

MINUTES

HEARING OF THE NAVAJO COUNTY PLANNING AND ZONING COMMISSION

May 19, 2011

ATTENDANCE P & Z Commissioners

ATTENDED

1. Carol Davis
2. Chuck Teetsel
3. Jason Hatch
4. Joel Lawson
5. Rick Slone
6. Ruth Ann Smith
7. Wendell DeCross

ABSENT

Bob Hall
Randy Murph
Evelyn Meadows
Robert K. Black, Jr.
Bill Rawlings
Fred Shupla

Staff Attendance

Greg Loper
Bill Fraley
Homero Vela

Trent Larson
Peggy Saunders

Meeting held at the Navajo County Board of Supervisors Chambers, Holbrook, Arizona – Time: 6:00 p.m. to 9:30 p.m.

Chairman Wendell DeCross called the meeting of the Navajo County Planning & Zoning Commission to order and explained the meeting procedures to the public. **Mr. DeCross** then led the pledge of Allegiance.

Item # 1 – Case # 11-17: AREA PLAN AMENDMENT: Discussion and possible Commission action on a request by Aztec Land & Cattle Company to add an additional 81.9 acres to the Aztec Area Plan. The additional property is located on APN 205-04-024 & 025 (formerly a portion of 006S); a portion of Section 9, Township 12 North, Range 21 East, G&SRM, Navajo County, Arizona (Taylor area).

Greg Loper gave an overview of the amendment to the Aztec Area Plan, which would include 81.9 additional acres to the area plan. A site map was displayed and **Mr. Loper** pointed out the area that would be included in the amended Aztec Area Plan.

Chairman Wendell DeCross opened the public hearing portion of the Agenda.

The Applicant, **Mr. Steve Brophy** was in attendance to answer any questions.

Mr. Steen Hviid spoke in favor of the project; but wanted to add an additional comment regarding the high voltage power line that was shown on a previous version of the map. The power line does not exist at this time and if they were to build one at the same location in the future it would pass through the Cedar Hills residential area. Mr. Hviid wanted to convey that there is no tacit approval from the Cedar Hills residents for any future power line project in that location. **Greg Loper** explained that the map was corrected to remove the line through that area, but power line corridors are approved by the Corporation Commission not Planning & Zoning. With there being no other comments or questions, Commissioner Jason Hatch made a motion to approve the amendment to add an additional 81.9 acres to the Aztec Area Plan. Commissioner Chuck Teetsel seconded the motion. The vote was unanimous (7-0), approving the motion.

Item # 2 – Case # 11-09: SPECIAL USE PERMIT: Discussion and possible Commission action on a request by Western Wind Energy for a Special Use Permit to allow for placement of a meteorological tower (“Met 1a”) to assess the viability of a potential wind energy project. Located on a portion of APN 202-01-

005D; a.k.a. a portion of Section 11, Township 13 North, Range 20 East, G&SRM, Navajo County, Arizona (Snowflake area). **Chairman Wendell DeCross** announced that the items concerning the Met Towers will be presented together as a whole, but would be voted on separately.

Greg Loper provided an overview of the 5 meteorological towers, and explained that cases, #3, #4, #5, and #6 are for the same applicant, and the circumstances are generally the same for all 5 cases. He explained the specifics of each site, and that each meteorological tower would be lighted at night as has been required of other met towers, in accordance with the stipulations outlined in the staff report. The applicant will also be required to apply for building permits for each site. Staff noted that they had forwarded copies of the 5 Special Use Permit applications to the ARENA Group, the towns of Taylor and Snowflake, the U. S Fish & Wildlife Department, and the Arizona Game & Fish Department. The Arizona Game & Fish Department sent a letter expressing their concerns which include in part, the use of guy wires, the need for additional acoustic monitoring stations and careful consideration to wildlife habitat features when siting the met towers. Staff has included a stipulation for each of the 5 Special Use Permits that will require the developer to work with the Arizona Game & Fish Department prior to issuance of any permits.

