

**MINUTES OF THE REGULAR MEETING
OF THE TOWN OF PINETOP-LAKESIDE PLANNING AND ZONING
COMMISSION, HELD ON THURSDAY, AUGUST 22, 2019
AT TOWN OF PINETOP-LAKESIDE COUNCIL CHAMBERS
325 W. WHITE MOUNTAIN BOULEVARD, LAKESIDE, AZ 85929**

A. Call to Order

Chairman Staley called the meeting to order at 6:00 p.m.

Roll Call:

The following Members were present:

Adam Staley	Chairman
Richard Smith	Vice Chairman
John Salskov	Commission Member
Larry Agan	Commission Member
David Orris	Commission Member
Tim Williams	Commission Member
Alison Stewart	Commission Member

Also Present:

Cody Blake	Community Development Director
Jill Akins	Deputy Clerk
Jay Cook	Pinetop Water District

B. Call to the Public

Chairman Staley called for public comments. No comments were offered to the Commission.

C. Minutes

C.1 Minutes of the Regular Meeting of the Planning and Zoning Commission held on July 25, 2019.

Chairman Staley pointed out the following correction to be made to Page 2 of the July 25, 2019, meeting minutes; Staff Reports, first paragraph, beginning of second sentence change to “Commissioner Stewart’s”.

Commissioner Agan moved to approve the minutes, as corrected, of the regular meeting of the Planning and Zoning Commission held on July 25, 2019. Commissioner Stewart seconded the motion and by show of hands the following vote was recorded:

<u>AYES</u>	<u>ABSTAIN</u>	<u>NAYS</u>
Adam Staley		
Richard Smith		
	John Salskov	
Larry Agan		
David Orris		
Tim Williams		
Alison Stewart		

D. Staff Reports

Community Development Director Blake stated he is waiting to hear back from the Pederson Group on the Safeway remodel.

E. New Business

E.1 Information, Discussion and Legal Action regarding Town Code Section 17.116.040 selection of a Chairman and Vice Chairman for the Planning and Zoning Commission.

Chairman Staley announced that nominations would be accepted for the selection of a Chairman and Vice Chairman of the Planning and Zoning Commission.

Commissioner Stewart moved to nominate Adam Staley as Chairman of the Planning and Zoning Commission. Commissioner Williams seconded the motion and by show of hands the following vote was recorded:

<u>AYES</u>	<u>ABSTAIN</u>	<u>NAYS</u>
Richard Smith	Adam Staley	
John Salskov		
Larry Agan		
David Orris		
Tim Williams		
Alison Stewart		

Chairman Staley moved to nominate Richard Smith as Vice Chairman of the Planning and Zoning Commission. Commissioner Orris seconded the motion and by show of hands the following vote was recorded:

<u>AYES</u>	<u>ABSTAIN</u>	<u>NAYS</u>
Adam Staley		
John Salskov	Richard Smith	
Larry Agan		
David Orris		
Tim Williams		
Alison Stewart		

E.2 Information, Discussion and Legal Action and Public Hearing regarding Conditional Use Permit 128 (CUP-128) to erect a 30’ x 50’ canvas event pavilion for use from May to October for weddings. The applicant is: The Greenhouse on Woodland. The property is located at 868 S. Woodland Lake Road in the NE ¼ of Section 6, Township 8 North, Range 23 East, Navajo County, Arizona. APN-212-40-226 through 212-40-233. The current zoning is C-1 Light Commercial

Commissioner Stewart declared a conflict of interest and did not participate in the voting on this item. She is the owner of the property requesting the Conditional Use Permit.

Community Development Director Blake said this Conditional Use Permit (CUP) was approved three (3) years ago and was approved for only three (3) years

because of the proximity to a residential neighborhood. The approval of three (3) years was to see if there would be any complaints or concerns from the neighbors about the events being held on the property. He said it would be up to the Commission on the length of time to extend the CUP. Over the last three (3) years that Town has not received any complaints. Director Blake did receive an email on August 16, 2019 from Stan Fisher expressing his concerns. This email has been entered into the minutes:

“Received letter/notification from you/your office, yesterday (8/15/2019) dated 8/7/2019, regarding Conditional Use Permit, requested by The Greenhouse on Woodland, to allow erection of a canvas event pavilion. The notification states that I’ve received such as my property is within 300 feet of the subject property. I’ve spoken to a number of neighbors who are certainly within that boundary who claim to not received notice. Request that you provide me, via email, the Chapter 17.104 and Section 17.104.110, referenced in the notification.

