



## OFFICE OF THE COCONINO COUNTY BOARD OF SUPERVISORS

### SPECIAL SESSION MINUTES

May 12, 2021

5:00 p.m. – Special Session

**Present:** Chair Matt Ryan, Vice Chair Lena Fowler, Supervisor Patrice Horstman, Supervisor Jeronimo Vasquez and Supervisor Judy Begay were present virtually via Zoom meeting technology.

**Also Present:** County Manager Steve Peru, Deputy County Manager/Public Works Director Lucinda Andreani, Deputy County Manager Joanne Keene, Deputy County Attorney Rose Winkeler, Finance Director Siri Mullaney and Deputy Clerk of the Board Valerie Webber were present virtually via Zoom meeting technology.

Chair Ryan called the Special Session meeting to order at 5:01 p.m. and led the pledge of allegiance.

Chair Ryan explained this item is a continuance of a partial hearing that was continued. He outlined the process that will take place for the public hearing.

#### **Public Hearing:**

1. **Public Hearing**, consideration and possible adoption of Ordinance 2021-05, approving a zone change from G (General, 10-acre minimum parcel size) Zone to the RC (Resort Commercial) Zone with approval of a master development plan on a 246.7-acre parcel; the property is located at the Two Guns interchange on Interstate 40 approximately 28 miles east of Flagstaff and is also identified as Assessor's Parcel Number 406-62-001A. **Community Development**

**Presenter:** Assistant Community Development Director Jess McNeely.

**Powerpoint:** Two Guns Resort Zone Change ZC-20-007 and, applicants presentation Historic Two Guns – a Luxury Glamping Resort.

Assistant Community Development Director Jess McNeely presented a powerpoint that described the location of the parcel and zone change request for the Two Guns Resort. He provided a diagram of the development and explained that the hearing on December 8, 2020 was continued to allow time for the applicant to bring back additional information requested by the Board. He highlighted the findings that need to be made for approval of the request.

Upon inquiry from Vice Chair Fowler, Deputy County Attorney Rose Winkeler noted the Board does not have the authority to address, consider or regulate issues of water adequacy or sufficiency pursuant to the State of Arizona revised statutes; any comments should be disregarded if raised.

Assistant Director McNeely answered questions asked by individual Board members related to removal of all teepees, hogan's and Native American references from the proposed development, number of lodging units and recreational vehicle sites, natural and geological resource reviews, setback of 50-foot as recommended by the Planning and Zoning Commission, fire/emergency protection, use of conestoga wagons, outreach to various organizations and tribes and proposed fire emergency plans and the proposed heli-pad, occupancy, traffic and cultural resource information and event use.

Applicant Representative, Architect Chris Armer, spoke about the development, attempting to answer concerns raised by the Board related to the camping site, events, drive-in theater amenity and archaeological studies that will be met and provided prior to a certificate of occupancy. He noted the developer will provide local contractors, be respectful of neighbors and comply with the dark skies ordinance and provide economics to the area. The developer further plans to protect the canyon by controlling the current access, seal the cave and fence it in, in order to protect the habitat, repair and restore the historic bridge and control access to other sites.

Applicant John Gunderman answered questions asked by individual Board members related to the number of people to be employed on-site and guests on-site at capacity, amenity use strictly for the guests and Twin Arrow Fire Department conversations related to fire protection services.

Architect Chris Armer answered further questions related to various designs included in the development.

Chair Ryan called for a break at 7:03 p.m. and reconvened open session at 7:10 p.m.

Chair Ryan noted each person will be allowed three minutes to speak, adding that this is not a dialogue for question and answers. He reminded the public that the Board cannot consider statements related to water matters. He opened the public hearing for public comment at 7:15 p.m.

Thomas Walker Jr., 24<sup>th</sup> Navajo Nation Council Delegate, HC61 Box K, Winslow, Arizona, spoke in opposition of the development. He noted he submitted a letter to the Board opposing the original plan, as an elected official, he has heard from constituents opposing the stereotyping of

Native Americans. The different plan tonight does not excuse the original plan. He stated he cannot support cultural appropriations.