Chairman Wendell DeCross opened the public hearing portion of the Agenda.

The Applicant, **Tom Dugan** was in attendance, and offered to answer any questions the Commission might have.

Steen Hviid spoke on behalf of the ARENA group and said they don't have any objections to the Met Towers, but if they plan to pursue projects in these areas, they would evaluate the proposal at that time. No one from the public came forward in opposition of these projects.

Commissioner Chuck Teetsel asked if any of the existing towers have passed the 36 months mark for removal. **Greg Loper** answered that they do keep track of the expiration dates, but there are none at this time, towers north of Dry Lake II are on BLM land and do not have to go through Planning & Zoning, some towers are being replaced, and some were approved but never utilized. There has been an evolution in technology versus what was in place a few years ago; now applicants have to come forward with a letter from the Game & Fish, outlining their options for bird flight diverters, etc. Since there were no other questions or comments from the public or the Commissioners, **Chairman Wendell DeCross** called for action by the Commission.

Commissioner Chuck Teetsel made a motion to recommend approval of the Special Use Permit Met 1a (Item #2, Case #11-09). The motion was seconded by **Commissioner Joel Lawson**. The vote was unanimous (7-0), approving the motion.

Item # 3 – CASE # 11-10: SPECIAL USE PERMIT: Discussion and possible Commission action on a request by Western Wind Energy for a Special Use Permit to allow for placement of a meteorological tower (“Met 1b”) to assess the viability of a potential wind energy project. Located on a portion of APN 202-01-005C; a.k.a. a portion of Section 10, Township 13 North, Range 20 East, G&SRM, Navajo County, Arizona (Snowflake area).

Commissioner Joel Lawson made a motion to recommend approval of the Special Use Permit Met 1b. The motion was seconded by **Commissioner Jason Hatch**. The vote was unanimous (7-0), approving the motion.

Item # 4 – Case # 11-11: SPECIAL USE PERMIT: Discussion and possible Commission action on a request by Western Wind Energy for a Special Use Permit to allow for placement of a meteorological tower (“Met 2”) to assess the viability of a potential wind energy project. Located on a portion of APN 202-26-008; a.k.a. a portion of Section 33, Township 14 North, Range 20 East, G&SRM, Navajo County, Arizona (Snowflake area).

Commissioner Jason Hatch made a motion to recommend approval of the Special Use Permit for Met 2. The motion was seconded by **Commissioner Chuck Teetsel**. The vote was unanimous (7-0), approving the motion.

Item # 5 – Case # 11-12: SPECIAL USE PERMIT: Discussion and possible Commission action on a request by Western Wind Energy for a Special Use Permit to allow for placement of a meteorological tower (“Met 3a”) to assess the viability of a potential wind energy project. Located on a portion of APN 201-13-001; a.k.a. a portion of Section 27, Township 14 North, Range 19 East, G&SRM, Navajo County, Arizona (Snowflake area).

Commissioner Carol Davis made a motion to recommend approval of the Special Use Permit for Met 3a. The motion was seconded by **Commissioner Jason Hatch**. The vote was unanimous (7-0), approving the motion.

Item # 6 – Case # 11-13: SPECIAL USE PERMIT: Discussion and possible Commission action on a request by Western Wind Energy for a Special Use Permit to allow for placement of a meteorological tower (“Met 3b”) to assess the viability of a potential wind energy project. Located on a portion of APN 201-13-004; a.k.a. a portion of Section 21, Township 14 North, Range 19 East, G&SRM, Navajo County, Arizona (Snowflake area).

Commissioner Ruth Ann Smith made a motion to recommend approval of the Special Use Permit for Met3b. The motion was seconded by **Commissioner Chuck Teetsel**. The vote was unanimous (7-0), approving the motion.