Additionally, I’m curious if traffic, noise and parking issues have been addressed regarding this request. Events have been held at the Greenhouse for 2-3 years or more. If these issues (traffic, noise and parking) are allowed/addressed, pls advise of the permitting allowing such. In the past, we’ve experienced parking on the streets and even blocking my driveway. During these events much traffic utilizes Arlene (street), which is unpaved, creating a dust conditions, greater than normal. Noise is typically acceptable, however on occasion noise is excessive.”

Director Blake said he spoke to Mr. Fisher and said that Mr. Fisher was not terribly concerned and that he thought about coming to the meeting tonight, but he is not in attendance. He explained the Mr. Fisher did not want to have any controversy, and said that he was bothered a little bit, but not much. Mr. Fisher said that the noise was tolerable, but said sometimes the traffic on his dirt road created dust and his driveway was blocked one time.

Director Blake said he has heard from a neighbor that is in support of approving the CUP and said that the neighbor would rather have the weddings versus the actual nursery that had been located on the property, because there was less traffic and dirt with the weddings.

Director Blake said that staff is in support of approving the CUP and said that the recommendation is for a five (5) period for the CUP.

In response to Commissioner Orris, Director Blakes stated that the parking is adequate.

Chairman Staley called for Public Hearing to allow comments on this matter.

There being no comments, Chairman Staley declared the Public Hearing closed.

Commissioner Salskov moved to approve Conditional Use Permit 128 (CUP-128) for five (5) years to erect a 30' x 50' canvas event pavilion for use from May to October for weddings. The applicant is: The Greenhouse on Woodland. The property is located at 868 S. Woodland Lake Road in the NE ¼ of Section 6, Township 8 North, Range 23 East, Navajo County, Arizona. APN-212-40-226 through 212-40-233. Commissioner Agan seconded the motion and by show of hands the following vote was recorded:

<u>AYES</u>	<u>ABSTAIN</u>	<u>NAYS</u>
Adam Staley		
Richard Smith		
John Salskov		
Larry Agan		
David Orris		
Tim Williams		
	Alison Stewart	

E.3 Information, Discussion and Legal Action and Public Hearing regarding Conditional Use Permit 129 (CUP-129) to drill an 8 inch well approximately 800 to 1000 feet in depth on the property that will feed into existing public water service. The applicant is Pinetop Water C.F.D. The property is located off of Hill Drive in the SE ¼ of Section 32, Township 9 North, Range 23 East, Navajo County, Arizona. APN 311-35-018E. The current zoning is R1-4 Single Family Residential.

Director Blake said the property is zoned residential which allows for a public utility to be placed on the property with a Conditional Use Permit (CUP). He explained that Pinetop Water Company wants to put a well onto the referenced property. He said that several months ago he was approached by a resident that noticed work being done of the property, so he then approached Pinetop Water Company and they agreed to comply with the code. He recommended to Pinetop Water Company to hold some public meetings with the residents in the

neighborhood to review what the plan was and if they had any issues or concerns. Director Blake said that one of the residents was concerned that a shallow well, which is what Pinetop Water initially wanted to drill, would have an effect on the resident's well. Pinetop Water did hold meetings with the residents in the neighborhood. There are approximately thirteen residents within three hundred feet of the property. Director Blake said that Pinetop Water has agreed to drill the well to approximately eight hundred to one thousand feet to ease the concerns of some of the neighbors due to the effect that the well might have on their own wells. He said that Jay Cook is here from Pinetop Water Company and said he will let Mr. Cook explain the changes that had been made.

Mr. Jay Cook, Pinetop Water Company, said regarding the concerned neighbors, they are all shallow well uses and that was a big concern to them. He said with further cost analysis, Pinetop Water was able to afford a Coconino well, which allows for the depth of eight hundred to one thousand feet which will protect the residents from shallow water use. It will be cased off at the five-hundred-foot level and that water will not be used.

