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SUPERIOR COURT CLERK

1 Nancy Knight
2 1803 E. Lipan Cir.
3 Fort Mohave, AZ 86426
4 Telephone: (951) 837-1617
5 nancyknight@frontier.com

6 Plaintiff Pro Per

7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
8 **IN AND FOR THE COUNTY OF MOHAVE**

9 NANCY KNIGHT

10 Plaintiff,

11 and

12 GLEN LUDWIG and PEARL LUDWIG,
13 Trustees of THE LUDWIG FAMILY TRUST;
14 FAIRWAY CONSTRUCTORS, INC.;
15 MEHDI AZARMI; JAMES B. ROBERTS and
16 DONNA M. ROBERTS, husband and wife;
17 JOHN DOES 1-10; JANE DOES 1-10; ABC
18 CORPORATIONS 1-10; and XYZ
19 PARTNERSHIPS 1-10.

20 Defendants.

Case No.: CV 2018 04003

**MOTION FOR RECONSIDERATION
OF DISMISSAL OF COUNT ONE**

**CHANGE IN COURT AND
COMPELLING NEW EVIDENCE OF
PLAINTIFF'S ONE SUBDIVISION
CLAIM FOR ENFORCEMENT
RIGHTS IN TRACT 4076-A AND -B**

Honorable Judge Jantzen

21 In accordance with rule 7.1 (e) Motion for Reconsideration, Plaintiff seeks
22 reversal, in whole or in part, for Dismissal of Count One of her Complaint. As cited in the
23 powers of superior court section 12-911 (A) (5) and (C), the court may, and for good
24 cause shown, modify or reverse a decision in whole or in part and on motion of a party,
the superior court shall make findings of fact and state conclusions on which judgment is
based.

Due to the potential for Appeal, Plaintiff is compelled to submit all possible
pertinent evidence she has at this time into the record. The issue of Desert Lakes Golf



1 Course and Estates Tract 4076 being one subdivision and a master planned community
2 continues to be an ongoing dispute that has not had the benefit of complete evidence
3 upon which to judge the matter. The Preliminary Plat of Desert Lakes Golf Course and
4 Estates Tract 4076 (hereinafter "Desert Lakes") and all corresponding plats for the
5 various phases of development that are associated with the preliminary plat are revealing
6 evidence of the general scheme and intent of Bella Enterprises, Inc. together with Desert
7 Lakes Development, L.P. that resulted in six Tract CC&Rs for various phases of
8 development within the one master planned Subdivision known as Tract 4076. This
9 evidence is included herein for the record and for a reconsideration of Dismissal of Count
10 One by the newly appointed Hon. Judge Jantzen.

14 MEMORANDUM OF POINTS AND AUTHORITIES

15 On or about January 2019, the Hon. Judge Carlisle was transferred to criminal
16 court and the newly elected Hon. Judge Gordon was assigned to the case. Discovery had
17 been ongoing and the Plaintiff received new information from the County that Desert
18 Lakes was indeed one subdivision created in 1988 by Bella Enterprises, Inc. Plaintiff
19 filed a Motion for Reconsideration of the dismissal of Count One on or about April 26,
20 2019, the Defendant's objected, and Plaintiff filed her Reply on or about May 13, 2019.
21 The evidence presented to the Hon. Judge Gordon that was received from the County
22 included Sharpie Pen delimited maps of the boundaries for Desert Lakes that was created
23 in 1988 and detailed explanations and history of the subdivided land as prepared by
24 Christine Ballard of Planning and Zoning. The Plaintiff's one subdivision claim and
25 pleading for Reconsideration of the Dismissal of Count One was denied by the Honorable
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1 Judge Gordon on or about June 13, 2019, apparently believing the arguments and
2 evidence were not persuasive. It is unknown why the Preliminary Plat associated with the
3 Request for Public Information (hereinafter "RFPI") packet that disclosed the zoning Res.
4 88-175 was not included at that time with the Sharpie Pen delineated maps; however, the
5 Plaintiff believes that the new evidence of the 1988 Preliminary Plat serves to prove
6 conclusively that Desert Lakes is indeed One Subdivision known as Tract 4076.
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9 The Hon. Judge Gordon was recently transferred to the Kingman Court along with
10 the Plaintiff's case; however, for unknown reasons, Judge Gordon was assigned to other
11 matters and the Hon. Judge Jantzen has taken over this case. Multiple judges have been
12 assigned to this case since it was filed in January 2018 including the Hon. Judge Gurtler,
13 Hon. Judge Carlisle, Hon. Judge Gordon, and now the Hon. Judge Jantzen. This new
14 evidence presented herein of the Preliminary Plat for Desert Lakes was sent to the
15 Plaintiff from Christine Ballard of Planning & Zoning on June 26, 2019. This Preliminary
16 Plat displays the general scheme for four proposed phases of development (Phase I, Phase
17 II, Phase III. and on a separate page Phase IV) and the sewer treatment plant that is
18 designated with an X outside and adjacent to Phase I and Phase II. The plan was clearly
19 followed by Desert Lakes Development, L.P. as evidenced in their respective Tract maps
20 for Phase I defined as Tract 4076-A, Phase II for Tract 4076-B, etc. These recorded plats
21 verify the general plan of development created by Bella Enterprises was known and
22 followed for the development of lots to which the covenants, conditions and restrictions
23 that were Declared by Desert Lakes Development, L.P. and was imposed upon
24 purchasers of lots in the various phases of development for the mutual benefit and burden
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1 of every property owner. The chain of title ran from Bella Enterprises to Desert Lakes
2 Development and subsequently to lot owners. All purchasers of lots are advised of the
3 general plan for each Tract that was developed in phases and by inference they expect the
4 entire Desert Lakes Golf Course and Estates Tract 4076 to be the master plan for their
5 purchase. Phase I is designated as Tract 4076-A in its plat that defines the lots in Tract
6 4076-A for which some of these lots had specific characteristics defined in the CC&R
7 Declaration for Tract 4076-A. Phase II is designated as Tract 4076-B in its plat that
8 defines the lots in Tract 4076-B for which some of these lots had specific characteristics
9 defined in the CC&R Declaration for Tract 4076-B. And so on.
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13 It took additional time after June 26, 2019 for the Plaintiff to find the
14 corresponding maps for the phases of development that identify lots within the phases of
15 development renamed as Tracts 4076-A, 4076-B, 4076-C, etc. Based on the preliminary
16 plat of the one subdivision and plats of lots for the phases of development, Plaintiff seeks
17 reconsideration of the dismissal of Count One in whole or in part so as to not prejudice
18 Plaintiff's right to prosecution of violations and attempted violations. This is not a
19 rehashing of the matter as these plats more clearly speak to the one subdivision claim
20 made by the Plaintiff as opposed to the County's Sharpie Pen outlined interactive maps of
21 the one subdivision boundaries provided to the Hon. Judge Gordon. Plaintiff's request is
22 supported by law as cited below in *Murphy v. Marino*, La. App., 60 So. 2d 128 (1952).
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26 A uniform plan of restrictions was imposed upon all phases of development in the
27 six Tract CC&Rs (Supra CC&R Exhibits: Tract 4076-A, 4076-B, 4076-C, 4076-D, 4152,
28 4159 and Recorded between the period of June 2, 1989 through October 24, 2000)

