

MINUTES

P & Z COMMISSION HEARING

10/17/2019

ATTENDANCE

P & Z Commissioners

ATTENDED

1. Chuck Teetsel
2. Wendell DeCross
3. Charles Howe
4. Nick McVicker
5. Rodger Rhoades
6. Randy Murph

ABSENT

1. Ruth Ann Smith

STAFF ATTENDANCE

1. Sandra Phillips
2. Cody Cooper
3. John Osgood
4. Bill Bess
5. Brandt Clark (Telephonically)
6. Kristyn Saunders

Meeting held at the Navajo County Board of Supervisors Chambers, Holbrook, Arizona – Time: 6:12 to 9:37.

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

ITEM #1 – PLEDGE OF ALLEGIANCE.

ITEM #2 – REVIEW OF AGENDA BY COMMISSIONERS.

ITEM #3 – CALL TO PUBLIC FOR ITEMS NOT ON THE AGENDA.

~~**ITEM #3 – CASE # 19-81 SPECIAL USE PERMIT, DISTRICT III:** Discussion and possible action on a request by Deryl Cooley for a Special Use Permit to allow for a private, family cemetery on a portion of APN 403-81-002A, a portion of Township 14 North, Range 23 East, Section 31 of the Gila and Salt River Meridian in the Snowflake area. Withdrawn at applicant's request~~

It was at this time that Commissioner Randy Murph recused himself from the following two items as they were a conflict of interest to him.

ITEM #4 – CASE #19-78 FINAL PLAT EXTENSION, DISTRICT III: Discussion and possible action on a request by Pacific Holt Corporation for a Final Plat Extension for Mesa Hills Estates on APN 109-33-040E, 109-33-040F, & 109-01-005C, which are portions of Township 18 North, Range 20E, Section 33 and Township 17 North, Range 20 East, Section 4 of the Gila and Salt River Meridian in the Holbrook area.

Mr. Cooper introduced the item, directing the Commission to the map for the area of the final plat, showing the letter the applicant submitted requesting the extension and said that the plat was originally approved back in 2013, with a zone change approved in 2008 to allow the final plat process. The extension is required because infrastructure has not been started or completed in a timely manner and they still wish to develop the land at some point. The final completion of the subdivision's standards were presented, and the extension would keep the recommendations and stipulations that were approved in 2013 in place. Mr. Cooper noted that the applicant was not present.

Chairman Teetsel asked the Commission if they had questions for staff, and **Commissioner Rhoades** asked if it was the 4th extension. Mr. Cooper said that it was the 4th extension period, with previous extensions being approved.

Commissioner Rhoades asked why it was taking so long for the subdivision to be developed. Ms. Phillips replied that the applicant has been hoping there would be some growth in the area before they put any more work into the project, as the engineering plans they first submitted were substantial. When staff questioned this-the applicant requested one more extension.

Chairman Teetsel asked what the applicant was expecting to change in 24 months that would warrant approval for this extension. Sandra said the Applicant was watching growth, hoping things would turn around in the market.

Commissioner Rhoades asked about the two small parcels that were not a part of the plat owned by a different property owner, and how that affected the project. Staff responded that the extension was only going to be for phase one of the project, which affected sixteen lots and did not reach the area of the two separate parcels.

Chairman Teetsel asked what the downside to this was if it was denied, if they had to start all over and get new engineering studies to meet new standards. Ms. Phillips said that they would have to get new engineering studies and work to meet updated standards.

Commissioner Howe asked staff if the applicant indicated that there would be a hardship if they did not receive the extension. Ms. Phillips replied that staff had not asked such of them, and it was not indicated that there would be a hardship from the applicant.

The Chairman addressed the audience, asking if any wished to speak in favor, and finding none, asked if the audience wanted to address the board in opposition.

Vera Wigen approached to speak and stated that this subdivision has been talked about for 12 years, and with two major businesses leaving the area very soon, growth is unlikely, and both Joseph City and Holbrook had plenty of room for new inhabitants.

Commissioner Howe asked if the taxes would change with the development of the subdivision. Ms. Phillips said they'd likely increase; Commissioner Howe further asked if the final plat and roads have been approved, Sandra replied that they had, but that no ground had been broken. Commissioner Howe said that this might be an issue, for them to sit on land where they'd disturbed the ground and made it unstable from a half-hearted attempt to develop the area, leading to potential flooding issues and so forth.

