

MINUTES

P & Z COMMISSION HEARING

March 31, 2011
Special Meeting

ATTENDANCE P & Z Commissioners

ATTENDED

1. Bill Rawlings
2. Chuck Teetsel
3. Joel Lawson
4. Randy Murph
5. Rick Slone
6. Ruth Ann Smith
7. Wendell DeCross

Staff Attendance

Greg Loper
Bill Bess

ABSENT

Bob Hall
Carol Davis
Evelyn Meadows
Fred Shupla
Jason Hatch
Robert K. Black, Jr.

Bill Fraley
Peggy Saunders

Meeting held at the Navajo County Board of Supervisors Chambers, Holbrook, Arizona – Time: 6:01 p.m. to 7:29 p.m.

Chairman Wendell DeCross called the meeting of the Navajo County Planning & Zoning Commission to order at 6:01 p.m., and explained the meeting procedures to the public. Mr. DeCross then led the Pledge of Allegiance.

Item # 1 – AZTEC AREA PLAN – DESIGNATION AS AN AREA PLAN AND MAJOR COMPREHENSIVE PLAN AMENDMENT: Discussion and possible Commission action on the designation of the Aztec Area Plan as an adopted Area Plan within the Navajo County Comprehensive Plan.

Greg Loper gave an overview of the amendment and added that Navajo County has existing designated area plans for Pinetop-Lakeside and Heber-Overgaard. **Mr. Loper** reviewed the staff report with all the recommendations and added that staff has held two public meetings designed to seek public comment on the Aztec Area Plan and the Navajo County Comprehensive Plan. The first meeting was held in Holbrook, and the other meeting was in Show Low. Both meetings were advertised in the White Mountain Independent and the Holbrook Tribune, as well as on the Navajo County Website. Additionally, e-mails were sent to all interested persons and groups, including all the cities and towns within Navajo County, and counties adjacent to Navajo County, NACOG, the Arizona Department of Commerce, Arizona Game & Fish, U.S. Forest Service, and other groups such as ARENA. Attendance was extremely low at both meetings, but Mr. Steve Brophy was in attendance at both meetings. One resident commented that a power line was shown in an incorrect location. Several questions were asked of the applicant; however, there were no suggested changes to the Aztec Area Plan offered at these meetings. Staff

received two written comments on the Aztec Area Plan – one was from The State Land Department, and another from a resident of the Cedar Hills area. Neither letter expressed opposition, however the State Land Department noted that the Area Plan may impact adjacent State-owned lands. Staff recommended approval of the Aztec Area Plan as presented.

Chairman DeCross opened the public hearing portion of the Agenda. The Applicant, Mr. Steve Brophy, was in attendance to answer any questions.

Steen Hviid of 5708 Martin Road in Snowflake, AZ said he hopes all future area plans will follow Mr. Brophy's example. He commended Mr. Brophy on the thoroughness and diversity of the plan which included areas off the power grid, and would encourage more people to live within their means. By putting ecological development in the plan, this would preserve the land for the future generations. He hopes Mr. Brophy will do what he can for the Chevelon Canyon and 7 Mile Draw areas.

No other members of the public came forward in favor or against the Aztec Area Plan designation

With there being no other comments or questions from the Commissioners **Commissioner Joel Lawson** made a motion to approve the addition of the Aztec Area Plan to the Navajo County Comprehensive Plan. The motion was seconded by **Commissioner Bill Rawlings**. The vote was unanimous approving the motion.

Item # 2 – COMPREHENSIVE PLAN AMENDMENT: Discussion and possible Commission action on the Major Amendments to the Navajo County Comprehensive Plan to address Area Plans (such as the Aztec Area Plan), completed or adopted Circulation Plans (such as the “Southern Navajo/Apache County Sub Regional Transportation Plan” and the “Navajo County Central Area Transportation Study”, along with other grammatical and formatting changes.