Ed Klein, 7939 W. Ray Road, Chandler, Arizona, spoke about his experience in preservation work. He stated a vast majority of people do not support this project, the civil plans for traffic is a blatant disaster. People will park on the roadway, they would need to put in more roadways in and out. The environment is horrific in the wintertime and the design proposal is off. He spoke about various issues that should be of concern for the County not to approve the item.

Amy Cegielski, 6696 North Snowflake, Flagstaff, Arizona said she is confused how this development could get this far, the teepees and hogans never should have been a part the development in the first place. She spoke about her feelings of appalment and detest for the proposed nostalgic wagons and the offensive microaggressions it represents. She spoke about various offensive issues that are upsetting. The changes the applicant has made are appreciated but he doesn't have a grasp on the offenses to Native American culture.

Roberta Gorman, P.O. Box 5509 Leupp, Arizona, Leupp Chapter President, spoke in opposition of the proposed development. She expressed her appreciation that the applicant removed the hogans and teepees but has concerns with the sewer, she does not want anything to go into the canyons. She has concerns regarding cultural, native medicine plants that are taken from the area.

Holly Barton stated she has questions regarding controlled access to the canyon and has concerns related to privacy of cultural practioner's who use the area.

Mark Scatena, 527 La Bonita Avenue, Parris, California, echoed concerns of Ed Klein related to the cultural significance of the area. Access to the area would be limited with the development as it would be blocked off unless you're paying for a room. The old ruins would be demolished and materials would be used for new buildings. Route 66 has history that will be ruined. The applicant was not open and honest about the site, and he does not understand how the development got this far, there are issues with emergency services, motor access issues and people do not want to stay at this kind of place.

Nicolette (*unknown last name*), 10940 Townsend Winona Road, Flagstaff, noted she has concerns with the development as it is a cultural conflict with the region. She is concerned that Route 66 is already shuttered with closed businesses from the past. There are issues with waste management and further disturbance to the land, animals and cultural sites. She urged the Board to listen to the citizens, why do we have to keep continuing to develop land in the name of money. We have lived here a long time, listen to the constituents. That is a selfish act, and we should be more concerned with long term impacts of the proposed development.

Carmenlita Chief, 4403 E. Holly Green Road, noted she submitted an email comment regarding the harms of stereotypes that were going to be presented in the original plan. She is pleased to hear the developer will not be using teepees and hogans and the way it termed references to Native American cultural facilities. She requested historical references should be vetted by local native nations in the area. There are harmful repercussions as 72% of the country has no

understanding of cultural references and characterizations. She commended Supervisors Vasquez and Begay for their request for removal of the wagons as it is a harmful reminder of what happened to her ancestors. The whole wild-west theme should not be used and the developers should educate themselves.

Courtney Totechini (*unknown last name and spelling*), 1401 North 4<sup>th</sup> Street, Flagstaff, noted she appreciates the applicants' adjustments but there is still information related to teepee themed items that may be overlooked. She noted the website has a teepee point and asked if the applicant adjusted their target for that.

Lene Bitsui (*unknown spelling*) spoke in opposition of the development. The teepee, hogan and wagons are highly offensive to all indigenous people in the area. There is a lot of history in this area and access should not be prohibited to the locals. What will happen to the water, air and abandonment if this resort does not come to fruition.

Brandon Benally, P.O. Box 5302, Leupp, Arizona, thanked Supervisor Fowler and Supervisor Begay for leading awareness of the resort. He thanked others who have called in before him and eloquently spoke about their condemnations of the development. He noted the developer will be making a profit and the myth of development needs to end. Capitalism will not bring healthy, dignified lives and it will never provide local wages.

Violet White stated she did an online petition and wanted to verify that those were accounted for. The petition has 36 signatures, with more online signatures. She said she is happy to hear teepees and hogans were removed. She thanked the developer for respecting their culture and said she does not have a problem with development of the area as it will be money making and bringing money to the area.