Commissioner Rhoades asked if this was a "final" final plat extension, asked if they didn't do anything in 24 months, where would it go from there? Ms. Phillips said they'd either abandon the project or apply for another extension.

Chuck asked how staff felt about all this, Staff responded that they were neutral.

Chairman Teetsel called for a motion. **Commissioner DeCross** made a motion to recommend Denial to the Board. **Commissioner Rhoades** seconded the motion. Motion carried, 4-0.

ITEM #5 – CASE #19-79 FINAL PLAT EXTENSION, DISTRICT III: Discussion and possible action on a request by Pacific Holt Corporation for a Final Plat Extension for Perkins Valley Estates on APN 109-33-039, a portion of Township 18 North, Range 20 East, Section 33 of the Gila and Salt River Meridian in the Holbrook area.

Chairman Teetsel and **Commissioner Rhoades** asked if the arguments from the previous item were the same or similar for this project, as it was the same applicant. Mr. Cooper replied that it was indeed the same argument, including the reasons behind not developing the project in the past twelve years. Staff did show the commission the area and extent of the project as well as where they had posted.

The Chairman called to the public for comment for or against.

Ms. Vera stood back up to speak to the commission to say that the water table and flooding was an issue with this project. **Chairman Teetsel** said that was something they would have to work out with the building department.

Chairman Teetsel called for a motion. **Commissioner Howe** made a motion to recommend Denial to the Board. **Commissioner DeCross** seconded the motion. Motion carried 4 -0.

ITEM #6 – CASE #19-88 SPECIAL USE PERMIT, DISTRICT IV: Discussion and possible action on a request by Samara LLC for a Special Use Permit to allow for the construction and operation of a landscape supply store on APN: 208-14-002U, a portion of Township 11 North, Range 19 East, Section 15 of the Gila and Salt River Meridian in the Clay Springs area. Postponed at applicant's request.

ITEM #7 – CASE #19-82 SPECIAL USE PERMIT, DISTRICT III: Discussion and possible action on a request by Invenergy for a Special Use Permit to allow for the construction and operation of a 400 MW solar energy generation and storage facility on approximately 3,000 acres on a portion of APN 107-01-023, 107-05-031C, 107-05-031D, & 110-15-001D, which are portions of Township 18 North, Range 18 East, Section 36, Township 18 North,

Range 19 East, Sections 30, 31, & 32, & Township 17 North, Range 19 East, Section 5 of the Gila and Salt River Meridian in the Joseph City area.

Commissioner McVicker recused himself from this item as he felt this was a conflict of interest.

Mr. Cooper introduced the project to the commission and clarified that the project would have 300-megawatt nameplate capacity, plus a 100-megawatt battery storage facility. The panels would be about ten feet tall, they'd have collectors, substations and storage facilities on the site. He also noted that this was in the Aztec Area Plan and met the standards the Board of Supervisors laid out for this area.

Ms. Phillips added that they were going to add in corridors for where the new lines would connect to the grid, and Mr. Cooper said that they had an example for the type of facilities that they had in mind for Navajo County and showed the Commission what had been provided.

Staff had also included pictures to show the Commission the terrain; because of droughts there were some concerns about dust as there was no vegetation to hold it down, and the ground beneath said dust was incredibly hard. How the dust would be addressed as well as road access would be managed would be discussed further by the applicant.

The applicant held a public meeting in Joseph City on May 15th. They are working with staff and the fire department on a fire plan. Mr. Cooper then outlined the notification boundaries and said that the applicant had some concerns with the requirements Staff had drafted; the applicant was available to answer questions.

The Chairman then asked the Commission if they had questions for Staff,

Commissioner Rhoades commented on the effects toward wildlife, and asked about the five-year construction period, if that was more for initial construction or if there would be an expansion of the project. Staff confirmed that it was a possibility and they were keeping options open, and that the applicant was planning for a wildlife corridor.

The Chairman asked the applicant to come forward to speak.

Quentin Stuart spoke to the Commission, thanking staff for working closely with Invenergy. He introduced his company, Invenergy, based in Chicago and Denver.

The overview of the project indicated that they were hoping to have a generating capacity of up to 400-megawatts and that the applicant was working with the State and Aztec Land Company for lease of the land. He gave a very brief overview of how their facility would work, and how the battery stations would help create a median for day and night use.