1 including the twenty foot front yard setback, no advertising or advertising structure of
2 any kind shall be allowed on any unimproved lots, and an implied duty for property
3 owners to prosecute proceeding at law or in equity against all persons violating or
4 attempting to or threatening to violate any of such covenants, restrictions, or conditions
5 and prevent such violating party from so doing. This case is subject to violations and
6 attempted violations in Tract 4076-A and Tract 4076-B if reconsideration of the
7 dismissal of Count One is ruled in favor of the Plaintiff. **Exhibit 1 – (a)** Preliminary Plat
8 displaying four planned phases of development. **(b)** Corresponding Plats of lots within
9 the phases of development.

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13 In 1998, Sterling Varner applied for and was approved for a ten foot rear yard
14 setback and less than a 6,000 sq. ft. lot size for the resubdivison of Parcel VV that was
15 cited on the Tract 4076-B map as zoned for a multifamily housing. Multifamily housing
16 is a violation of the CC&Rs and was apparently overlooked in all historical rezoning
17 applications until it was sold as zoned for high density housing. The rationale behind this
18 approval that conflicts with the established lot size and setbacks for all lots in Desert
19 Lakes under the Special Development zoning has been submitted to the County as an
20 RFPI; however, given that Sterling Varner was still a member of the Architectural
21 Committee as late as the year 2000 as cited in the CC&Rs for Tract 4159, he had
22 authority for a variance and as cited in *Rose v. Jasima Realty Corporation* (218 App.Div.
23 at 650, 219 N.Y.S. at 226) “wherein the grantor retained the right to modify the
24 restrictive covenant”; and, “the covenant which the grantor may cancel at will cannot be
25 for the benefit of any one but him.”. The reduction in lot size and the ten foot setback was
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1 clearly not a benefit to the grantees; it was a benefit to the grantor, Desert Lakes
2 Development, L.P., to create as high a density housing element as possible for the
3 purchasers of that approximately five acre parcel.
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5 As argued by the Plaintiff in Oral Arguments presented before the Honorable
6 Judge Carlisle on April 2, 2018, Desert Lakes is one subdivision that is a Master Planned
7 Community with residential estates, a golf course, clubhouse, and sewage treatment
8 plant. The Hon. Judge Carlisle adjudicated Plaintiff's rights to prosecution of violations
9 only in Tract 4076-B where the Plaintiff owns property. A resubdivision of Parcel VV in
10 Tract 4076-B was renamed Tract 4163 consisting of 32 lots of which the Plaintiff owns
11 two lots. Since the CC&Rs run with the land, and since Parcel VV was a part of Tract
12 4076-B, Tract 4076-B CC&Rs govern the Plaintiff's lots and the Hon. Judge Carlisle
13 limited Plaintiff's rights to prosecution of violations and attempted violations only for
14 land in Tract 4076-B. A stay of execution of the Court's Ruling was filed in order to
15 provide time for Plaintiff to purchase a lot in Tract 4076-A thereby restoring all rights to
16 prosecution of the violations cited in the January 2018 Complaint. The Stay was timely
17 filed based on the Court/Order/Ruling dated April 2, 2018 as prepared by Deputy Clerk
18 Semler and before the opposing Counsel wrote a formal Order for the Court's signature
19 that included dismissal "with prejudice". The Stay was denied and the Court honored the
20 opposing Counsel's request for dismissal of Count One with prejudice which prejudiced
21 Plaintiff's right to full prosecution of the setback violation for the home in Tract 4076-A
22 built by Fairway Constructors, Inc. on land owned by the Ludwigs and later sold to the
23 Roberts.
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1 Level One consideration in this matter is for the current Court to affirm, based on
2 the comprehensive evidence in this case file together with the new evidence presented
3 herein, that Desert Lakes is one subdivision with rights for all property owners to
4 prosecute violations, attempted and threatened violations. Consistent language is found in
5 all Tract CC&Rs indicating an intent of mutuality of benefits and burdens for the
6 protection of the aesthetic design of the entire Desert Lakes subdivision Tract 4076. This
7 consistent design includes unobstructed views for adjacent lot owners with setback
8 restrictions and wrought iron fences with fifteen feet of wrought iron even on side yard
9 fences that are adjacent to the golf course. Also consistent is no advertisement or
10 advertising structures on unimproved lots which Plaintiff has proven with photographic
11 evidence to be a violation of Constitutional rights to safety from structure deterioration
12 and risk of harm to persons or property. Phases of development should not be considered
13 by the Court to become subject to blight and risk of harm due to a lack of courage of
14 parties within each phase of development to accept responsibility and enforce the
15 CC&Rs. This is the reason the CC&Rs includes the non-waiver clause that states, "...No
16 failure of...any other person or party to enforce any of the restrictions, covenants or
17 conditions contained herein shall, in any event, be construed or held to be a waiver
18 thereof or consent to any further or succeeding breach or violation thereof."
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25 Plaintiff pleads for the Hon. Judge Jantzen to reconsider dismissal of Count One in
26 whole or in part based on all of this new evidence together with all other evidence in the
27 case file as needed.
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1 Level Two is for Court consideration for the attempted setback violation proposed
2 by Defendant Azarmi throughout all phases of development in Desert Lakes subdivision
3 Tract 4076 by means of Board of Supervisor (hereinafter "BOS") Resolution
4 Amendments. This blanket Resolution Amendment is further evidence that the County
5 considers Desert Lakes as one subdivision. After the original Complaint was filed in