Jeneda Benally, P.O. Box 1492, Flagstaff, Arizona, wanted to state that indigenous people acknowledge their clans and relationships to each other and the lands where they live. A lot of the clans have a direct relationship to the area where the proposed development is. Her and her father collect herbs for medicines in the area and when she heard the developer talk about access, these are additional scars for indigenous people who live here and the wild west concept creates harmful prejudices that still exist.

Deezhi Benally (*unknown spelling*), P.O. Box 163, Kykotsmovi, Arizona, said her husband has spoken of many atrocities about the history of the area. The plan of cowboys and Indians is opposed, we have come so far to dispel the terrible stereotypes. The ecosystem is fragile and the whole idea is outdated. The area has a depressed economy and she doesn't think it will improve. Also, Interstate 40 gets closed down a lot due to weather and traffic.

Mary Sojenar, 2706 Teshepi Trail, Flagstaff, stated she wished the system was set up with closed captioning. The concept of glamping is a very trendy buzz word right now, but you don't know who your target is. Glamping is for a younger, hip population and you are not pitching to the right generation. The project is naïve and disrespectful. If you lived here, you would understand how insulting and racist it is.

Dawn Dyer, 2478 Kachina Trail, said she agrees with others statements of opposition. She doesn't know what they will do with sewage , the fire plan that is not in place and archeological investigations is not complete. She is glad the developer took out the teepees and hogans but they need to take out the wagons as they are disrespectful.

Tio (*unknown last name*) P.O. Box 302, Ganado, stated the developer should pay attention to the archaeological survey first and that would let them know if they could move forward. There are a lot of concerns regarding water and sewer. The developer should address cultural concerns.

Rose Toehe, 9055 Skeet Drive, Flagstaff, thanked all the participants for voicing their concerns. She is a homeowner in the area and a child of the area. She shares sentiments from Supervisor Begay and Supervisor Vasquez. Everything does not seem like it was thoroughly thought out with respect to water, sewer, emergency service, archaeological, cultural, etc. She spoke about her concerns with the trend of glamping, she provided several examples of glamping resorts around the nation and how local citizens felt. Concerns should not be about money and profit but the voices of the people.

Sarah Hunter, 1347 E. Hatcher Drive, Flagstaff, pointed out an article in the Navajo Times where the developer spoke about his consideration to remove the hogans if it was a game changer but not the teepees due to his loyalty to the vendor of the teepees. She asked where those funds will be reallocated and if it is going to be addressed. She noted the developer referred to the landscape as a 232-acre eyesore and that is very upsetting.

Seeing no further public comment, Chair Ryan closed the public hearing at 8:18 p.m.

Architect Chris Armer stated that the developer and representatives are taking all the great comments to heart. His previous comments about closing off access was not intended for people to use the canyon. The concerns relative to sewer, water and trash among the development team were addressed in the presentation.

Engineer Krishan noted most of the concerns such as circulation, fire and biological studies will be addressed during the process. The plans will be developed based on those requirements and will minimize impacts.

Supervisor Horstman thanked the community for expressing their concerns. Noting the Board has received their emails and the petition. She spoke about issues previously addressed by the Board that were not completely addressed tonight, and noted the plans as submitted do not meet the findings that need to be made for approval. The plans still carry on a western theme and all the offensive stereotypes that come with it. The lack of specificity and failure to address the three findings for a zoning change means results in an inclination to deny the zoning request.

Supervisor Horstman placed her findings on the record as follows:

#1 – she does not believe that the change is consistent with the goals, objectives and policies of the Comprehensive Plan and the Zoning Ordinance as it does not meet the commercial character under policy 14 - fails to meet an understanding of tribal culture and sacred sites. It also fails to

take into effect that this is a traditional planned collection area. It also does not meet the Comprehensive Plan under Public Safety Policy 13 – it fails to address adequate fire protection and appropriate fire management.

#2 – that the change not to be detrimental to the public health, safety, comfort, convenience and welfare. There is no evacuation plan, there is no evacuation traffic study plan, no emergency medical management plan, there is no fire response plan, there is no security plan, no law enforcement plan. She stated she does not believe it is the Board’s responsibility to add these extensive conditions in order for the applicant to attempt to make these safety and health concerns. The plan as presented did not meet finding #2. She finds it is detrimental to public health, safety, comfort, convenience and welfare.

