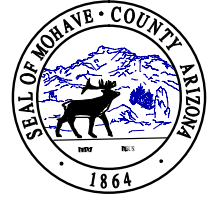


APPROVED



MOHAVE COUNTY PLANNING AND ZONING COMMISSION

August 12, 2009

REGULAR MEETING MINUTES

MEMBERS PRESENT

Earl Hamlyn, Chairman
Bill Abbott

Mehdi Azarmi
Kristal Gibson
Joseph Morabito

Carl Flusche, Vice Chairman
Ken White
Sue Donahue

MEMBERS ABSENT

Rick Sherwood

STAFF PRESENT

Christine Ballard
Nicholas Hont, P.E.
Rosevelt Arellano
Amber McGuire
Jodie Vance

John Montgomery
Kevin Davidson
Wendy Cunningham
Karl Taylor
Sylvia Shaffer

Jennifer Harper
HaliKae Hiser
Mimi Myers

Steve Latoski, Public Works
Maryann Roche, Environmental Health
Bob Taylor, Chief Civil Deputy County Attorney

GUESTS PRESENT

Vernon Fass
Kent Russell
David Franklin
Kathaleen Franklin
Mario Bran
Ellen Love
Gloria Harter
Leonard Moschcare
Loretta Pike
Jack Pike
Cheryl Hering
John Lutenske
Jill Lutenske
Ann L. McCarthy
Donald R. Garrett
Ronald G. Steyhan
Ken Van Der Sloot
B. Van Der Sloot

Don Vawter
Ken Ewig
Stephanie Ewig
Richard Veradt
Wanessa Pence
Dottie Russell
Brent Gilbert
Jim Kanelos
Tom Buck
Bob Nee
Roy Trendy
Harley Pettit
Don Lewiston
Nyla Lewiston
Ralph Constable
Bennie Greene
Carol Greene
John De Gennaro

Suzanne Adams
Dwayne Patterson
Kathy Tackett-Hicks
Rita Zumwalt
Robin Scater
Franc Bartha
Sharon Johns
Frank Wacaser
Bonnie Wacaser
Andrew Dexham
Tom Lagier
Priscilla Lagier
Lloyd Walsh
Dean Hering
Dan Hopping
Anne Hopping
Frank Johnson
Shirley Alvitra Johnson

Mohave County Planning & Zoning Commission
Meeting Minutes
August 12, 2009
Page 2 of 28

Vernon Wallace
Jim McCarthy
Patti Lewis
Don Leggett
Roger Leggett
Virginia Leggett
Nick Fix
Marie Veradt
Richard Veradt
Ken Van Der Sloot
Richard Schott
Roger Howard
Lola Franklin
William R. Solper
Pat Fix
Barbara Rezac
Judi Scaliatine
Kathleen Murray
Tom Clark
Joseph Buck
Justin Chambers
D. B. Mitchell
Clint Jackson
Anabel Rankin
Mike Rankin
Frank Wacaser
James P. Bryant
Bonnalyn L. Bryant
Gary Lott
Tim Walsh
Rhonda Johnson
Rick Johnson
Elizabeth J. Passehl
Charles Barclay
Jan Barrius
Dustin Lewis
Nelson Nichos
Arnold Passehl
Rich Ulrich
Steve Wagner
John Gall
Patrick Saimu
Kenneth Herskind
Richard Pemberton
Matt Capalby
Ben DiGaudio

Arsula Mirovaliev
Stoyan Mirovaliev
Nichole Jenks
Debra Martin
Sue Ulrich
Shirley Hartman
Wallie Hartman
Robin Gordon
Joe Balogh
Jytte Balogh
George Cook
Beverly Fox
Jim Fox
Doug Copley
Kris Stokes-Eads
Lori Chambers
John A. Corella
Susan Jordan
Patricia Constable
Mike Theriot
Cheryl Theriot
Lill De Gennaro
Michael Avitabile
Lon Mouser
Sharon Givans
Cindy King
Michael Wilson
Frank McCafferty
Dave Derverest
Sue Smith
Michael Randolph
Robin Mauser
Mike Marmon
Linda Pistorius
Billie Hiser
Clarice Davis
Laurie McAfee
Denise Bensusan
Elwyn Birdsell
Cyndy Schwartz
Kenneth Neal
Paul Hurd
Miyako Matsui
Maria Hargrove
Cherish Sammeli
Bill Delmar

Dawn Brannies
Nancy Atkesa
Mark Wade
Anita Jones
Kim R. Gaines
Carol J. Solper
Glenn A. Hoag
Richard Basinger
Richard Roback
John Scaliatine
Norman Stickler
Gerald Hurley
Diana Smith
Jim Smith
Bill Lacy
William C. Russell
Todd Tarson
Dan Veith
Susan Bayer
Robert Bayer
David Bohn
Dorothy Bartha
Roy Gillespie
Phill Brack
Debra Sixta
Arturo Alvarez
Joseph F. Sanfilippo Jr.
Marla Penn
L. Darryl Henson
Jana Selk
Monica J. Busch
Clinton Craven
Yvonne Reif
Patricia Bakke
Wayne Wissing
Vince Holton
Dorothy Curl
Stacey Pemberton
Bill Hargrove
Beverly Liles
Frank Lez
Meredith Truman
John Salem
Norma Birdsell
Tom Knight

Call to Order: Chairman Hamlyn called the meeting to order at 10:00 a.m.

Pledge of Allegiance

Announcements

Chairman Hamlyn announced that items 3A, 3B, 4, 7, 14, 15, 16, 19 and 20 had either been continued or withdrawn and would not be heard at the meeting. He also announced that the meeting would adjourn at 4:00 p.m.

Christine Ballard, the Planning and Zoning Divisional Manager, announced that items heard today with the exception of items 13A and 13B will be heard at the Tuesday, September 8, 2009, Board of Supervisors (BOS) meeting. Items 13A and 13B will be heard on Monday, October 5, 2009, BOS meeting.

Roll Call

Call to the Public

John Lutenske stated that he moved into a rural narrow valley approximately 20 years ago that was not zoned for light or heavy industry. He noted that the General Plan, policy 3.5, stated no wet-cooling. If Albiasa wanted dry-cooling for profit then they would find ways of doing so. The zoning laws and policies need to be upheld and not changed and the numbers of water usage was scary. He added that the Albiasa project used acre feet in reference to the water usage and noted that the project would use approximately over 24 million gallons of water per year.

Jill Lutenske stated that she had been a resident of Mohave County for the past 20 years. She noted that the Albiasa plant would not provide more jobs, would not create much revenue for Kingman, and the plant would use valuable resources including water and trees.

Approval of Minutes

Commissioner Flusche made the motion to approve the meeting minutes from July 8, 2009; