

MINUTES

P & Z COMMISSION HEARING

May 17, 2018

ATTENDANCE

P & Z Commissioners

ATTENDED

1. **Chairman Chuck Teetsel**
2. **Commissioner Chuck Howe**
3. **Commissioner Ruth Ann Smith**
4. **Commissioner Rick Slone**
5. **Commissioner Wendell DeCross**
6. **Commissioner Nick McVicker**
7. **Commissioner Randy Murph**

ABSENT

STAFF ATTENDANCE

1. **Sandra Phillips**
2. **Nick Coussoulis**
3. **Kristyn Saunders**
4. **Bill Bess**
5. **Myron Jassmann**

Meeting held at the Navajo County Board of Supervisors Chambers, Holbrook, Arizona –
Time: 5:57 PM to 9:21 PM

Chairman Chuck Teetsel called the meeting of the Navajo County Planning & Zoning Commission to order and explained the meeting procedures to the public. **The Chairman** then led the pledge of Allegiance.

ITEM #1 – CASE #17-34 ZONE CHANGE, DISTRICT IV: Discussion and possible action on a request by Jerry Mears for a Zone Change allowing the change of existing S.D. zoning on his 1.6 acre parcel also known as “A7” within the Bison Ranch Final Plat to C-R zoning on APN 206-49-997G, a portion of Township 12 North, Range 17 East, Section 34 in the Heber area.

Sandra noted the parcel was vacant and along highway 260; the driving reason for the application is that under the current zoning the fees have tripled for commercial hookups and the applicant wishes to switch to C-R to avoid costly fees, the HOA has approved this option, and said their fees will decrease with the zone change.

Staff noted there were a few inquiries, and one objection received, and the concern was against the applicant making a self-storage facility, despite dispelling this rumor they remained opposed.

There were no objections from the county attorney, or other departments.

The Chairman asked if the applicant was present, he was not.

Commissioner Smith asked if the owner was aware of the CC&R's, and noted she was uncomfortable using a zone change to amend the HOA's fee issues.

Chairman Teetsel addressed the audience for any in favor or against it, there were none.

Commissioner DeCross expressed concern about the allowances of the C-R zoning, but **the Chairman** noted that the SD zoning allowed similar uses.

Commissioner Howe and **Chairman Teetsel** wanted to know if this was creating a precedent of cases like this one, Staff noted that item 3 was the same, however the HOA had only approved this case, and had not yet had a meeting on item 3. They questioned the viability of handling such situations, expressing concern over interfering with HOA statutes and rulings without proper representation from them.

Commissioner DeCross asked if there were any more commercial properties under the current zoning, Staff replied that a health care clinic that stayed in the current SD zoning was in the area.

Chairman Teetsel asked if there was another reason the applicant needed the zone change outside of lowering fees, there was not. He lamented for representation of the applicant and the HOA.

With no further discussion, **The Chairman** called for a motion.

Commissioner Smith Made a motion to deny, motion was seconded from **Commissioner Howe**. The vote was (6 – 1) (Commissioner DeCross) to recommend denial to the Board of Supervisors.

ITEM #2 – CASE #18-10 ZONE CHANGE, DISTRICT IV: Discussion and possible action on a request by Judith & Stephen Hogan to change the zoning on their existing 2.25 acre R1-43 zoned property to an RU-1 zoning to accommodate the Use Permit for a guest home on APN 207-18-001G, a portion of Township 12 North, Range 16 East, Section 25 in the Heber area.

Sandra noted it was adjacent to a wash, and showed the commission which areas were in the flood plain, that could not be built in. She explained that there was a garage on the property with living quarters that the applicants desired to keep. When the applicant submitted plans for their primary residence, staff noted their current zoning would not allow for a second home. Staff is concerned about the traffic on the ingress/egress and recommended this course of action over other options.

Chairman Teetsel asked if the applicant was available to speak, he was not, and then addressed the audience for those in favor (none) and opposition:

Barbara Dietrick spoke against the applicant's request, and said that she was not in favor of it because of the impact the change might make. She also cited incorrect information on the postings, and said a lack of information from the applicant and staff was impactful in her decision.

