

MINUTES

HEARING OF THE NAVAJO COUNTY PLANNING AND ZONING COMMISSION

January 19, 2012

ATTENDANCE P & Z Commissioners

Attended:

1. Evelyn Meadows
2. Joel Lawson
3. Randy Murph
4. Robert K. Black, Jr.
5. Ruth Ann Smith
6. Wendell DeCross
7. Jason Hatch

Absent:

Bill Rawlings
Carol Davis
Fred Shupla
Chuck Teetsel
Bob Hall
Rick Slone

Staff Attendance:

Greg Loper
Bill Fraley
Bill Bess

Trent Larson
Peggy Saunders

Meeting held at the Navajo County Board of Supervisors Chambers, Holbrook, Arizona – Time: 6:00 p.m. to 7:31 p.m.

Chairman Joel Lawson called the meeting of the Navajo County Planning & Zoning Commission to order at 6:00 p.m., and led the pledge of Allegiance. Chairman Lawson then explained the meeting procedures to the public.

ITEM #1 – CALL TO THE PUBLIC: Individuals may address the Commission on any relevant issue for up to 5 minutes. At the close of the call to the public, Commission members may not respond to any comments but may respond to criticism, ask staff to review a matter or ask that a matter be placed on a future agenda. No one from the public came forward.

ITEM #2 – CASE # 11-04 SECTION 11 ZONE CHANGE: Request initiated by Navajo County to consider the rezoning of all or part of Section 11 (Township 11 North, Range 23 East) from Rural-20 to Rural-10. Section 11 includes approximately 33 parcels, identified as Assessor Parcel Numbers (APN's): 404-46-001B, 001C, 001F, 002, 003A, 003B, 004, 005, 006, 007A, 007B, 008, 009, 017A, 017B, 017C, 017D, 017E, 018, 019, 020A, 020B, 020C, 020D, 021A, 021B, 021C, 022, 023, 024, 025, 026 and 027; a.k.a. Section 11, Township 11 North, Range 23 East, G&SRM, Navajo County, Arizona; White Mountain Lake area.

Bill Fraley gave an overview of the Zoning Request and the Staff Report, and introduced Mr. & Mrs. Ed King who started the zone change on behalf of Carey Enterprises. Staff reported that 20 parcels are undersized, which were created in the 1980's, 1991 and more recently, in 2006. Only one parcel has a residence in the entire section. Staff felt it would be prudent to re-zone the entire section. No building permits are allowed on the undersized parcels. This could potentially change 32 legal parcels to 64 parcels. Staff does not see that as a negative, there are no county maintained roads in the area. The County Engineer and Flood Control Administrator are present if there are any questions. Public Works

supports the zone change request especially since the County cannot issue a building permit for an undersized lot. **Greg Loper** agreed the splits occurred such a long time ago there is no significant impact to the area; the resultant traffic would not be a problem. Property owners who did not respond to our letters or postcards will not be a part of this zone change request. Lots that were split to less than 10 acres would have to be recombined in order to qualify for a building permit. We do not have a policy or ordinance in place to require a records check for zoning when a split occurs.

Chairman Lawson opened the floor to the applicant. **Mr. Ed King** of 866 Clay Springs thanked staff for their work on the zone change and said Bill Fraley has done a magnificent job of keeping them well informed.

No one from the public came forward in favor or in opposition of the zone change.

The Commissioners discussed the undersized lot problem, and asked staff to walk them through the lot split process. **Greg Loper** said the process does not involve Planning & Zoning at all. You create the parcels through meets and bounds or by a survey with two legal descriptions. The Assessor's Office takes that information and issues two parcel numbers. The Recorder's Office could possibly be the one to catch this mistake. Pinal County has an ordinance in place where they would not record the document until it is properly stamped by the Planning Department. **Commissioner DeCross** would like to see this type of program in place for Navajo County. **Mr. Loper** agreed but there is a short time frame in which to make an inquiry. The Recorder's Office and the Board of Supervisors would have to buy into it as well as the Assessor's Office. When this item goes before the Board of Supervisors, parcel owners who have not responded will be excluded. **Commissioner Smith** asked if the smaller parcel size would be a detriment if a Wind Turbine project was proposed in that area. **Mr. Loper** responded that the major wind sources are north of the area. The terrain in Section 11 fluctuates as much as 3,000 feet which is not ideal for a wind farm. Staff will continue to work towards reducing the undersized lot situation to assure the proposed split meets the required parcel size, and have a permanent access to the parcel. **Chairman Lawson** asked if that would make it possible to provide infrastructure in those areas. **Mr. Loper** deferred the question to **Bill Bess**, the County Engineer, who said there are two mechanisms that would cause that to happen, the owners would have to build up the roadway to county standards, or form an "Improvement District" to pave the roads. The road has to be brought up to minimum standards before the County can use HURF (Highway User Revenue Fund) resources.

Commissioner Smith made a motion to recommend to the Board of Supervisors approval of Case #11-04 with the supporting stipulations as proposed by staff. **Commissioner Hatch** seconded the motion. The motion was approved unanimously (7-0).

ITEM #3 – CASE # 11-46 BURTON CHURCH RANCH. Request by the Burton Baptist Church for a Special Use Permit for the construction of a camping facility with cabins, meeting rooms, kitchen & dining areas, staff housing, and other attendant facilities on a 30-acre (approximate) property known as APN 205-29-004E; a.k.a. a portion of Township 11 North, Range 21 East, Section 19, G&SRM, Navajo County, Arizona; in the Burton area. **Greg Loper** informed the Commission that the applicant asked for a continuance.