They anticipated to generate around 200 construction jobs, and 3-4 permanent jobs to monitor the site. They were anticipating a revenue boost in taxes for the area and said that they would have a very minimal impact on the area, they would hardly need to clean the panels, and that no water would be needed on site. In terms of fire safety, they've been working with the fire chief Rusty DeSpain to create plans, as well as working with the landowner to ensure that if they needed to decommission the project that they would

be able to remove the facility in a timely manner. They have completed the studies for environmental needs and are motivated to be finished by 2021.

The commission discussed with staff and the applicant about the dust control and road maintenance on McLaws. Mr. Bess noted that they would be getting pictures via drone to compare before and after for records and maintenance purposes.

The Applicants also noted that:

- They had no plans to cover the ground, the shade from the panels typically kept vegetation from growing too large- however they would assess hiring local companies for groundskeeping.
- The posts for the panels would be driven and would not require concrete.
- The lifespan of the project is about 20-25 years.
- They could do a glare analysis for the nearby airport.
- There were emergency plans in place if tariffs made materials difficult to come by.
- The housing for the batteries would be a warehouse on concrete slab with air conditioning, and removal of the battery banks would be done at the end of the life of the plant.

Chairman Teetsel called for those who wished to speak in favor to the project,

Mr. Steve Brophy came up to speak to the commission in favor of the project, noting that as the land owner he had interests in keeping the applicant straight when it came to maintenance of the land, and highly approved of the low impact to the environment.

Mr. J.R. DeSpain to speak against the project, his company holds the current grazing lease from Aztec Land and Cattle Co. His first complaint was that size was an issue as his cattle company was losing grazing land for this project. His second issue was with the dust this project would generate, as well as the glare. He also noted that he was concerned about the use of pesticides to keep the weeds down, as this might affect the grazing land.

Cindy DeSpain also came up to speak that they had concerns as there is a lot of Aztec land that they hold grazing leases on, and they had asked for certain areas to remain untouched. Otherwise her concerns were the same as her brother's.

The Commission, staff and applicant then discussed various changes to the recommendations that staff had been unable to agree upon with the applicant beforehand and came to the conclusion after discussing it with counsel that they could recommend an approval to the Board of Supervisors with the condition that the finer details be worked out with staff and counsel prior to going before the Board.

Chairman called for a motion. Commissioner Howe made a motion to recommend Conditional Approval to the Board, with the exception that the items 3.d, 3.i, and 10 be finalized with Staff, Counsel, and the Applicant prior to going before the Board of Supervisors. Commissioner DeCross seconded the motion. Motion carried, 3-1. (Murph)

ITEM #8 – CASE #19-83 SPECIAL USE PERMIT, DISTRICT II: Discussion and possible action on a request by Chevelon Butte RE LLC for a Special Use Permit to allow for the construction and operation of a portion of a 477 MW maximum capacity wind generation facility on approximately 3,650 acres on a portion of APN: 110-01-004 and 110-01-005, a

portion of Township 15 North, Range 15 East, Sections 22, 26, 27, 34, 35, & 36 of the Gila and Salt River Meridian in the Chevelon Canyon area.

Mr. Cooper introduced the project to the commission and stated that this is a 477-megawatt nameplate capacity, joint jurisdiction project between Navajo and Coconino County, and then displayed the area of the project, most of which is in Coconino County. There are 164 wind turbines being proposed, however only 8 will be in Navajo County territory, he also pointed out the basic statistics for the turbines, such as the distance, access through the forest service 504 and Hutch roads. Main construction access would be off route 99. Mr. Cooper presented a letter from the landowner that was providing the lease, and the current holder of the grazing lease was O'Haco Land and Cattle Co., they were working with the State for easement access. Staff noted that the applicant had provided above and beyond State standards for their environmental studies and that they would all be in line with the requirements for such. Ms. Phillips pointed out the highlights of a sound study submitted by the applicant that indicated the area of effect, stating that the Wind Ordinance currently allows a decibel level of 45. Staff then provided the Commission with visualization simulations from the applicant to show the Commission the visual impact the turbines would have. The project is close to State Route 99, but not as close to existing residences. The views will be impacted and that's the only Comprehensive Plan policy this project would go against. The applicant had public meetings within both Coconino and Navajo County. One such meeting was held in Flagstaff on July 15th with the Hopi Tribe. Mr. Cooper stated the area of notification was greater than those required by State Statutes, with all neighbors within one mile notified, and that the meetings were put into the public notice in the paper. They also were working with the fire department with similar concerns as the previous project. Mr. Cooper noted that staff recommends approval of the project, subject to conditions.