#3 - that change will not adversely affect the established character of the surrounding neighborhoods. The Board heard statements by many of the indigenous neighbors, the Leupp Chapter House and others about their concerns on having a plan which brings 774 lodgings, plus employee lodging, with amenities that include a water park, a drive-in, a mini-golf, a laser shooting gallery and special events.

She noted she believes that people are entitled to make money and use their property to make money but when they come before the Board of Supervisors and ask for special treatment on a zoning, a zoning that is already zoned right now 10-acre minimum parcels, that they and the Board have a responsibility to show that there is a public benefit and a public purpose for the change. She stated she does not find that there is and does not believe that the plan as presented meets the requirements for a zoning change.

Vice Chair Fowler thanked everyone who joined the meeting today. She talked about work made over the years to the Comprehensive Plan to address policies that help the Board make decisions. She stated she appreciates the developer removing all the Native American structures and things included that are offensive, but she cannot make the finding that there is preservation of tribal, culture and sacred sites. She said that is why she asked the developer to talk to the community and do homework, there are concerns that were not addressed. If this were to be approved, the Board would have to add a lot of conditions. She added that she is concerned that the change would be detrimental to public health and safety. There are no plans to address these, usually a traffic study is done, and an evacuation plan is in place. This is a large development in a very rural community and without plans for evacuation, fire, and law enforcement it would be detrimental. The Board has to be careful and not approve a project that is not ready yet. Also, there are still concerns that were not addressed with Tribal Nations.

Supervisor Vasquez spoke about his concerns with the proposed development and noted he could not make the findings to approve the request. He stated there are a lot of issues that need to be vetted.

Supervisor Begay spoke about her concerns with the proposed development and noted she could not make the findings to approve the request; briefly placing her findings on the record. She thanked everyone who spoke about their concerns with the development and stated that she did not want to put her tribe in a situation where they do not have access to the herbs and medicines

for ceremonies and traditional cultural practices. Also, archaeological studies have not been done yet and there are a lot of burial sites in the area, she personally opposes approval of the document at this time. She agreed with all the individual Board members comments.

Chair Ryan stated that he too cannot make the findings to approve the requested zone change. He briefly outlined inconsistencies with the goals, objectives and policies of the Comprehensive Plan and, that he cannot see that the change will not be detrimental to the public health, safety, comfort, convenience and welfare.

**Motion:** Deny the zone change from G zone to RC zone and the proposed master development plan for parcel 406-62-01A, located at the Two Guns intersection change on Interstate 40 as the request for a zone change, we also make the three findings for the change: the plan is not consistent with the goals, objectives and policies of the Comprehensive Plan and this Ordinance, the change will be detrimental to the public health, safety, comfort and convenience and welfare, and the change will adversely affect the established character of the surrounding neighborhood and detrimental to adjacent properties, all set forth by the Supervisors here this evening and all set forth in the record, **Action:** deny, **Moved by:** Supervisor Judy Begay, **Seconded by:** Supervisor Lena Fowler.

**There was discussion on the motion.**

Chair Ryan noted that with respect to the applicants, there was a lot of effort put forward however, the Board takes the Comprehensive Plan very seriously and the Board was unable to make the findings.

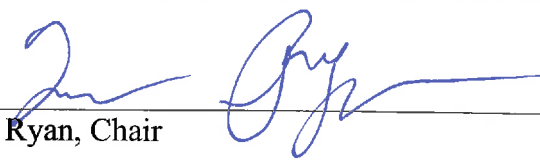
**Chair Ryan called for the question; the motion passed unanimously.**

There being no further discussion, Chair Ryan adjourned the meeting at 8:55 p.m.


**COCONINO COUNTY BOARD OF SUPERVISORS**

(SEAL)



  
Matt Ryan, Chair

**ATTEST:**

  
Lindsay Daley, Clerk of the Board of Supervisors