Commissioner Meadows made a motion to Continue Case #11-46 as proposed by staff. **Commissioner Murph** seconded the motion. The motion was approved unanimously (7-0).

ITEM #4 – CASE # 11-47 SPECIAL USE PERMIT FOR A METEOROLOGICAL TOWER. Request by Apache District Wind Farm, LLC, for a Special Use Permit to allow for placement of a meteorological tower with a maximum height of approximately 197 feet (60 meters) to assess the viability of a potential wind energy project. Located on a portion of APN 110-07-001B; a.k.a. a portion of Section 31, Township 16 North, Range 20 East, G&SRM, Navajo County, Arizona; approximately 14 miles northwest of Snowflake.

Greg Loper gave an overview of the project which is similar to other met towers in the area, noting a change to stipulation Number 4. Instead of the minimum setback of 1,000 feet the project boundary and 750 feet from any public roadway, it will be 1.5 times the total tower height from project boundary and 1.5 times the tower height from any public roadway.

Chairman Lawson opened the floor for the developer to comment.

Developer **Matthew Villaire**, Juwi Wind, LLC, of 4845 Pearl Circle Boulder, CO, said the stipulations are typical for these projects, but they disagree with the requirement for fencing around the tower base. The land owner does not require fencing and he would make a recommendation to avoid fencing around the base and guy wires. **Greg Loper** said there were safety concerns, especially on the open range with low lighting; it is a safety issue for quad riders. Fencing doesn't add or detract from the land use, it keeps the anchoring and guy wires behind a fence which would keep livestock or other animals from injury.

No one came forward from the public in favor or in opposition of the item.

Commissioner DeCross asked if the fencing was a requirement of the Game and Fish Department. **Dannette Weiss** responded that is not a requirement for their office. **Bill Fraley** said the fencing issue came from staff as a safety concern on past projects; the previous developers had no objection to the fencing.

Commissioner Hatch made a motion to recommend to the Board of Supervisors approval of Case #11-47 with the change of setback to 1.5 times the tower height, and fencing not be required, with the supporting stipulations as proposed by staff. **Commissioner Murph** seconded the motion. **Commissioner Smith** and **Commissioner Meadows** did not agree with removing the fencing stipulation. **Commissioner Hatch** pointed out that the Met Tower is on private land and the owner did not require the fencing. **Commissioner Murph** added that the property owner has the liability, and we don't want to over regulate on private property. The motion was approved (5-2).

ITEM #5 – POSSIBLE APPROVAL OF MINUTES FROM THE COMMISSION HEARING OF NOVEMBER 17, 2011.

Commissioner Black made a motion to approve the minutes as presented. **Commissioner Murph** seconded the motion. The motion was approved unanimously (6-0). 1 Abstention - Meadows

ITEM #6 – POSSIBLE APPROVAL OF 2012 MEETING SCHEDULE

Commissioner Hatch made a motion to approve the Meeting Schedule as presented. **Commissioner Meadows** seconded the motion. The motion was approved unanimously (7-0).

ITEM #7 – FINANCE W-9 REQUEST FOR TAXPAYER IDENTIFICATION NUMBER AND CERTIFICATION FORM FOR COMMISSIONERS

Greg Loper asked the Commissioners to return the form by the next meeting, and suggested each person have an offsetting plan for their taxes to offset the mileage. The Finance Department offered to come to the next meeting, but Mr. Loper doesn't want this form requirement to be a disincentive to not attend future meetings.

ITEM #8 – ELECTION OF OFFICERS

Statutes require an election of officers each year. It will put it on the agenda for the first meeting of the New Year. Alternates cannot be Chairman or Vice Chair.

Commissioner Murph made a motion to keep the current Chair **Commissioner Joel Lawson** as Chairman of the Planning & Zoning Commission, and **Commissioner Ruth Ann Smith** as Vice Chair **Commissioner Hatch** seconded the motion. Motion approved unanimously (7-0). Discussion included choosing Officers on a rotating basis. It was pointed out that it takes a new chairman a while to get used to the process, which might make it more productive to have a term of two years. Other ideas were discussed, and will be brought forward on the agenda at the end of the calendar year.

ITEM # 9 – 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.

ITEM #10 – REPORT FROM STAFF TO THE COMMISSION.

Disgen Marcou Mesa was approved with a waiver to the setbacks. The preconstruction meetings are being held, and they would like the project to be operational by the end of the year.

Bill Fraley is retiring but we don’t think this is the last we will see of Mr. Fraley. Commissioners and staff thanked Bill for his years of service and wished him well in his retirement.

The Commission reserves the right to change the order of any Agenda item.

The Commission reserves the right to adjourn into executive session when needed pursuant to ARS §38-431.03(A) (3) for legal consultation on the above-described agenda items.

Commissioner Wendell DeCross made a motion to adjourn. **Commissioner Evelyn Meadows** seconded the motion. Motion carried unanimously. The meeting adjourned at 7:31 p.m.

Approved this **16th day of February, 2012.**

Chairman, Navajo County
Planning & Zoning Commission

ATTEST:

Secretary, Navajo County
Planning & Zoning Department