Item # 7 – Case #11-14: SPECIAL USE PERMIT: Discussion and possible Commission action on a Special Use Permit request by Jack G. Peterson to establish a public riding and roping arena “Flag Hollow Ranch” on approximately 15 acres located approximately ½ mile east of Porter Mountain Road, on Jacks Road, in the Lakeside area. Described as APN 212-26-140A and 212-26-141A; a portion of Section 24, Township 9 North, Range 22 East, G&SRM, Navajo County, Arizona (Lakeside area).

Bill Fraley presented the staff report and gave an overview of the project. The applicant has used the arena for private use for several years, and would like to conduct training sessions and host larger events than previous ones on the weekends. Staff used the same approach as they did for Perkins Roping Arena. The Petersons are hoping to include local schools, team roping, barrel racing, 4-H and other youth groups. Staff has received a phone call and email from a neighbor who lives on Jack’s Road with concerns about the narrow easement, and the increased traffic which might increase the dust. The County Engineer has asked for, and the Peterson’s have agreed to have a water truck on hand during the weekend events. The road way should be a permeable surface that would allow the water to absorb, not run off and cause drainage issues. Typical stipulations were applied to the project, following the guidelines used on the Perkins Arena. **Chairman Wendell DeCross** opened the public hearing portion of the Agenda. The Applicant, **Jack Peterson** was in attendance.

Mr. Peterson addressed the commission and gave a synopsis of his background in the Lakeside area. He was born and raised on the family homestead in 1908, which was settled by Joseph Peterson, his grandfather. They have had a roping arena in the area since 1963-64. He developed the property adjacent to the Forest Service and built the arena at Flag Hollow in 2003. He gets along with the neighbors, and he has not heard a negative comment from any of them. He would appreciate the Commission’s approval to go forward with this project. No one came forward from the public in opposition of this project.

Commissioner Chuck Teetsel asked about the roadway materials, the number of participants at the event, and safety issues for ingress-egress to and from the site. **Greg Loper** answered Commissioners questions regarding the roads, and pointed out the stipulation for notification of the Sheriff’s Office and Emergency workers when an event is to be held. **Mr. Peterson** added that there is another exit from the arena which

can serve as an emergency exit in addition to the main entrance. The number of people expected at a special event would vary, but there is ample room on the property for parking, as well as stalls for livestock and horses. **Chairman DeCross**, commended Mr. Peterson for making the arena available for training purposes, the schools, 4-H groups and other local activities.

With there being no other comments or questions **Commissioner Jason Hatch** made a motion to approve the Special Use Permit with the stipulations outlined by staff. The motion was seconded by **Commissioner Ruth Ann Smith**. The vote was unanimous (7-0) approving the motion.

Item # 8 – Case #10-39: MASTER DEVELOPMENT SITE PLAN AMENDMENT: Discussion and possible Commission action on an amendment to the Master Development Site Plan for the Pine Meadows Country Club II Master Development Site Plan as approved May 17, 2007. The zoning is Special Development. The proposed amendment will include the following parcels: 206-25-002Q, 007B, 008A, 020, 025A, 037A, 046, 050, 051 & 052; 206-27-007; 206-28-315; and 206-40-012D, 014A, 014B & 015. These sites are located in portions of Sections 28, 32 & 33, Township 12 North, Range 17 East, G&SRM, Navajo County, Arizona (Overgaard). Staff will address all three items but they will be voted on separately.

