

MINUTES

P & Z COMMISSION HEARING

3/17/2022

ATTENDANCE

P & Z Commissioners

ATTENDED

1. Chuck Howe
2. Ruth Ann Smith
3. Wendell DeCross
4. Randy Murph
5. Logan Rogers
6. Sadie Lister

STAFF ATTENDANCE

1. John Osgood
2. Berrin Nejad
3. Cody Cooper
4. Bill Bess (Via Zoom)
5. Will Flake (Via Zoom)
6. Kristyn Saunders

ABSENT

1. Nick McVicker
2. George John (Term Lapsed)

Meeting held at the Navajo County Board of Supervisors Chambers, Holbrook, Arizona and through Zoom.us – Time: 6:00 to 7:44.

Chairman Howe called the meeting of the Navajo County Planning & Zoning Commission to order and explained the meeting procedures to the public. **Chairman. Howe** then led the Pledge of Allegiance.

ITEM #1 – PLEDGE OF ALLEGIANCE

ITEM #2 – REVIEW OF AGENDA BY COMMISSIONERS

Chairman Howe called for a motion. **Commissioner DeCross** made a motion to approve the agenda. **Vice-Chair Smith** seconded the motion. Motion carried, 5 - 0.

ITEM #3 – SELECTION / ELECTION OF CHAIR AND VICE-CHAIR

Chairman Howe called for nominations for Chair, **Vice-Chair** Smith nominated **Chairman Howe** for Chair, **Commissioner DeCross** motioned to close nominations, Commissioner Murph seconded the nomination for **Chairman Howe** for Chair.

Chairman Howe accepted the nomination. Motion carried, 5-0.

Chairman Howe called for a nomination for Vice-Chair. **Chairman Howe** then nominated **Vice-Chair** Ruth Ann Smith. **Commissioner DeCross** made a motion to close nominations. **Commissioner Murph** seconded the nomination for **Vice-Chair Smith** for Vice-Chair.

Vice Chair Smith accepted the nomination. Motion carried, 5 - 0.

ITEM #4 – CALL TO PUBLIC FOR ITEMS NOT ON THE AGENDA

None.

ITEM #5 – CONSIDERATION OF APPROVAL OF MINUTES FROM THE COMMISSION HEARING ON JANUARY 20th 2022

Public Works Director, John Osgood, spoke to Chairman Howe's concerns about past meetings. Director Osgood clarified the quorum findings from counsel and then spoke to the Commission about how to move forward with the issue. He further noted that the majority of the items had been forwarded to the Board of Supervisors and those items do not have any "quorum related" issues. Staff will check the quorum for items. If there were not 6 members of the Commission present, then Staff will bring those items before the Commission as a consent item to resolve the quorum issue.

Vice-Chair Smith asked about the validity of the January meeting. Director Osgood confirmed that everything was okay to move forward, except for the Tentative Plat that was considered.

Chairman Howe called for a motion. **Vice-Chair Smith** made a motion to approve the minutes. **Commissioner Murph** seconded the motion. Motion carried, 5 – 0

ITEM #6 – SUP 21-012 PINE ROSE MANUFACTURED HOME AND RV PARK, DISTRICT IV:

~~A request for a Special Use Permit to build a 17-space manufactured home and RV park, including 14 manufactured home spaces and 3 RV spaces as well as a fourplex. The property is 2.83 acres in size, located to the east of Porter Mountain Road, between Amanda Drive and Peterson Road, in the Lakeside area. APN# 212-26-082N, T09N, R22E, S24 of the GSRM. Owner: Juan Rosales. Agent: Juan Rosales. Applicant Withdrew Item.~~

ITEM #7 SUP 22-003 OVERGAARD RV STORAGE, DISTRICT IV: ~~A request for a Special Use Permit to construct an RV storage facility with 140 spaces. The property is 3.56 acres in size, located south of Highway 277 and west of Mogollon Drive in Overgaard. APN# 206-34-021, T12N, R17E, S20. Owner: Tim Phelps, Whispering Pines, LLC. (Item rescheduled Tabled for April meeting)~~

(Commissioner DeCross pointed out incorrect wording and this has been reflected.)