Chairman Staley stated that no water will be drawn from the top five-hundred-foot level because it draws deep into the Coconino aquifer.

In response to Chairman Staley, Mr. Cook stated that Pinetop Water has several other wells in the area and at the top of the Town, it is deeper and they might hit the Coconino aquifer at eight hundred feet or at eleven hundred feet.

Mr. Cook said the Town has grown, the population has tripled from what it was and the concern is when there is a breakdown of a well, we cannot keep up with demand. It seems like the breakdowns occur in the busiest and driest months, June, July or August, and when there is a breakdown, they need to have something to back it up. He said they plan to do another well in the next couple of years in another location.

In response to Commissioner Orris, Mr. Cook said that he believes that the concerns of the residents have been satisfied. He explained that the biggest concern was that Pinetop Water was going to tap into a shallow aquifer which would affect their wells.

Commissioner Orris said that the residents that he spoke to were concerned about the one hundred and fifty foot well.

Mr. Cook said that the original plan was to drill a well between one hundred and fifty feet to three hundred and fifty feet, which could possibly have affected their wells.

Commissioner Orris stated that he appreciated the fact that the neighbor's concerns were heard.

In response to Commissioner Stewart, Mr. Cook said during the drilling, there will be a drill rig that will run during the day, but not during night time hours.

In response to Commissioner Staley, Mr. Cook stated that if the drilling started next week it could last until February 2020. It is a deep depth, full of malapai and hard to drill too, which is why they originally wanted to have a shallow well. He said the cost difference is tremendous and he said a shallow well to drill is around \$35,000.00 and drilling to the Coconino aquifer will cost around \$300,000.00.

In response to Commissioner Orris, Mr. Cook said the water will be available for the residents in the neighborhood. He said he has done a little bit of cost estimating for the residents already, and said there would possibly be another meeting held in September or maybe October for the residents, and give them an idea of what it is going to cost if they wanted to hook up to the water.

In response to Commissioner Orris, Mr. Cook said, yes, it would be an option, not a demand, to get water through Pinetop Water Company.

Chairman Staley called for Public Hearing to allow comments on this matter.

Carmel Raney, PO Box 795, Pinetop, AZ offered the following comments:

“My husband David and I are one of the fifteen families in the area. Please do not allow Pinetop Water the Conditional Use Permit to the lot they purchased on Hill Drive. The lot is currently zoned as residential and Pinetop Water purchased it with the intention of drilling a well on it. There are many, many lots available throughout the Pinetop-Lakeside area that are much more suitable for that purpose, but not in the middle of an established neighborhood. The lot is intended for a single-family home, as are all of the other lots in the neighborhood, and it is not right to allow companies to make money and supersede the rights of the homeowners that have been in the area for upwards of fifty years. We know that sooner or later we are going to lose our ground water and this might help exasperate it and cause it to happen a whole lot faster and we do not have any

other access to any other water. Some of the neighbors have been here since the early 1950's when the area was first incorporated and the financial impact of losing their water and their home values will be insurmountable. Please let the current zoning remain in effect as was intended and Pinetop Water can find another lot that is suitable for a utility to be put in that would not affect the neighbors. I understand the need for water in the Pinetop area, but if you could put it in another place and not right in the middle of a neighborhood it would be a lot better for us. We do not have any other choice we have to use our wells and we do not have any other way to access it. From what I was told, the cost for us to be able to hook on in our neighborhood would be \$40,000.00."

In response to Chairman Staley, Mr. Cook said with some of the properties the power needed is not available by Navopche Electric and that is one of the biggest concerns. He said he found this property by following the power lines and saw that this particular property was for sale and that power could be run to this property.