Bill Fraley asked permission of the Chairman to allow him to discuss items 8, 9, and 10 simultaneously. Mr. Fraley felt that approach would present a broad overview and be much clearer and understandable to the Commission and members of the public. Bill then gave an overview of the proposed projects. He explained that the proposed Pine Meadows Country Club Unit II was approved in April 2007, but with the economic downturn, the proposed project failed and the property reverted back to eight separate owners. Staff met the owners, and with Deputy County Attorney Lance Payette to develop a plan to get the group released from the site plan that was approved in 2007. Staff approached each property owner, and had additional meetings on how best to amend the Master Development Site plan to take away the previously approved uses and allow the current owners to pursue other uses for their respective properties, and also asked the owners what other zone changes they might be interested in making. If these zone changes are approved, the remaining Special Development zoned parcels will go back through the Planning & Zoning process to be resubmitted to the Commission. The Applicant, **Robb Tyler**, represents Heber Ventures and Pines @ 6600. He expressed his appreciation for the Planning & Zoning staff and all their help. The original project fell apart, and they are trying to salvage what is usable. This process shows how we can get lands back into play. No one from the public came forward in favor of the proposed project. **Graham McDonald**, of 2192 Gingerbread Lane was opposed to the rezoning of the project. He felt the commercial zoning on the small triangular parcel (206-25-008B) would mess up the environment, and was concerned about trash blowing across the road. The rest of the changes were fine. He especially liked the idea of having two acre parcels rather than the smaller ones on the previous plan. **Greg Loper** pointed out that the property was originally zoned C-R prior to the Special Development zone change three years ago. It is an odd shaped parcel, but it borders Mogollon Drive. **Carol Hess** of 2901 Cedar Ridge was very concerned about the development, because people in her subdivision which overlooks the project, paid higher prices on the lots for their views. She was concerned that the new development would block their beautiful views and devalue their lots. **Eric Brashear**, asked the developer if there is a two (2) acre minimum with a possibility of a guest house, would the guest house be leased out to tenants or a single family Other concerns were raised, regarding a guest house on the property and discussed **Bill Fraley** explained that there is a notation on the site plan that states anything with Special Development zoning must come back to the Commission for review.

Commissioners Teetsel, Lawson, DeCross, and Smith asked questions of staff and the developer including, why the developer decided to pursue the guest houses on the 13 lots. **Robb Tyler** addressed the Commission and said they were trying to figure out how to best use the land in these challenging times. They have received many requests for guest homes on property for elderly parents, or adult children who

are coming back home to live. This is a new type of product we can offer here, but not every lot is suitable for a guest house. Staff said each parcel will be handled on a case by case basis. With there being no other comments or questions **Commissioner Ruth Ann Smith** commended staff and Mr. Tyler for bringing this forward so the land could be released from the original site plan and made a motion to recommend approval of the Master Development Site Plan Amendment as presented. The motion was seconded by **Commissioner Chuck Teetsel**. The vote was unanimous (7-0) approving the motion.

Item # 9 – Case # 11-18: ZONE CHANGES: Discussion and possible Commission action on the following zone changes: APN 206-25-037A: from Special Development to C-R (Commercial-Residential); APN 206-25-007B: from Special Development to C-R (for a depth of 300’ from the centerline of Mogollon Drive) and A-General; APN 206-25-008A: from Special Development to C-R; and APN 206-40-014A: from Special Development to R1-43 (Single-family Residential, minimum lot size of 43,000 sq. ft.). These parcels are part of the former Pine Meadows Country Club II master plan, located in the vicinity of the existing Pine Meadows Country Club in Overgaard, and are located within portions of Sections 28 and 32, Township 12 North, Range 17 East, G&SRM, Navajo County, Arizona (Overgaard).

Commissioner Ruth Ann Smith made a motion to approve the zone changes as outlined by staff. The motion was seconded by **Commissioner Jason Hatch**. The vote was unanimous (7-0), approving the motion.

Item # 10 – Case #11-16: DEVELOPMENT SITE PLAN: Discussion and possible Commission action on a Master Development Site Plan for the proposed Meadows Edge subdivision on a 35.98 acre parcel located at the southeast corner of Meadow Trail and Mogollon Drive, adjacent to the Pine Meadows Country Club in Overgaard. The proposal is for a 13-lot subdivision with a potential guest house on each lot, in the Special Development zoning district. The parcel is described as APN 206-27-007; a.k.a. a portion of Section 33, Township 12 North – Range 17 East, G&SRM, Navajo County, Arizona (Overgaard).