Commissioner DeCross asked if Coconino County has heard this item yet. Mr. Cooper said no and that they hear it in December.

Commissioner Howe asked where the nearest home was, Ms. Phillips said it was 2.5 miles away from the nearest turbine.

Bill Bess, the County Engineer, addressed the Commission briefly and said that the 504-forest road has a part that is county-maintained, however, some of it was forest service only, and that some areas were two-track dirt roads, and that other roads were private. Mr. Bess also mentioned that the County maintains a portion of State Route 99 after ten miles outside of Winslow and will add that into our monitoring program as with the previous item.

Staff noted the applicant was available for questions, and **Chairman Teetsel** asked the applicant to speak.

Mr. Terrance Unrein, the applicant, introduced his company and showed the Commission some of their projects throughout the state. He described the distance of the project from Flagstaff and showed the Commission the impact of the complete project, he wanted to touch on the public outreach program, and said that they have put up a website and sent letters to 200 property owners in both Coconino and Navajo County and held public outreach meetings in Winslow and Flagstaff. They have done what they feel is an adequate job reaching out to the public and other entities. He said that they had Commission meetings with Coconino near the end of the month for a planning session,

but that the December date for the meeting was to accommodate for the Thanksgiving holiday. They have done deep research and studies in environmental impact. He has completed class three pedestrian cultural research studies on the State land and said that they have done so voluntarily to ensure protection for the archeological sites that they've identified. They also presented a map showing that the area they have chosen is the best possible wind corridor. He also wished to point out that this project was intended to keep the land as cattle grazing land. Mr. Unrein pointed out that these things are huge, standing at 754', They will be seen for miles, but they chose a highly rural area with the closest property owner in Coconino being eight miles away. They are trying to be open with this project and are excited to be in Navajo County, as they are interested in owning the project rather than building it and selling it off.

Mr. Unrein said he was ready with a team to address any questions or concerns, and the Commission discussed with them aspects of the project that would be worked out in the permitting process, as well as went over the few issues they had with Staff's Requirements, coming to the same conclusion to work out the details as with agenda item number 7 with staff and counsel.

The Chairman called for a motion.

Commissioner Howe made a motion to recommend Approval to the Board with the condition that items 5.i and 13 are to be revised as needed by staff, the applicant and counsel. **Commissioner Rhoades** seconded the motion. Motion carried, 3-2. (**Commissioners DeCross and Murph.**)

ITEM #9 – CASE #19-46 ZONING ORDINANCE AMENDMENT: Discussion and possible action on a request by Staff to amend the Navajo County Zoning Ordinance to include regulations on group home facilities within the General Provisions Article.

Ms. Phillips introduced the item to the Commission, and a brief discussion was had about the general aspects of the ordinance. Mr. Cooper had worked extensively to ensure that all State and Federal Housing and Urban Development requirements were met. Counsel has also reviewed the ordinance and found it satisfactory.

Chairman Teetsel called for comment from the public, and hearing none, called for a motion.

Commissioner Rhoades made a motion to recommend Approval to the Board. **Commissioner Murph** seconded the motion. Motion carried 5-0.

ITEM #10 – CASE #19-80 ZONING ORDINANCE AMENDMENT: Discussion and possible action on a request by Staff to amend the Navajo County Zoning Ordinance to include regulations and requirements for Solar Energy Power Plants within the Special Use Article.

Item was tabled at Staff's request.

The Chairman called for a motion. **Commissioner DeCross** made a motion to recommend tabling the item. **Commissioner McVicker** seconded the motion. Motion carried 5 - 0.

ITEM #11 – CONSIDERATION OF APPROVAL OF MINUTES FROM THE COMMISSION HEARING OF 8/15/2019.

Possible approval of 8/15/2019 Minutes. **Commissioner Howe** made a motion to approve the minutes. **Commissioner DeCross** seconded the motion. Motion passed 5 - 0.

ITEM #12 – 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. With there being no further business to come before the Planning and Zoning Commission, the meeting was adjourned at 9:37 PM. The motion to adjourn the meeting was made by **Commissioner DeCross**. **Commissioner Murph** seconded the motion. Motion carried unanimously.

Approved this _____ day of _____, _____

Chairman, Navajo County
Planning & Zoning Commission

ATTEST:

Secretary, Navajo County
Planning & Zoning Department