William Dietrick noted that the easement was a very small path unfit for traffic, his area was full of single housing areas, and did not see a reason for there to be a change of zoning for this request, and noted that the zoning requested allowed more commercial use than was favored for their neighborhood.

Sharon Kerns said the zone change would bring traffic, devalue her property, impact the view, claimed that the applicant already had a use permit on the property, said that the applicant claimed there was a shared use agreement in place when she had made no such agreement with them. She requested that they bring more communication into the mix, and that a legal shared use agreement be put in place.

Chairman Teetsel asked staff what the options were when discussing with the applicant outside of the zone change process for the applicant to achieve their goals; Staff listed that they could disassemble the guest home, or split the property, Sandy noted it would be difficult and their plans would require a variance to go before the BOA; Or as Director of Development Services Sandra could have simply signed and approved the use as it is, however, she felt it was not transparent and valued the public process over simply signing off. The Chairman asked about a possibility for SUP instead of zone change, but Staff did not discuss because it was unconventional for what they desired. The Chairman asked about the easement agreement, Sandy had presented a copy of the recorded document.

Commissioner Slone asked if the applicant could currently use the property for business, Staff said under the current zoning they could use it for a variety of businesses, and if they split it they could rent the property out as state statute had no restrictions on renting the property as a whole.

Chairman Teetsel asked about what restrictions could be put in place, Sandy said that stipulations could be added to prevent commercial or business uses and quell the concerns of their neighbors.

Without representation from the applicant, the commission had nothing further to discuss and **the Chairman** called for a motion.

Commissioner McVicker Made a motion to deny, motion was seconded from **Commissioner Slone**. The vote was (7 – 0) to recommend denial to the Board of Supervisors.

ITEM #3 – CASE #18-11 ZONE CHANGE, DISTRICT IV: Discussion and possible action on a request by Kaiser Investment Inc. to change the zoning on their 1.76 & 2.53 acre parcels also known as “A5” and “B8” respectively, within the Bison Ranch Final Plat to C-R zoning on APN 206-49-997E and APN 206-49-987, a portion of Township 12 North, Range 17 East, Section 34 in the Heber area.

Sandra requested that this item be tabled as the same issues with Item 1 applied to this item.

Commissioner Slone noted that this would be a wise course of action as they needed more information to properly recommend approval or denial.

Commissioner DeCross expressed a desire to speak with the applicant and HOA.

Chairman Teetsel called for a motion, **Commissioner Howe** Made a motion to table, motion was seconded from **Commissioner Murph**. The vote was (7 – 0) to table the item.

ITEM #4 – MINOR LAND DIVISION ORDINANCE: Presentation, discussion and possible action on a request by Staff to adopt a minor land division ordinance in alignment with State Statutes.

Staff has received support from surrounding towns toward the ends of this proposed change to ordinance, and noted they had previously presented this before the Board and had not received criticism. Staff's goal is to provide a warning to potential buyers, by applying a paragraph in the title deeds that denotes the lot is undersized and therefore unbuildable, may not have legal ingress-egress road access, or emergency services access, and to apply a fee to splitting properties that is substantial enough to not be taken lightly, as well as reasonable enough to still be accessible to the public.

Everything split before the approval date will be grandfathered in, but moving forward they will start adding in this new procedure to the splitting process. This will not prevent splits from taking place, or stop a purchase from taking place, it is simply a "buyer beware" of what they could be getting into, to hopefully prompt them to do more research.

The Chairman asked if we could potentially be proactive with this, applying the paragraph to properties that come to our attention at the time of submittal. Staff said it was a possibility that they would consider.

They then discussed the matter of the fee, **Commissioner Murph** asked about the necessity of the price, seeing it as a burden on the public. Staff responded that the additional workload of adding in these notes would justify the cost, and pointed out that the fee was far lower than any of the surrounding counties. Staff continued to state that there have been people circumventing tax fees by splitting lots before tax season and simply recombining the lots after the lower fees have been payed- this would prevent such abuse.

Staff also noted that the public was willing to do their due diligence and they had received many calls (upwards of ten per day) solely regarding dividing their property, and there have been cases where the plats had been submitted to planning and zoning for approval- which, while unconventional has proven to be beneficial, with staff working with the public to ensure the requirements were all met.