Chairman Howe called for a motion. **Commissioner DeCross** made a motion to Table to the April 21st meeting. **Vice-Chair Smith** seconded the motion. Motion carried, 5 – 0

ITEM #8 – TE 22-002 TIME EXTENTION FOR HIGH PINES: DISTRICT IV: A 24-month time extension request to a previously approved Tentative Plat on January 21, 2021 for up to 100- lot residential subdivision, with a SD-Special Development zoning on two parcels, totaling 93.60 acres. **APN#** 208-03-002A and 002B, T11N, R18E, S03 of the Gila and Salt River Meridian in the Aripine area. **Owner:** Travis Barney. **Agent:** Painted Sky Engineering & Survey, LLC.

Community Development Director, Berrin Nejad, presented the item, stating that this Tentative Plat had been brought before the Commission in 2021. Director Nejad brought the attention of the Commission to the stipulation on the approval that put a time limit on the project for submission of the Final Plat. However, the project had some issues, due to the pandemic that caused significant delays.

Commissioner DeCross asked when the project began. **Vice-Chair Smith** responded that the project had first been brought to the Commission in 2007, and that since then it had been seen by the Commission 5 times. Planner II, Cody Cooper, stated that the 2007 project was considered a separate submittal that had expired. The project brought forth in 2020 was to be treated as a new submittal.

The applicant's representative, Doug Brimhall, spoke to the Commission about the project's history. The original developer had made it to the Final Plat stage but decided to shelve the project for reasons unknown, despite being close to completing the needed studies. Since then, standards have changed and updating the old plans were time intensive. Mr. Brimhall also wished to note that they were still working with ADOT and obtaining an easement from the Forest Service. If they were unable to obtain an easement from the Forest Service, they would do research into building a retaining wall to be able to stay within ADOT's Right-of-Way. Mr. Brimhall added that they had some discussion with the property owners to the North, and that they would grant an easement to allow them to cross their private property to the Forest Service Road. This would lengthen the road, and they would need to reassess the crossing location for the wash, and that they were looking into hiring a consultant to help with designing the crossing. This has not had any negative reaction from the Fire Department, and they were working to see how the new location would work with all parties involved. Mr. Brimhall then noted that their efforts were focusing toward working on the Final Plat, noting that there would be two phases to the development, with 50 lots in each phase. They had ongoing discussions with ADEQ about their septic requirements for the density, they were looking into drilling a new well and water systems, and that these efforts to design this was taking more time.

Chairman Howe asked Mr. Brimhall about his discussions with ADOT, if there was any sort of indication that the Forest Service easement would be granted to them. Mr. Brimhall tried to respond, but some of the audio cut out. When the audio came back, he said that he was working with them closely and was working his way up the chain to get the approval needed.

The Chairman then expressed concern about the timing of obtaining the easement, and ADOT's maintenance inclusion. Mr. Brimhall said that he was also concerned with the timing of obtaining the easement, and that if they failed to

obtain the easement from the Forest Service, they would instead construct a retaining wall to keep access within ADOT's Right-of-Way.

Chairman Howe asked how long he expected this to take, if they would ask for more extensions in the future, if they had a completion date, and what their timeline was. Mr. Brimhall said that the 24-month extension should be sufficient to complete the needed research.

Commissioner Murph asked Staff about the allowed number of extensions, to which Planner II Cooper noted that this project was considered new, and that the previous project had died. He was unsure if there was a limit to the number of extensions for any project in Navajo County's Ordinance, but that the typical policy was up to two extensions; Mr. Brimhall interjected that the developer had everything ready to go in 2007 but had decided to shelve the project.

Vice-Chair Smith said that while she understands that Mr. Brimhall was not involved with the project in 2007, the issues with the project from 2007 still applied to the project today. The Commission had never received confirmation from ADOT, and never received easement agreements from neighboring properties and said that she had concerns toward the two-year extensions.