6 January 2018, it was discovered that Defendant Azarmi was the proponent for the
7 attempted reduced setback violation throughout Desert Lakes - including the Plaintiff's
8 Tract 4076-B. The Plaintiff had not been informed of the Planning Commission meeting
9 that was held on or about September 25, 2016 and upon inquiry of Christine Ballard, the
10 Plaintiff learned of the date for the Board of Supervisor meeting to be held on October 3,
11 2016 where the agenda item would be heard and voted on. In January 2018, Plaintiff only
12 had suspicion that Defendant Azarmi was the proponent due to statements made and cited
13 in the Board of Adjustment hearing for the setback variance for the home built by
14 Fairway Constructors, Inc. on land owned by the Ludwigs and later sold to the Roberts in
15 Tract 4076-A. But for this lack of knowledge and full disclosure on October 3, 2016, Mr.
16 Azarmi would have been cited in Count One of the original Complaint for the attempted
17 setback violation. Plaintiff learned of the online video recording of the Planning
18 Commission meeting sometime between February 10 2018, when Plaintiff submitted an
19 RFPI, and March 31, 2018 when the County had appeared reluctant to disclose the
20 information that Defendant Azarmi was the Proponent. Plaintiff had viewed the Planning
21 Commission video between Feb. 10 and Mar. 31, 2018 whereby Defendant Azarmi's
22 presentation as the "Proponent" before his fellow Planning Commissioners in September
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1 2016 resulted in a unanimous vote to recommend BOS approval. It was not until April 2,
2 2018 that Director Walsh replied to the RFPI questions confirming the Plaintiff's
3 suspicions that Defendant Azarmi was indeed the Proponent for the attempted setback
4 violations. But for Plaintiff's appearance and disclosure to the BOS on October 3, 2016,
5 this proposal would no doubt have been approved and left 180 property owners at risk of
6 setback violations with a minimum of double that number of unsuspecting adjacent
7 property owners with lost views from someone building five feet further in front of their
8 visual path. Three of five honorable supervisors voted to Deny. **Exhibit 2** – Request for
9 Public Information dated February 2, 2018 and subsequent email correspondence
10 between March 31 and April 2, 2018. (Supra exhibits of the BOS minutes with
11 corresponding rationale and concern for the excessive taxpayer expenditure on the
12 proponent's behalf is already a part of the record for consideration of Court in justice in
13 this matter.)
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18 Level Three consideration is for the violation of advertising on unimproved lots.
19 The prior Court found that the matter of whether this signage is one and the same as a
20 "for sale" sign as the Defendants claim or if it is advertising as the Plaintiff claims was
21 judged as a matter of fact rather than a point of opinion by the Gordon Court. Plaintiff has
22 subsequently found the matter of fact in the Mohave County Planning and Zoning
23 Ordinance which defines this type of signage as "off-premises" advertising and it is
24 prohibited on residential lots. The plaintiff and the prior court did not have the benefit of
25 this Mohave County definition at the time of her pleading for a Declaratory Judgment on
26 signage. The words "for sale" do not exist on the Fairway Constructors, Inc. "Build to
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1 Suit” and US Southwest “Development Services” signage that is displayed on Desert
2 Lakes residential lots with a phone number directing viewers of the sign to contact
3 Fairway Constructors, Inc. by phone. The Ludwigs who own the lots in Tract 4076-B
4 have intermingled the assets of the corporation (signage) and their personal property
5 (lots) that is prohibited for this type of signage by both the language in the County
6 Ordinance and by the language in the Desert Lakes CC&Rs. Additionally, these signs and
7 sign riders have been proven, in supra photographic exhibits, to violate the public’s
8 Constitutional right to safety from rusting rider structures that come apart and become a
9 hazard to persons or property due to wind spinning and can become completely uprooted
10 from the soil. This Constitutional right to safety has been reported to Senator Borrelli and
11 Representatives Cobb and Biasiucci for an amendment or rescinding of Statute 33-441.
12 Other Statutes that may be affected include 13-1808 and 33-1261. These matters of law
13 are not a part of this request for reconsideration of Plaintiff’s rights; however, the matter
14 of “off-premises” advertising in violation of the CC&Rs and for the safety of Desert
15 Lakes persons and property is an issue of fact that is pertinent for a judgment of this
16 Court. In addition to the Tract 4076-B violation on Lipan Blvd, Supra, Plaintiff cites
17 5903 S. Desert Lakes Dr, situated in Desert Lakes Golf Course and Estates Tract 4076-B
18 Blk F Lot 17 Cont. If the one subdivision claim is approved for prosecution, other
19 signage that has been identified to date is situated at 5770 Wishing Well Dr. in Desert
20 Lakes Tract 4076A Phase 1 Blk E Lot 7 Cont. and additional signage is pending parcel
21 number identification for address location. **Exhibit 3** – Mohave County Ordinance
22 pertinent pages 186, 197-199 from Section 42 on signage.
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1 A reversal of the denial of the Declaratory Judgment by the Hon. Judge Gordon on
2 this issue of fact is requested and for completion of the Injunctive Relief proceeding that
3 stalled when the Hon. Judge Gordon could not differentiate a "for sale" sign from what is
4 now known as "off-premises" advertising. The Jantzen Court is requested to inform
5 Plaintiff if another Motion is required to be filed for Reconsideration of the Declaratory
6 Judgment on Signage denied by the Hon. Judge Gordon before it can rule on the
7 Plaintiff's pleading for a reversal of the denial and to move forward with Count Two.
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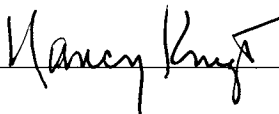
10 Prior case law supports the Plaintiff's request(s):