Mr. Larry Hook, 1500 Hill Drive, Pinetop, AZ, offered the following comments:

"Our residence is within three hundred feet or less from the area where they will be drilling the well. And when we first about it we were not in favor of it because I looked at the documentation and because of it being a shallow well, in the aquifer that the residents are all in with their private wells, and so I did some research and used my 32 years of commercial construction knowledge and I spoke with Jay over the phone, this is the first time I've seen him in person, but we went over several things and I provided him with a lot of documentation along with a list of about 32 questions, which I never got answered, but I already knew the answers to the questions before I even asked them. I would have to say at this point, now that they have agreed to hit the Coconino aquifer, that is a huge aquifer, it runs clear to Flagstaff and over into New Mexico, the chances of depleting our wells is probably not going to happen in my lifetime or the lifetime of my neighbors. So, therefore, I am in agreement with this well as long as we can be guaranteed that they are going to hit the Coconino aquifer and I would like to see a copy of the drillers log when it is done. The other thing, and I know this is a little premature, but they already have pipe onsite and there are two trailers sitting on the property today that were not there two weeks ago and I would like to know when they plan on starting drilling. There is a lot of malapai in there and it is going to take a lot of time to drill this well. There are cases where drilling into a shallow aquifer depletes other wells, but now that they are drilling into the Coconino it should not be a problem, and if it is cased to five hundred feet, it should not bother my well or

anyone else. I am in support of the well at this point. But I would like to know why the equipment is already on the property.”

Mr. Cook said that the well being drilled in the White Mountain Summer Homes is almost finished and the contractor asked to store their equipment on the lot instead of hauling it all back to Linden. He said they could store the equipment on the lot until all of the permits are issued. They still have Arizona Drinking Water permits and ADEQ permits to get and the Conditional Use Permit from the Town. Hopefully, all of this will be done soon and they can commence on a plan for drilling the well.

Chairman Staley said that long term storage of equipment on a residential lot in a residential neighborhood, the Town will not allow storage of miscellaneous items for long term.

Mr. Cook explained that the only thing that would be on that property after the well is completed, is a four (4) foot by eight (8) foot box about four (4) feet tall that would cover the well. It would cover the meter and the well, and there would be a free-standing electric panel (about three (3) feet wide and about six (6) feet tall), that is all that would be left on the lot.

In response to Chairman Staley, Mr. Cook stated there would not be any fencing and that they lock the boxes. He said, in the future, if the people up the hill would like water, there would be a small building constructed for a booster system. This would cover a couple of booster pumps and another control panel.

In response to Commissioner Williams, Mr. Cook said that the drinking water (DWR) permit has been applied for by the well drilling company already. The permit could show up at any time now, and once that is received, then they would receive a permit from ADEQ which would take about one week.

In response to Vice Chairman Smith, Mr. Cook stated that it would allow Pinetop Water to have a Main closer to the residents at the top of the hill. He explained that the water would be stored in the existing tank located behind the Fire Department. He said that Pinetop Water has customers at the bottom of the hill in that neighborhood, but not at the top of the hill.

In response to Chairman Staley, Mr. Cook said that typically the cost to hook up to the main line for water is all on the customer. He said that a good guess, doing it in-house, to rent an excavator with a big hammer that would be able to dig that

ditch, Pinetop Water has their own backhoe, and in that kind of rock they can drill about one hundred foot a day, it would cost about \$13,000.00 a month for the rental and approximately \$300.00 dollars a day for fuel, pipe is \$2.57 a foot (for 4 inch pipe), cinders are a minimal cost; but overall it is a substantial cost. He said that Pinetop Water is willing to meet some of the cost if the residents want water up the hill.

Mr. John Bratsch, 3012 E. Sawmill Drive, Pinetop, offered the following comments:

“I appreciate meeting with Pinetop Water a month or so ago, but I still have a little bit of reservation about this, even though they have been very accommodating. My concern is that there is no guarantee, even with casing, all of the malapai and cracks, and not hit the shallow aquifers, and it could change the draw down of the shallow aquifers. So, there is no guarantee without a hydro-geological survey being done. They will go down to the Coconino aquifer and casing down to five hundred feet or so, but we do not know what will be hit in between, and there are instances that are documented internationally and nationally, that actually change the shallow water aquifer that supplies the entire hill, even though you are going to hit the lower one. I’m not totally opposed and I’m not totally for, and the concern is if we lose our wells, for whatever reason, and nobody can guarantee acts of God, I realize that, but as one of my neighbors dully noted, normally you would tap into a municipality water, but the option we would have, if any of us lose our wells, the solution could be quite expensive. I would suggest that, again, that this is a money maker for Pinetop Water and it is a potential property devaluation for the property owners and also water loss. The water has been an issue in the past and will be in the future. The Pinetop Water Company had talked about us tying in and I would like that to be part of not typing in later but the option is there that is something would happen during the drilling phase and if it draws down that there is already the main lines pulled up to all of the edges of the properties so that all of the property owners would have the option to tie in, even at a large expense. If this is a money maker for Pinetop Water and it is a guarantee of not loss, etc., then it would be a simple guarantee to tie in if there are any problems with going down to the aquifer and loss of wells. Because our resale value is totally dependent on that and our property values are totally dependent on that and there would be no loss on their end and the potential of us being their customers in the future.”