Vice-Chair Smith felt that the 24 months was too long and wished to change this to 12 months. She stated that she would like to see if they were able to address these problems or not within that time period.

Mr. Brimhall stated that from an engineering standpoint that the ADOT improvement drawings and water plans were completed from the previous project and were close to being finished at the time the developer shelved the project. He further said that he knew there was a lot to update for this and that the time frames were longer because the work was more intensive.

The Chairman called to the public for those in favor, and those opposed. Hearing none, he asked for final discussion.

Vice-Chair Smith asked if they could introduce the 12 months as an amendment or if they had to resubmit and do another meeting. Planner Cooper said it was a recommended condition of a 24-month time extension, so they could change it if they wished.

Chairman Howe called for a motion. **Vice-Chair Smith** made a motion to recommend an approval of a 12-month time extension instead of a 24-month time extension to the Board of Supervisors. **Commissioner Murph** seconded the motion. **Commissioner DeCross** wished to discuss a bit more, noting concerns over the 12 years of basically no progress to this subdivision. Motion carried, 4 – 1 (**Commissioner Decross**)

ITEM #9 – SUP 22-001 WEST CAMP WIND FARM – MET TOWER #1, SPECIAL USE PERMIT, DISTRICT III: A request for a Special Use Permit to allow for the construction and operation of a 60 meter (approx. 197')

meteorological tower located on **APN#** 111-08-001E, T16N, R18E, S25 of the GSRM. **Owner:** Aztec Land and Cattle Company Ltd. **Agent:** West Camp Wind Farm, LLC.

Planner Cooper presented the item to the Commission, identifying the area, access route, and said that the applicants requested a five-year Special Use Permit (SUP) term, and that the property owners requested an indefinite time period, noting that the BOS had approved indefinite time periods to previous projects of this nature. He showed the Commission an existing tower to show them what it looked like, noting that they also recommended that the tower be removed after six months of cessation of the meteorological (met) tower's function.

The applicant representative, Terrance Unrein, spoke to the Commission. This request was for two additional towers within their ongoing met tower project south of Joseph City in Navajo County.

Chairman Howe asked if Mr. Unrein would explain more about the use of the met tower, and why there was a need for more than one tower within a 20-mile range. Mr. Unrein explained that the more data they had, the more efficient their potential projects could be, to be more competitive for energy cost and production.

Commissioner DeCross asked how tall the eventual wind towers would be. Planner Cooper said the applicant would be more knowledgeable for this question but stated that they could be upwards of 600 feet tall.

Commissioner DeCross then spoke to his concerns about these met tower projects, stating that it had been brought to his attention that met towers were left standing even after the wind farm had been put into place, despite them claiming to remove them once the wind farm had been established. He questioned why they would leave a met tower in place if the wind turbines were taller and the equipment inside of the met towers seemed small enough to just attach to the turbines directly, citing his frustration for the met towers as they cluttered the landscape.

Mr. Unrein responded to the Commissioner's question. Mr. Unrein stated that the monitoring towers had a 30-year lifespan that would remain during the life of the wind farm. It was further explained that research based met towers are not left up after the wind farm is established. At this point, larger, more capable monitoring met towers were put into place, to ensure the efficiency of the wind turbines for peak performance. He also noted the turbines could be about 650 feet, to speak to the Commissioner's previous question.

The property owner's representative, Clare Brophy, said that Aztec Land was asking for a SUP without an expiration date. Ms. Brophy noted that even though the current applicant was confident, if this applicant decided to leave their project, Aztec Land would like to rent out the tower to another potential developer. This would help to keep costs down and research ongoing.

Chairman Howe asked what duration of idle time would be acceptable from the standpoint of the operator, stating that they did not want them to sit around and be inoperable for too long, and asked what they thought would be an acceptable term limit.