11 "A binding covenant running with the land in a subdivision, and enforceable
12 by any purchaser of property therein, there should be a uniform plan of
13 restrictions applicable to the area as a whole known to each purchaser
14 and thereby, by reference or implication, forming a part of his contract
15 with the subdivider". Murphy v. Marino, La. App., 60 So. 2d 128 (1952);

16 A.R.S. § 33-416, the "recording" statute gives notice to all purchasers;

17 Intent: Grantor had retained the right to modify the restrictive covenant... that
18 the covenant was not for the benefit of other grantees, but for the grantor's
19 benefit only. Rose v. Jasima Realty Corporation 218 App.Div. at 650, 219
20 N.Y.S. at 226.; 'Whether a person not a party to a restrictive
21 covenant has the right to enforce it, depends upon the intention of the
22 parties in imposing it. This intention is to be ascertained from the language
23 of the deed itself, construed in connection with the circumstances existing
24 at the time it was executed.in Hooper v. Lottman (Tex.Civ.App.) 171 S.W.
25 270, 271, and Goodman v. Bingle, Tex.Civ.App., 48 S.W.2d 432, 433. In
26 Berryman v. Hotel Savoy Co., 160 Cal. 559, 566, 117 P. 677, 679, 37
27 L.R.A.,N.S., 5 (1911): "It seems to us that in all these cases it is better to get
28 at the intention from the language of the deed, interpreted in the light of the
attending circumstances, than to conjecture the intent from the circumstances,
and then to make the language of the deed bend to that."

29 **RESPECTFULLY submitted this 27 day of August, 2019**

30 

31 Nancy Knight, Plaintiff Pro Per

1 Copy of the foregoing hand delivered on August 27, 2019 to:

2 Attorney for the Defendants
3 The Law Office of Daniel Oehler
4 2001 Highway 95, Suite 15,
5 Bullhead City, Arizona 86442

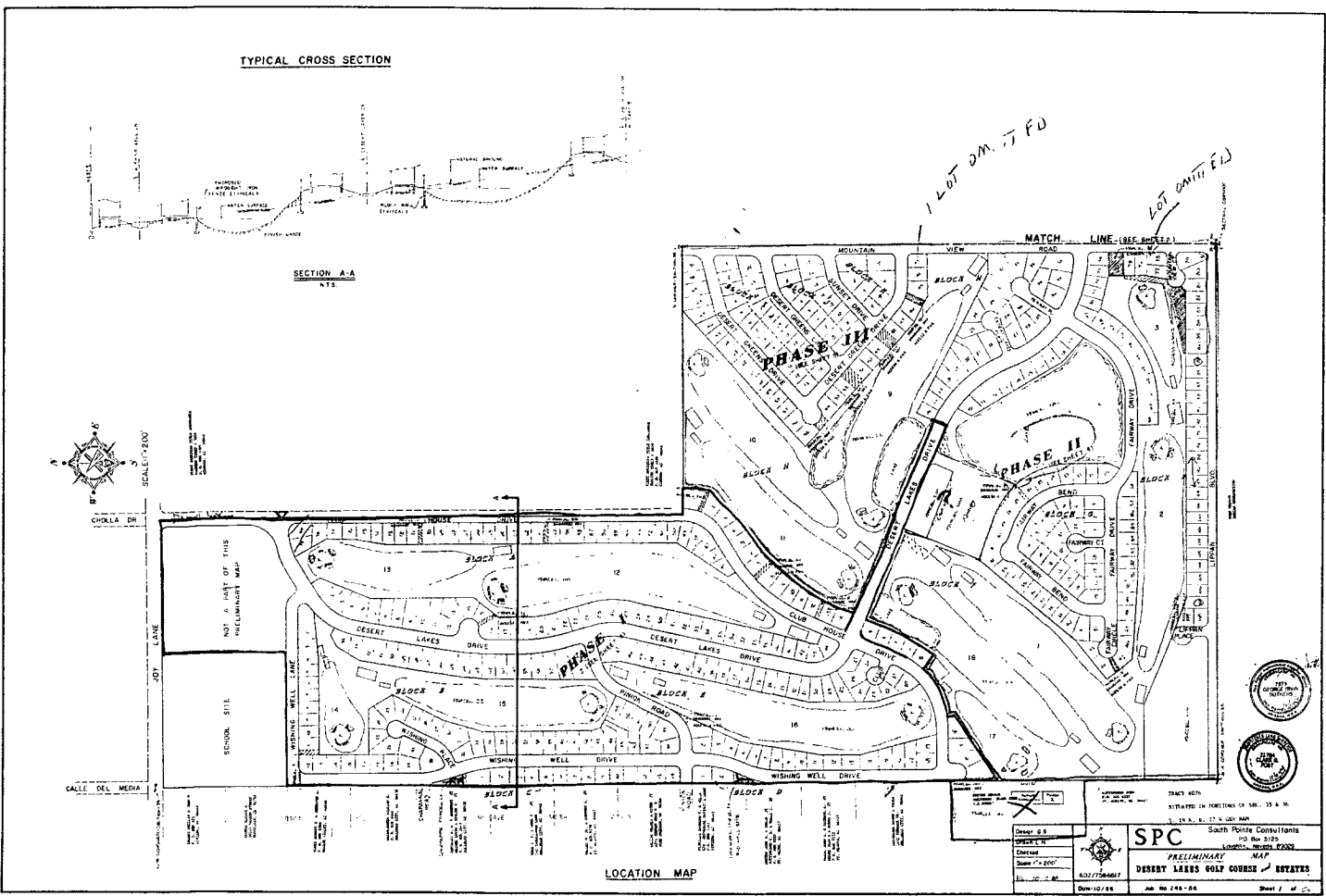
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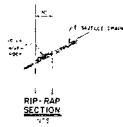
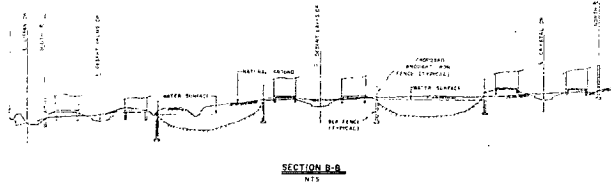
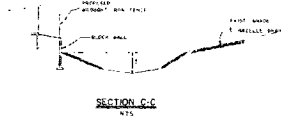
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Exhibit 1
(a) Preliminary Plat – 2 pages
(b) Plats for Phase I and Phase II - Pertinent Tract 4076-A and -B