Greg Loper said this was a companion to go along with the Aztec Area Plan, and was reviewed by staff for the inclusion of Aztec Area Plan, and to include two transportation plans; the Southern Area Transportation Plan, and the Central Area Transportation Plan. The demographic data includes the projected Population growth, land use mixes. There were two public hearings held, and there were several comments made at the meetings which staff has incorporated into the draft amendments. **Mr. Loper** presented a summary of the amendments with regard to Legislative changes, and indicated he would answer any specific questions from the Commissioners. Staff recommends approval of the amendments to the Navajo County Comprehensive Plan. **Chairman DeCross** opened the public hearing portion and no one came forward from the public in favor or against the Comprehensive Plan, and commented to the audience that Commissioners are provided with materials for review.

Commissioner Chuck Teetsel made a motion to approve the addition of the Aztec Area Plan to the Navajo County Comprehensive Plan, motion seconded by **Commissioner Ruth Ann Smith** the vote was unanimous approving the motion.

Item # 3 – WALTNER’S RV RESORT – SPECIAL USE PERMIT (AMENDMENT TO EXISTING): Discussion and possible Commission action on the request by Stephen W. Durand and Erle G. Holm, for an amendment to their existing Special Use Permit to address expansion of their RV park from the presently-approved 35 spaces to 147 spaces (all of which exist and are occupied during the summer season).

Greg Loper gave an overview and background on the project, which received a Special Use Permit in 1977 for a 35 space RV Park. Over the years, the previous owner(s) expanded the park to 147 spaces without the benefit of an Amendment to the Special Use Permit, and the current owner is seeking that amendment. The Applicant has made significant progress to bring the property into compliance as requested by the County, and the residents. **Mr. Loper** explained that without this amendment to the Special Use Permit, the County has no options for enforcing compliance other than returning it to the 35 spaces as approved in the original Special Use Permit.

Chairman Wendell DeCross opened the public hearing to those who wished to speak in favor of the project.

Alan Converse was in attendance to represent Waltner’s RV Park, and speak on their behalf. Mr. Converse addressed the Commission, and agreed that the stipulations for the electrical were fair and logical, and the owners have complied with the stipulations. They authorized an Electrical study and commissioned drawings, and obtained permits for two new services, as required by the County, and have already paid their fees to Navopache to have the equipment installed. They have an electrical contractor under contract to install new transformers, and have contracted Franks Electric to install the service entrance and interior conduits, and new services in the park. They anticipate a completion date of October 2011, but the park is occupied from May to October, and they are concerned about safety issues with construction activities during the time the park is occupied. They plan to backfill any electrical trenches during the occupied time, and concentrate on areas where residents would not be affected. They plan to have most of the transformers and electric trenches installed and backfilled before May 1st, 2011 but there may be spot locations during the summer that will need some construction work after Oct. 15, 2011. If there is anything that would require open trenching, it will be done after the park is empty, but they do agree to complete the project by October 31st, 2011.

In Favor: No one from the public came forward in favor of this project.

Opposed: **Ken Sullivan**, President of the Resident Association, came forward to address the Commission on behalf of the 200 residents of the Park from May through October. They love the location, except there has been raw sewage seepage, and the water pressure is so low, they had to stagger when they would shower. The electrical may have been set up for 35 units, but the proposed electrical change is inadequate, for the planned number of spaces. You can’t run

electrical things when you have low voltage, they had to replace their refrigerator and other appliances because they burn out. Since 2003 nothing has been done. The Residents Board was elected in 2009, to meet with the park owners to discuss, sewer problems, which have been corrected, but the water and electricity hasn't been touched. They are against the idea of amending the Special Use Permit, because it takes away the only incentive they have to get the work done. He will go along with recommendations if they add one sentence, once the work is certified as completed, then it should be scheduled before the Board of Supervisors. It is against the residents interests to give them an Amendment before the work is completed.