In response to Chairman Staley, Mr. Bratsch said the direct line of sight is close to nine hundred feet from the well site and that his well is at one hundred and thirty feet, which is below where they would start drilling.

Mr. Cook said the possibility of anything negative happening is very remote, because they will be drilling through and being able to be cased off and the casing is compressed against the drill walls and it seals off very tight, if not, they can pour concrete and drill through the concrete and basically it seals off all of the holes. As they are drilling, they pump air and mud into the hole with the drill bit, and the mud is circulated. They are able to tell if they hit a spot that is circulating water. They seal up the hole with either bentonite, cedar chips or sometimes concrete is poured down the hole to seal it up and they drill through the concrete. This is how the top five hundred feet would be sealed.

In response to Chairman Staley, Mr. Cook said Beeman drilling has drilled a lot of wells in the area and that they will know when they hit the Coconino due to the millings. The Coconino aquifer is a great, big sand pit and they pull up samples so that they can tell where they are.

In response to Commissioner Orris, Mr. Cook said with the drilling of a Coconino well, the chances are not feasible that anything would happen especially if they can show that it was sealed off properly. If the shallow wells are affected within thirty (30) days of drilling the well, then they would know that they had been affected, but if it is five (5) years down the road we would not know if this well affected their wells.

Commissioner Orris said that he wants to see you drill the well for the good of the Town, but it seems like we are exposing the local residents without any sort of support for them from your company if there is a problem.

Mr. Cook said that if there is a problem, we would address the problem as it happens and said that he does not know what problems could happen. He said he has never seen a well just dry up and be gone and said that it is extremely unlikely and a very slim chance that their wells will be affected. The drilling company does whatever they can to seal it up.

In response to Vice Chairman Smith, Mr. Cook said that Pinetop Water has been in business since 1955 and said he cannot recall there ever being any problems associated with drilling a well. He said he has been here for twenty-one years and said he has never seen it happen.

In response to Commissioner Stewart, Mr. Cook said that they have five (5) active wells; one at eleven hundred feet, one at nine hundred and sixty feet and the other wells are between two hundred to five hundred feet.

Ms. Linda Irvin, 1447 Hill Drive, Pinetop, offered the following comments:

“I’ve owned the property for 32 years; I am a six-month resident here and at another property for the other six months. So, if there is a problem within thirty days of drilling the well, that would be hard for me since I am not here. I wanted to come forwards to actually state or question, but first of all I greatly appreciate the two meetings that have happened with Jay and with Pinetop Water, and I appreciate the information, but we all are very concerned about two primary things: one is our water and second is our property values. All of us have put a lot of money into our wells so we can be independent as far as our water is concerned. I am puzzled that if it is very, very rare that there could be a problem, why wouldn’t we get some kind of a guarantee that if there should be a problem that water would be brought to us. We understand that once the water gets there we would have to tie into it and we would probably have to pay for it, but if there is such a slim chance then I do not understand why there couldn’t be something or another type of protection that we could have so that we could all feel better about it.”

David Rainey – 2955 Sawmill Drive, Pinetop offered the following comments:

“We’ve talked well depth and so forth, so I just wanted to inform you that our well depth is four hundred and eighty-two feet, so if you are capping at five then you are only eighteen feet below our well depth. We did lose our well fifteen years ago and it was a one hundred and thirty foot well, we ended up having to drill down after we lost our well to one hundred and eighty-two which has a draw down of four hundred and eighty-two which has a draw down of one hundred and eighty feet at a supply of fourteen gallons per minute. Our depth, and we are approximately a little more than three hundred feet, and if they are to cap it at five hundred feet, that is only eighteen feet below ours. If that were to be granted, I would also want to consider something for our protection.”

