle for parking in a residential area. I got a license to have a home business - It wasn't a problem. I think it should be the same for people wishing to park commercial vehicles over 5 ton GVW.

Ivo - Rimrock