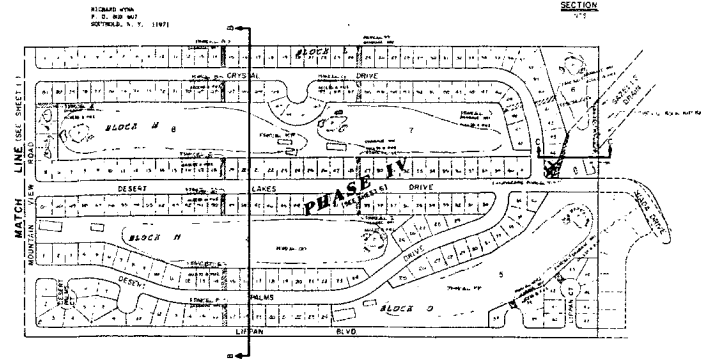
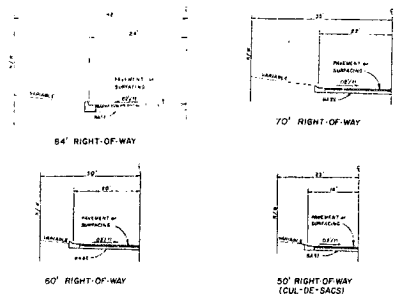
Exhibit 1(a)
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TYPICAL STREET 1/2 SECTION
NTS



LOCATION MAP



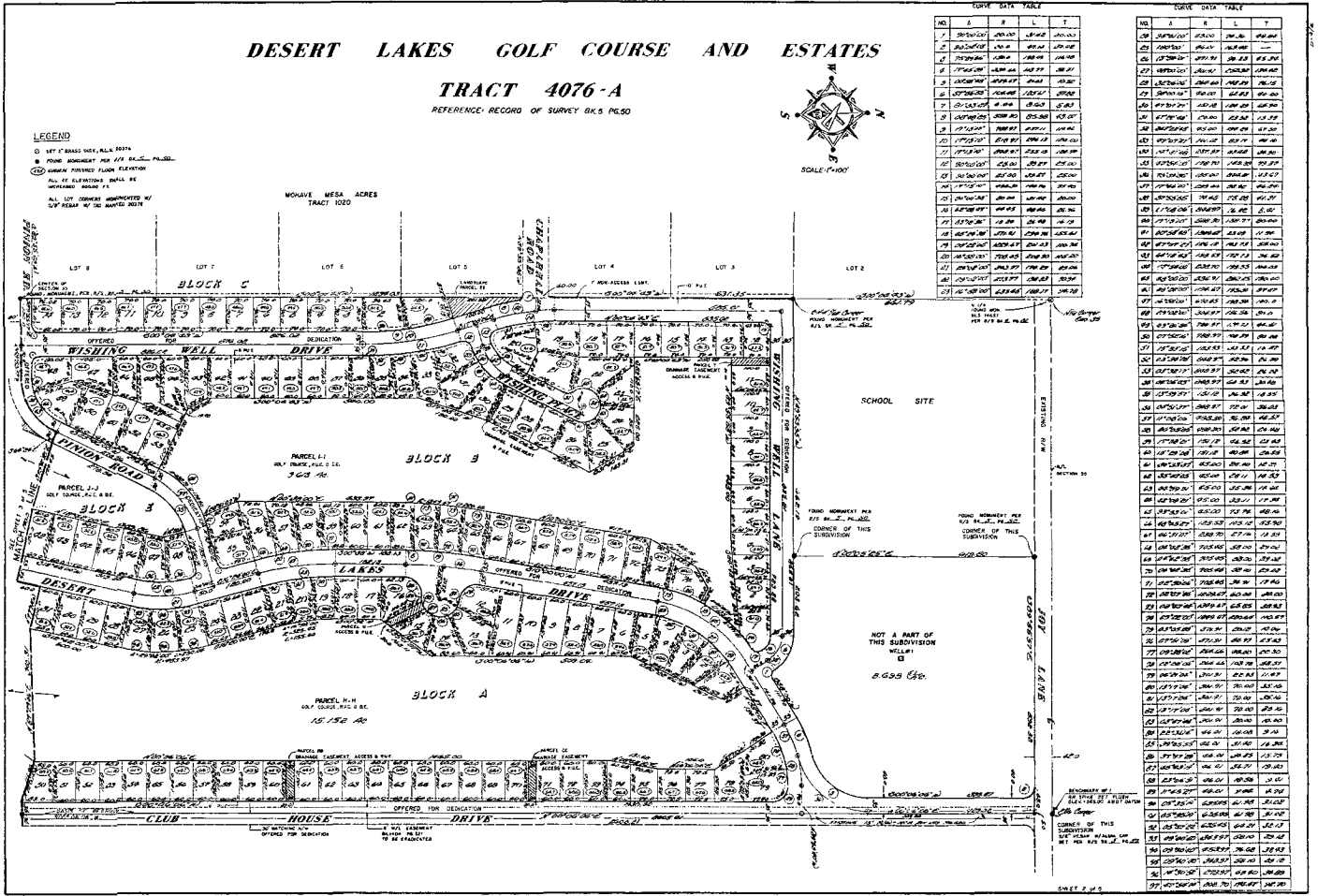
EXACT 40:00
SITUATED IN PART OF SECTION 35 & 36
E. 28 N., R. 22 W. 104th SW