Commissioner Ruth Ann Smith made a motion to recommend approval to the Board of Supervisors. The motion was seconded by **Commissioner Carol Davis**. The vote was unanimous (7-0), approving the motion.

Chairman DeCross reminded those present that final action on any of the agenda items heard at the hearing would be taken by the Board of Supervisors, and that staff would provide for proper legal notice of the hearing.

Item # 11– POSSIBLE APPROVAL OF MINUTES FROM THE COMMISSION HEARING OF MARCH 31, 2011.

With there being no other comments or questions **Commissioner Chuck Teetsel** made a motion to approve March 31, 2011 minutes as written. The motion was seconded by **Commissioner Ruth Ann Smith**. The vote was unanimous (7-0), approving the motion.

Item # 12 – ELECTION OF CHAIRMAN AND VICE CHAIRMAN

Greg Loper explained the addition of the election of officers to the Agenda. There should be an election at the first meeting of each year, so we are running a little late. **Wendell DeCross** opened up the nominations for Chairman. **Ruth Ann Smith** nominated **Joel Lawson** for Chairman. **Jason Hatch** seconded the motion. There were no further nominations for Chairman. **Ruth Ann Smith** made a motion to close the nominations for Chairman and elect **Joel Lawson** as the Chairman of the Planning Commission. **Rick Slone** seconded the motion. The motion carried by unanimous vote (7-0). **Chairman DeCross** opened nominations for Vice Chairman. **Joel Lawson** nominated **Chuck Teetsel**. Staff pointed out that as an “alternate” Commission member, **Mr. Teetsel** may not be eligible to accept the position. No other commissioner in attendance would accept the nomination. **Mr. Loper** suggested that the Commission postpone election of the Vice-Chairman to allow staff to confer with the County Attorney’s office regarding

whether an alternate member of the Commission can be elected as an officer. **Joel Lawson** made a motion to postpone election of the Vice-Chairman pending legal advice. **Jason Hatch** seconded the motion. Motion carried by a unanimous vote 7-0).

Item # 13 – REPORT FROM STAFF TO THE COMMISSION.

Greg Loper suggested that future projects such as Pine Meadows and Meadows Edge might be better handled in a work session to iron out the questions before it is brought before the Commission. Staff has implemented a Project Information tab on the P&Z Website, and project information is now available. Staff noted that the Department has received an application for a Special Use Permit for a solar project using photovoltaic cells, and that it is located within Dry Lake II. Staff also noted that the Aztec Area Plan and Waltner’s RV Park will go before Board next Tuesday May 24th, 2011.

Item # 14 – COMMISSIONER’S COMMENTS AND/OR DIRECTIONS TO STAFF.

Commissioners may use this time to offer additional comments regarding any item on this agenda, or any other topic; and the Commission may direct staff to study or provide additional information on topics of the Commissions’ choosing. **Commissioner Carol Davis** asked about the change for commercial zoning that was talked about few years ago that separated C-R zoning into different allowable uses. **Greg Loper** responded that the clarification of the C-R use is on our “to do” list, and staff is working on text amendments and will bring something before the Commission within the next few months. **Chairman Elect, Joel Lawson** thanked **Wendell DeCross** for the outstanding job he has done and his diligence as Chairman of the Planning & Zoning Commission.

With there being no further business to come before the Planning and Zoning Commission, a motion was made to adjourn the meeting by **Commissioner Jason Hatch**. **Commissioner Chuck Teetsel** seconded the motion. Motion carried unanimously (7-0).

The meeting adjourned at 8:34 p.m.

Approved this _____ day of _____, _____

Chairman, Navajo County
Planning & Zoning Commission

ATTEST:

Secretary, Navajo County
Planning & Zoning Department