Chairman Teetsel asked the audience if anyone would like to speak or ask questions.

Dan Brooks, local surveyor, wanted to note that this would force local surveyors to increase their prices, as it would be forcing them to make room for ingress/egress, note the septic layout, and expressed concern about the burden it would put on the public as a typical survey does not lay out such things. He noted the difficulty of proving a septic system was in the place where the property owner said it was, thus risking his license and credibility.

Commissioner Howe questioned staff as to the “unlawful” clause and Staff responded that it meant an illegal subdivision.

Dan Brooks continued to voice concern over some aspects of the Ordinance and how it would affect his work, to which **Myron Jassman**, the County Surveyor, and Staff responded.

Commissioner Howe asked Staff what would trigger the need for the paragraph with the Minor Land Division Ordinance, to which Staff responded the paragraph would only be triggered by zoning compliance and legal access. **Commissioner Slone** went on to clarify that applications would not be approved or disapproved, but rather flagged, which Staff responded was correct.

Chairman Teetsel once again addressed the audience for anyone who would like to speak to the issue. Ron Scorse, another local surveyor who has also worked with Apache County, came forward and noted he has worked on a similar process with Apache County, detailing that he does not record, but gives his clients a copy of his stamped survey, stamped legal descriptions and they take this with their application for a Minor Land Division and are responsible for taking these documents to Planning and Zoning Department to review, which they then record, including the map.

Commissioner Howe asked Mr. Scorse what would happen if an applicant puts their documents away without being recorded, to which Mr. Scorse replied he had not had that issue yet, but having the process run through County Staff might alleviate this.

Commissioner Howe asked Staff if there would be any reason to put the details that applicants will need to provide into a form, to which Staff responded, yes, they had developed a form, to which they would add a second page with more information.

Commissioner Howe Made a motion to approve, with stipulation of creating a checklist for the public to use, motion was seconded from **Commissioner DeCross**. The vote was (7 – 0) to recommend approval to the Board of Supervisors.

ITEM #5 – ADDITION OF LANDSCAPE REQUIREMENTS FOR COMMERCIAL (C-R)/INDUSTRIAL ZONING ALONG WHITE MOUNTAIN BOULEVARD IN THE ZONING ORDINANCE: Discussion and possible action on a request by Staff to include landscape requirements similar to those required by the City of Show Low on commercial properties.

Staff wishes to establish requirements to preserve and maintain appearance along White Mountain Blvd, as it is a main corridor and hopes to promote tourism and protect the area that is unincorporated. The hopes are that when the land is developed it will be similar Show Low and Pinetop/Lakeside’s existing requirements so the transition is less jarring and more appealing to the public.

The Chairman, Commissioner Decross, and Commissioner Howe pointed out the impracticality in maintaining this, noting that ADOT has refused to add more access off of this road previously, and that the Cities in the area has more power to dictate on the

appearance of the lots than Navajo County does, on top of what to do should an invasive species be used to landscape and left to its own devices.

Sandra responded that while Cities would have more power over this, they have seen HOA's go bankrupt often and would like more security in keeping this area maintained, but acknowledged they still had a lot of details to figure out and appreciated the input. Staff also noted they were compiling a list of drought-tolerant flora, and native species to use. Upon finishing this presentation, **Chairman Teetsel** said there wasn't a need to discuss further and moved on to the next item.

ITEM #6 – A-GENERAL MINIMUM LOT SIZE: Presentation, discussion and possible action on a request by Staff to limit minimum lot size to 1 acre if on septic in alignment with ADEQ requirements.

The overall goal from staff for requesting this is to try to get property owners to comply with ADEQ standards and prevent "clustering" in areas that are difficult for emergency services to reach, and to preserve the "rural" environment. The lots that are currently undersized would be grandfathered from the approval date forward. Staff has concern that because the lot is undersized, there is potential for the ground to become oversaturated if served by a septic system and without room for an alternative, thus rendering the property uninhabitable.

The commissioners brought up the difficulties this might put upon property owners, by limiting their rights to split property.

The Chairman requested if anything the current ordinance for A-general's minimum lot size be clarified. He also requested to see ADEQ's language on grandfathering and the lot size.