Drawn: G.S.		SPC South Plains Consultants 401 W. 14th St. Amarillo, Texas 79101 PRELIMINARY MAP DESERT LAKES GOLF COURSE - EXTENSION 1027784617 Date: 10/20/08
Checked: L.M.		
Scale: 1"=200'		
S.S. No. 1027784617		
Date: 10/20/08		

Exhibit 1(b)

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Partiment Phase I & Phase II

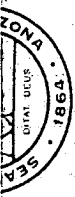


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Exhibit 2
Feb 2018 RFPI and
Subsequent Email Correspondence

Exhibit 2



RPEI: Photo of Hand Delivered copy to Bullhead City

DEVELOPMENT SERVICES

P. O. Box 7000 Kingman, Arizona 86402-7000 3250 E. Kino Ave, Kingman www.mohavecounty.us Telephone (928) 757-0905 FAX (928) 757-3577

Timothy M. Walsh, Jr., P.E.
Department Director

Michael P. Hendrix, P.E.
County Manager

PUBLIC RECORDS REQUEST FORM

I would like to request a copy of the following documentation (be specific) from the Mohave County Development Services Department pursuant to A.R.S. 39-121.01:

The name of the person for whom the County agreed to do a mass mailing to Desert Lakes Golf Course and Estates property owners in support of BOS Resolution No. 93-122 and 91-231
The date the person made the request and the rationale for the County to agree to the proposed reduced setbacks
The total cost and itemized costs for the mailings, publication, signage and any other related costs.
Who paid for the costs and if paid from taxpayer dollars, what account or accounts were the monies taken from.
Did anyone appeal the denial of the BOS Resolutions? If yes, who appealed and what was the result of the appeal?

According to A.R.S. 39-121.03A you must declare if the documentation provided to you will be used for commercial purposes and state that purpose.

- Information will be used for commercial purposes. (Define in detail on a separate sheet)
- Information will not be used for commercial purposes.

I certify that the information provided is true and correct. I understand there will be a charge of 25 cents per page, except for larger items (i.e. maps, plans, etc.) or where there is extensive staff time for copying of documents, and an additional charge for postage when applicable. I agree to pay the fee or deposit for these records (A.R.S. 39-121.01-D1).

Printed/Typed Name: NANCY KNIGHT

Signature: Nancy Knight

Today's Date: 2-9-2018

Contact Information:

Phone: 928-768-1537

Address: 1803 E. LIPAN CIRCLE

Fort Mohave 02 A13 2018
86402

After completing form, sign and send to P.O. Box 7000, Kingman, AZ 86402-7000
ATTN: Mohave County Development Services, Theresa Shell, Administrative Supervisor

Nancy Personal Mail

From: "Tim Walsh" <Tim.Walsh@mohavecounty.us>
Date: Monday, April 02, 2018 9:00 AM
To: <nancyknight@frontier.com>
Cc: "Buster Johnson" <johnsbd@frontiernet.net>; "Jean Bishop" <Jean.Bishop@mohavecounty.us>; "Lois Wakimoto" <Lois.Wakimoto@mohavecounty.us>; "Gary Watson" <Gary.Watson@mohavecounty.us>; "Hildy Angius" <Hildy.Angius@mohavecounty.us>; "Deanna Chapman" <Deanna.Chapman@mohavecounty.us>; "Christine Ballard" <Christine.Ballard@mohavecounty.us>; "Mike Hendrix" <Mike.Hendrix@mohavecounty.us>
Attach: 20180402085701866.pdf
Subject: RE: Still no Answers to Feb 10 Public Records Request Form

Ms. Knight:

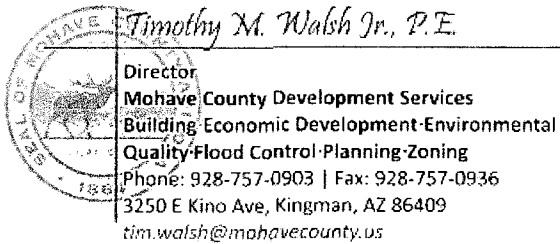
Good Morning. I sincerely apologize for the delay in responding to your request. The following are the responses to the questions posed in your request.

1. From 2013 through 2015, a Zoning Ordinance Review Committee reviewed the Zoning Ordinance. The committee agreed that as Mohave County became more urban, smaller setbacks were needed to accommodate the trends in housing. The committee believed they had made that change with amendments to setbacks in the Zoning Ordinance. However, many Special Development Zones had setbacks specific to that subdivision and those did not change. Mr. Azarmi, who was a member of the Review Committee and the Planning and Zoning Commission, brought this to the Development Services attention noting that the setbacks needed to be corrected.
2. To correct the setbacks, a mailing was required for those properties requiring to be notified and the costs of same would have been absorbed by our normal expense of operations in matters such as this. We do not keep itemized cost breakdowns of each item going to the Board.
3. The Planning and Zoning Department which is funded by the General Fund as well as from fees for services covered the costs related to the item.
4. According to the Board Clerk the denial has not been appealed to date.

Please let me know if you have any questions or require any additional information.