Mr. Cook said that they have looked into the cost of running pipe up to the residents and I am looking at that as we speak. If something does happen, they, Pinetop Water, are willing to help with the cost. He said it is not an issue to have the casing go deeper.

In response to Chairman Staley, Mr. Cook responded that where the water comes from depends on the aquifer and where it is located, but said that the last hundred feet will be perforated, so if the well is eight hundred feet it will be perforated at seven hundred feet, if it is one thousand feet then it will have perforated pipe at nine hundred feet.

In response to Commissioner Slaskov, Mr. Cook said it is an estimate that they will reach the Coconino aquifer at eight hundred to one thousand feet. He said they have a well on Stevens Drive which is at nine hundred and sixty feet, which is about the same elevation.

In response to Commissioner Stewart, Mr. Cook said that in the Stevens Drive area there are residents on Pinetop Water or their own wells.

In response to Commissioner Slaskov, Mr. Cook stated that they have one thousand three hundred and thirteen total connections, about forty-five hundred people, that this well will help to service.

In response to Commissioner Williams, Director Blake explained that utility companies do have the ability to condemn a property, if the need is great enough for them, and if they do this it would supersede our rules and regulations. It is something that is a tool given to the utility companies and it is not something that they want to do, because it would make them look bad, but it is a tool that utility companies can use in case they need it for the greater good.

In response to Chairman Staley, Mr. Cook said Beeman Drilling will have documentation confirming through Arizona Drinking Water Resources that they are drawing the water from the Coconino aquifer and said that this would be public information.

Chairman Staley says, in his opinion, if a shallow well owner is harmed by Pinetop Water's action, they would have cause to be reimbursed or damages paid for by and brought back to whole, so to speak, by Pinetop Water.

Director Blake said he received a call from Lyle Tremble, 1950 Hill Drive, and that he is in support of the well.

There being no further comments, Chairman Staley declared the Public Hearing closed.

Vice Chair Smith moved to approve Conditional Use Permit 129 (CUP-129) to drill an 8 inch well no less than 800 to 1000 feet in depth, with a seal depth of no less than 600 feet, with documentation that the well is in the Coconino aquifer on the property that will feed into existing public water service. The applicant is Pinetop Water C.F.D. The property is located off of Hill Drive in the SE ¼ of Section 32, Township 9 North, Range 23 East, Navajo County, Arizona. APN 311-35-018E. Commissioner Stewart seconded the motion and by show of hands the following vote was recorded:

AYES

ABSTAIN

NAYS

Adam Staley
Richard Smith
John Salskov
Larry Agan

David Orris

Tim Williams
Alison Stewart

G. Discussion Regarding Any Future Agenda Items.

Director Blake said that he has received an application for a zone change on forty acres of property located next to the Family Fun Park. He said that it is currently zoned Open Space, because it was Forest Service land prior to Commercial C-1 zoning. This zone change will be published in the paper on Tuesday, August 27, 2019, for a Planning and Zoning public hearing on September 12, 2019, followed by a Town Council public hearing on September 19, 2019. Director Blake said that this is an important meeting for September 12, 2019, and asked if any of the Commissioners would not be able to attend the meeting.

Commissioner Williams is not sure if he will be able to attend the meeting.

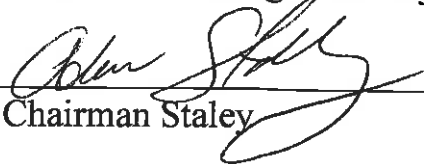
In response to Commissioner Orris, Director Blake stated that the owner of the property is Brett Cote and acting on his behalf is the developer, Park West. He said that this is highway frontage property and it makes sense for it to be commercially zoned. He said there would be more details when the agenda packet is emailed close to the date of the meeting. This will be a recommendation from the Commission on September 12th with recommendation to the Town Council on September 19th.

Director Blake said he received the site plan review for AutoZone and said that he and Chairman Staley reviewed it together. He said he will be proposing some changes and questions back to AutoZone.

It was the consensus of the Commission to cancel the September 26, 2019 meeting due to the beginning of the Fall Festival weekend and several Commissioners that will not be able to attend the meeting that evening.

H. Adjournment:

There being no further business at this time, the meeting was adjourned at approximately 7:30 p.m.


Chairman Staley