Chairman Teetsel called for a motion, **Commissioner Slone** Made a motion to table the item, motion was seconded from **Commissioner Murph**. The vote was unanimous. (7 - 0)

ITEM #7 – A-GENERAL LOT COVERAGE: Presentation, discussion and possible action on a request by Staff to change maximum lot coverage from 50%, which is for multi-family and commercial residential zoning to 15%, which is for Rural-1, 1 acre minimum.

Staff presented concerns that at 50% lot coverage intent is for developed areas with multifamily areas and was not in alignment with the rural and open space character of the majority of the County.

The Commission noted that this was far too restrictive to property owners, putting more faith in people to do the right thing than for them to abuse the system. **Commissioner Smith** noted that it was up to subdivisions to dictate how best to keep their communities looking their best.

Commissioners Howe asked if the use was limited to the footprint of the structures, staff responded that yes, it was.

The Chairman called for a motion, **Commissioner Howe** Made a motion to deny, motion was seconded from **Commissioner Smith**. The vote was (7 – 0) to recommend denial to the Board of Supervisors.

ITEM #8 – YARD REGULATIONS FOR COMMERCIAL (C-R)/I INDUSTRIAL ZONING IN THE ZONING ORDINANCE: Discussion and possible action on a request by Staff to clarify setback requirements *similar to those required by the City of Show Low* on commercial properties.

Staff present to the commission yard regulations for C-R and Industrial zonings, citing that in C-R a property owner could build up to the lot lines, and they were concerned that there was not enough room for fire safety setbacks and wished for more room to maintain the building and control drainage. However, if these limits are a burden or make it difficult to achieve the goals due to lot size, they can be adjusted with a variance; Parking lots would not be affected by these setbacks.

Commissioner Howe asked if the setbacks were limited to the footprint, or if the overhang counted, staff responded that it was only the footprint.

Commissioners DeCross, Howe, and Chairman Teetsel found the wording of the ordinance difficult and vague, and asked for staff to refine the verbiage, and get more opinions from local fire departments on setback size- to which staff responded that the preferred setback was three feet according to local fire departments, but it seemed too small. They prefer five feet if bordering industrial or commercial use, and ten feet if bordering residential. They requested staff clear things up and bring it back for further discussion.

Chairman Teetsel called for a motion, **Commissioner Murph** Made a motion to table, motion was seconded from **Commissioner Howe**. The vote was (7 – 0) to table

ITEM #9 – ACCESSORY BUILDING: Presentation, discussion and possible action on a request by Staff to change definition.

Staff noted that this was a request from the building department, and the desire is to define an accessory building as a structure located behind the primary dwelling, with allowance for variance should it be a hardship on the lot owner to put the accessory building there. They also wish to add the stipulation that an accessory building not have plumbing inside of it, however electricity would be allowed.

Commissioner Slone noted that by placing this definition into the ordinance it would cause all sorts of issues, and noted that a lot of garages or work sheds need sinks for safety or practicality. He also noted that by forcing them into the back lot it felt far too restrictive and that would be more in line of what a subdivision should cover in their CC&R's, and that the county should not put such restrictions on land owners.

Staff in response to the commissioner noted that garages were no longer defined as accessory buildings, and that the main concern was with prefabricated sheds being used as houses or miniature living quarters in such a way that violated zoning, building, and health codes.

Commissioner Howe asked why this couldn't be applied to the smaller "problem" lots brought up in previous items, rather than the whole county.

Staff took note of all that was brought up and would consider them for the next discussion on the topic. With nothing further to discuss, **The Chairman** called for a motion.

Commissioner Howe Made a motion to table motion was seconded from **Commissioner Smith**. The vote was (6 – 1) to table.

ITEM #10 – APPROVAL OF MINUTES FROM THE COMMISSION HEARING OF 10/19/17

Possible approval of 10/19/17 Minutes. **Commissioner Murph** made a motion to approve the minutes. **Commissioner Howe** seconded the motion. Motion unanimously passed.

With there being no further business to come before the Planning and Zoning Commission, the meeting was adjourned at 9:21 PM.

Approved this _____ day of _____, _____

Chairman, Navajo County
Planning & Zoning Commission

ATTEST:

Secretary, Navajo County
Planning & Zoning Department