Thank you,

Tim



From: nancyknight []
Sent: Saturday, March 31, 2018 10:13 AM
To: Theresa Shell <Theresa.Shell@mohavecounty.us>
Cc: Buster Johnson <Buster.Johnson@mohavecounty.us>; Jean Bishop <Jean.Bishop@mohavecounty.us>; Lois Wakimoto <Lois.Wakimoto@mohavecounty.us>; Gary Watson <Gary.Watson@mohavecounty.us>; Hildy Angius <Hildy.Angius@mohavecounty.us>; Deanna Chapman <Deanna.Chapman@mohavecounty.us>
Subject: Still no Answers to Feb 10 Public Records Request Form

Theresa,
 Over two weeks ago you said you would contact management if we didn't get our answers soon. The answers are not difficult to find as they have been cited in Minutes of the BOS meeting, BOA meeting, and Planning Commission meeting and video. In fact I am certain the travesty that took place is not one that would need anyone to look up except for the accounting of the monies. I am certain the answers are indelible on the minds of the Development Services staff who sat in on the meetings and answered

8/25/2019

questions.

You said you could not provide the answers piecemeal and needed to provide all the answers to me at one time from the Request Form I filed with Development Services on or about February 10.

The total cost was not available to me anywhere and Mr. Hont said at the BOS meeting on October 3, 2016 that it was all paid for by the County with none paid for by the Proponent. We know the Proponent is Mehdi Azarmi as his fellow Commissioner Abbott identified him at the Planning Commission meeting giving Azarmi additional time to speak and to dupe his fellow Commissioners, in my opinion. Especially Melanie Bruehl, who knew about Desert Lakes and was concerned about views of adjacent lots if homes were built out to the maximum that would be allowed by the BOS Resolutions that began as Azarmi's proposed Amendments to former Resolutions.

How much money was spent on this travesty and what account did it come from is a question that should not take nearly two months to answer. I have been very patient. Where are the answers from my Public Records Request Form?

I think the BOS will be very interested in the answers as well. In fact, in my opinion Azarmi should be removed from the Planning Commission.

Deanna, please forward this email to all of the Planning Commissioners.

Respectfully,
Nancy Knight

8/25/2019

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Exhibit 3
County Ordinance Pages on Signs

B. Definitions



Off-Premises (Off-Site) Sign: Any sign that advertises goods, products, entertainment, services, or facilities, and directs persons to a different location from where the sign is installed.

Owner: Any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having a vested or contingent interest in the property in question.

Parapet or Parapet Wall: That portion of a building wall that rises above the roof level.

Person: Any individual, corporation, association, firm, partnership, and the like, singular or plural.

Pole Sign: see "Freestanding Sign."

Portable Sign: Any sign not permanently attached to the ground or a building.

Premises: An area of land with its appurtenances and building which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

Projecting Signs: A sign, other than a wall sign, which is attached to and projects from a structure or building face. The area of double-faced projecting signs is calculated on one (1) face of the sign only, provided the same message appears on both sides.

Public Right-of-Way Width: The perpendicular distance across a public street, measured from property line to property line. When property lines on opposite sides of the public street are not parallel, the public right-of-way width shall be determined by the County Engineer.

Public Service Information Sign: Any sign intended primarily to promote items of general interest to the community such as time, temperature and date, atmospheric conditions, news or traffic control, etc.

Repair: see "Maintenance."

Roof Sign: Any sign erected upon, against or directly above a roof or on top of or above the parapet of a building. All support members shall be free of any external bracing, guy wires, cables, etc. Roof signs shall not include signs defined as wall signs.

Rotating Signs: Any sign or portion of a sign that moves in a revolving or similar manner.

Sign: Any identification, description, illustration or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, services, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information, with the exception of window displays and national flags. For the purpose of removal, signs shall also include all sign structures.

Sign Area: The area of the largest single face of the sign within a perimeter which forms the outside shape, including any frame that forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be totaled.

Section 42. - SIGN ORDINANCE (continued)

of said sloping roof, but the top of the sign must be a minimum of one (1) foot below the top of the roof line.

7. Other signs.
 - a) Incidental signs. Up to two (2) incidental signs may be attached perpendicular to the wall. Such signs are restricted to credit cards accepted, official notices of services required by law, and/or trade affiliations. Area of each sign may not exceed five (5) square feet; the total area of all such signs may not exceed ten (10) square feet.
 - b) Directional signs. One (1) such sign is permitted near each driveway. Area of each sign may not exceed twelve (12) square feet. Maximum permitted height shall be twelve (12) feet.
 - c) Manual or automatic changeable copy signs. Any of the types of signs permitted in these Regulations may be permitted as manual or automatic changeable copy signs.
8. Every sign shall have the name of the maker, the date of the erection, and the permit number. Such information shall be clearly legible and in a conspicuous place on each sign installed.

I. Signs Permitted by Zoning.

- 1. Signs permitted in residential zones. The following on-premises signs are permitted in residential zones:
- a. Multi-family residential uses may have one (1) indirectly lighted or unlighted identification sign of a maximum of thirty (30) square feet in area, placed on a wall of the building containing only the name and address of the building and one monument sign not to exceed seventy-two (72) square feet at the entrance.
 - b. Subdivision signs. Subdivisions and planned communities may have one monument sign not to exceed seventy-two (72) square feet at each entrance.
 - c. Temporary signs as allowed in Section 42.E of these Regulations.
 - d. Two (2) signs pertaining to a garage or yard sale, limited in area to four (4) square feet, and shall be allowed only during the sale, not to exceed five (5) days.
2. Signs permitted in a manufactured home park and RV Park. A manufactured home park shall be allowed one (1) sign.
 3. Shadow lighted or unlighted identification signs, not exceeding thirty (30) square feet when erected parallel to the right-of-way.
 4. Permitted on-premises signs in commercial and industrial zones.
 - a. One (1) freestanding sign, that complies with Section 42.1.1, indicating the name, nature and/or products available on the developed parcel not to exceed one (1) square foot of sign area for each linear foot of street frontage abutting the developed portion of said parcel.
 - b. Freestanding signs may be allowed to set back from the interior property lines a distance of one (1) foot. In no instance shall a sign be erected less than one (1) foot from any interior property line, nor shall any sign be erected in such a manner as to allow any portion of any sign to encroach upon or overhang above any adjacent property.
 - c. No freestanding sign shall exceed the height or area established by Table 1, Section 42.1.1. No height limit is specified for signs placed flat against the wall of a building for other attached signs, provided all other provisions of these Regulations are complied with.