Ms. Brophy provided a couple examples: Two of their reused towers had been idle for six months while paperwork had been gone over, and others had been left idle for four years, admitting that they had been forgotten about before being renewed with a new company. She stated that they had vastly improved their monitoring with GPS tracking and stated that, as landowners, Aztec Land did not want to get stuck with junk on their land. If Aztec Land felt that there were no new projects coming in to rent the towers, they would remove them. She asked for faith in the landowners to ensure their timely removal once there was no longer any use for them.

Commissioner DeCross asked what happens when the lease expires. Ms. Brophy said that the lessee would be given a choice to either go get their tower or leave it with them and pay. Often, the lessee would leave the tower with Aztec Land.

Planner Cooper then said that there was a removal clause in the SUP if there was a lapse of use for a six-month period.

Chairman Howe said that there was a burden on the landowner to remove, or if it was the current agent that would be responsible for removal. Planner Cooper responded that the current agent would be responsible for removal, based on the SUP, but that terms could be worked out through the lease for the removal.

Commissioner DeCross voiced his concerns over the lifespan of the met towers. **Commissioner DeCross** noted that the turbines typically had a 15-20-year lifespan and that at that time they would either be replaced or removed. Further, he would not be in favor of approval for this project until he had a hard deadline for when that tower would be removed, as it seemed that these met towers could be left up forever, whether there was a wind farm or not.

Commissioner Murph noted that the met tower from the example photo had been in its location for years, and that they do get abandoned.

Commissioner DeCross further voiced his displeasure against how unfair these permanent towers would be to the people of Navajo County. Ms. Brophy clarified that when the lease ended, the lessee was required to remove everything: wind towers, met towers, etc.

Chairman Howe asked about AES requesting five years instead of an indefinite term, as the landowner had requested. Planner Cooper stated that, yes, the

applicant had requested a five-year term and noted that legal had some advice for conditions that would carry a term for operation, if they would like to review.

Commissioner Murph asked about the meaning of indefinite terminology. Planner Cooper explained that they were indefinite until the towers were out of use for six months.

Chairman Howe called for a motion. **Commissioner Rogers** made a motion to recommend approval of the Special Use Permit with the addition of the condition that the rights granted herein shall expire either sixty months (5 years) from the erection and Certificate of Occupancy of this tower or 72 months (six years) from the date of the Board of Supervisors approval, whichever comes first, unless an extension is granted by the Board of Supervisors. Application for an extension shall be made no later than ninety days before the date of expiration. If timely application is made, the expiration shall be tolled until a final decision by the Board of Supervisors, to the Board of Supervisors. **Commissioner DeCross** seconded the motion. Motion carried, 5 – 0

ITEM #10 – SUP 22-002 WEST CAMP WIND FARM – MET TOWER #2, SPECIAL USE PERMIT, DISTRICT III: A request for a Special Use Permit to allow for the construction and operation of a 60 meter (approx. 197') meteorological tower located on **APN#** 111-04-001A, T15N, R18E, S23 of the GSRM. **Owner:** Aztec Land and Cattle Company Ltd. **Agent:** West Camp Wind Farm, LLC.

Planner Cooper presented the differences of this project to the Commission, that it was just four miles from the previous item, going over the presentation again.

The applicants did not have any additional information to add.

Chairman Howe called for a motion. **Commissioner DeCross** made a motion to recommend approval with the added condition for the time period, as stated for Item #9, to the Board of Supervisors. **Commissioner Murph** seconded the motion. Motion carried, 5 – 0

ITEM #11 – REPORT FROM STAFF TO THE COMMISSION:

Introduction of Consultant for the Comprehensive Plan.

Commissioners may use this time to offer additional comments regarding any item on this agenda or any other topic; and the Commission may direct Development Services Department staff to study or provide additional information on topics of the Commissions' choosing.

With there being no further business to come before the Planning and Zoning Commission, a motion was made to adjourn the meeting by **Commissioner DeCross**. **Commissioner Rogers** seconded the motion. Motion carried 5 - 0.

The meeting was adjourned at 7:44 p.m.

Approved this _____ day of _____, _____

Chairman, Navajo County
Planning & Zoning Commission

ATTEST:

Planning Assistant, Navajo County
Planning & Zoning Department

DRAFT