With no other member of the public to come forward, **Chairman DeCross** turned the time back to Staff for Comments. **Greg Loper**, wanted to address a number of items, and comments made by Mr. Sullivan. We appreciate our summer visitors, and the vibrancy they add to our communities, but this is a rental community; the resident's don't own the land, the property owner does. The Special Use Permit issued in 2003 has recommendations that are not enforceable. The only action we can enforce is the Special Use Permit granted in 1997, that only allows 35 spaces, we would have to shut down the park and/or kick out the residents. All zoning actions are done with a blank piece of paper. We don't have them build the use, and then come to get approval. With the Amendment to the Special Use Permit, we have set a deadline to have all the electrical up to standard before October 31, 2011, and the applicant is clearly taking steps to bring the electrical into compliance. It takes an action by the Board of Supervisors for the staff to have something to enforce.

Commissioners Chuck Teetsel, Randy Murph, and Joel Lawson, asked questions of Staff and Mr. Converse, regarding the electrical specifications, and project repairs that have been completed, and projects that must be completed before October 31, 2011. Navopache Electric has agreed to install the new services, to insure amperage will be brought up to a minimum of 30 amps. Residents are asked to report any outage or problems of lightning strikes, or power outages. During past season, they didn't encounter anyone reporting any electrical problems. The work will continue until completed. The Commissioners added that failing or denying this Special Use Permit would result in having to remove 112 spaces from the park. **Bill Fraley** added that Navopache's agreement to provide electrical service should (from a legal standpoint) be sufficient. Any power problems would be deferred to Navopache. **Commissioners Bill Rawlings, Rick Slone, Chuck Teetsel** and other Commissioners agreed that the Park Owners are doing what they can to make the park better. The location must be nice, or people wouldn't want to be there, the alternative would be to move out 112 units. **Greg Loper** agreed that removing the units would be a last resort, and the county doesn't want to make that decision, but the current owners bought this property under false pretenses and now have the expense of bringing everything up to standard. They want to get the Special Use Permit amended before they spend more money to get it completed, and to protect the residents. Staff recommends approval of the Waltner's RV Resort Special Use Permit Amendment. **Commissioner Randy Murph** made a motion to approve the Special Use Permit Amendment; the motion was seconded by **Commissioner Bill Rawlings**; the vote was unanimous approving the motion. **Chairman Wendell DeCross** reminded the public that the Commission doesn't make the final decision, they make a recommendation to the Board of Supervisors, and that the interested parties will

receive notification when the Board of Supervisors hearing will occur at which they may introduce their own stipulations.

Item # 4 – POSSIBLE APPROVAL OF MINUTES FROM THE COMMISSION HEARING OF JANUARY 20, 2011.

Commissioner Joel Lawson made a motion to approve the January 20, 2011 minutes; the motion was seconded by **Commissioner Rick Slone**; the vote was unanimous

Item # 5 – REPORT FROM STAFF TO THE COMMISSION.

Greg Loper gave an update on projects that have been submitted to Planning & Zoning staff, and noted that due to the special hearing held tonight, there will not be an April Meeting. Items that may possibly appear on the May agenda of the Planning Commission include a Text Amendment, Special Use Permit applications for Meteorological Towers, a Roping Arena, and possible changes/clarifications on the recently-adopted Medical Marijuana Ordinance. In regard to Medical Marijuana, staff has received inquiries regarding possible sites in Clay Springs, Pinedale, Wagon Wheel, and other areas, but that no formal applications have been submitted.

Item # 6 – COMMISSIONER’S COMMENTS AND/OR DIRECTIONS TO STAFF.

The Planning Commission had no comments to discuss or direction to staff, and took no action on this agenda item.

With there being no further business to come before the Planning and Zoning Commission, a motion was made to adjourn the meeting by **Commissioner Randy Murph**. **Commissioner Bill Rawlings** seconded the motion. Motion carried unanimously. The meeting adjourned at 7:29 p.m.

Approved this _____ day of _____, _____

Chairman, Navajo County
Planning & Zoning Commission

ATTEST:

Secretary, Navajo County
Planning & Zoning Department