Section 42. - SIGN ORDINANCE (continued)

- d. With the exception of a freestanding sign, a sign may be located within or project into a required front or street side yard setback area, if the setback area extends five (5) feet. However, no sign may project into or over an abutting public right-of-way except as otherwise provided for in these Regulations.
- e. Freestanding signs shall be located so as to provide a clear view of vehicular and pedestrian traffic. However, no sign may project into or over an abutting public right-of-way except as otherwise provided for in these Regulations.
- f. Animated and intensely lighted signs and moving signs may be permitted as one of the allowed on-premises signs in a commercial zone upon the approval of a Special Use Permit. However, these signs shall comply with the following:
 - 1) Animated and intensely lighted signs and moving signs are prohibited along interstate, primary and secondary highways, including but not limited to, State Highways 95, 93, 68, 66, 389, Interstate 40 and Interstate 15.
 - 2) All animated signs, intensely lighted signs and moving signs shall be located to comply with the front and side street yard setbacks required of a building on the same parcel or lot.
 - 3) Signs shall not interfere with traffic, or distract drivers or pedestrians. Moving or flashing lights shall be white or clear.
 - 4) Signs shall be a minimum of one hundred (100) feet from residentially zoned property or property used for residential purposes.
 - 5) Signs shall comply with Section 38, Outdoor Light Control.
 - 6) The zoning use permit application shall include a site plan showing the location of all signage on the lot or parcel; a rendering of the sign showing colors of sign and lights, areas of sign that will blink, move or flash shall be submitted.



J. Off-premises signs. The intent of this regulation is to permit off-premises signs within established commercial and industrial areas. The purpose of this regulation is to establish basic standards and criteria pertaining to manner, place, and maintenance of off-premises signs in Mohave County. Off-premises signs shall be permitted in accordance with the specific standards set forth in this section as well as to include the general provisions for freestanding signs which are intended to regulate on-premises signs.

- 1. Except as provided in these Regulations, it is the policy of the Board of Supervisors and Planning and Zoning Commission of Mohave County to permit off-premises signs to be located in viable commercial areas and to discourage the rezoning of lots and parcels for the sole purpose of installing off-premises signs. It is also understood that signs displaying noncommercial messages considered protected free speech shall not require placement in commercial areas as the intent of their installation shall be for the purpose of increased opportunities for public communication.
- 2. Required Special Use Permit and state approval. Sign locations for off-premises signs shall be allowed only with an approved Special Use Permit. For off-premises signs fronting State Highways (93, 68, 66, 95, Interstate 15 and Interstate 40), approval of sign locations by the Arizona Department of Transportation is required after the issuance of the Special Use Permit and prior to sign permit approval by the County.

Section 42. - SIGN ORDINANCE (continued)

- 3. Required zoning classifications. Off-premises signs shall be permitted only on lots and parcels properly zoned C-2H (Highway Commercial), C-M (Commercial Manufacturing), C-MO (Commercial Manufacturing/Open Lot Storage), M-1 (Light Manufacturing) M-2 (General Manufacturing), and M-X (Heavy Manufacturing). In addition, off-premises signs shall be permitted on lots or parcels properly zoned C-2 (General Commercial) along State Highways (93, 66, 95, 68, Interstate 40 and Interstate 15) unless the area has been designated as a sign free area as per Section 42.K.4.f of these Regulations. In the event that a lot or parcel fronts on more than one (1) public right-of-way, only one (1) off-premises sign shall be allowed on either street frontage.
4. Standards and criteria for off-premises signs. Off-premises signs proposed for installation shall conform with the standards and criteria set forth in the following:
- a. Sign area. In all cases, off-premises signs shall have a maximum sign area of two hundred fifty (250) square feet except on Highway 93, Interstate 15 and Interstate 40 and certain arterials where the Board of Supervisors designates a more restrictive maximum sign area. Off-premises signs with a total area not to exceed six hundred seventy-two (672) square feet or 14' x 48' may be allowed on Interstate 40, Interstate 15 and Highway 93, unless the Board of Supervisors has designated the area as a sign-free area as per Section 42.K.4.f. If a sign has two (2) sign faces, the total permitted sign area may not exceed twice the sign area permitted for one (1) sign face. If one (1) or more signs are combined into one (1) sign face, the maximum permitted sign area shall not exceed what is permitted for one (1) sign face in the specific location.
 - b. Sign height. The maximum height for signs with a sign face measuring up to two hundred fifty (250) square feet is thirty-five (35) feet above the grade of the highway. The maximum height for signs with a sign face measuring up to six hundred seventy-two (672) square feet is forty-five (45) feet above the grade of the highway. The maximum sign height includes any portion of the sign structure, sign face, and any decorative embellishments attached to the sign structure.
 - c. Setback and vertical clearance. The minimum setback of any portion of the sign area measuring up to two hundred fifty (250) square feet is ten (10) feet from the edge of the public right-of-way. These signs shall have a minimum eight (8) feet vertical clearance measured from the street grade of the nearest driving lane to the lowest line of the sign area. Except when a freestanding off-premises sign projects over a vehicular traffic area, such as driveway and parking lot aisles, the minimum vertical clearance shall be eighteen (18) feet. A minimum setback of any portion of the sign area or structure for 14' x 48' signs shall be twenty (20) feet from the edge of the public right-of-way. These signs shall have a minimum vertical clearance of eighteen (18) feet.
 - d. Spacing. A minimum of five hundred (500) feet between off-premises signs facing the same traffic flow in the same street or freeway shall be required in all cases. At the intersection of two (2) streets, double-faced signs at right angles to and facing traffic at Street "A" may be situated closer than five hundred (500) feet to a similarly positioned sign across the street at right angle to and facing traffic on Street "B" (see Figure 3).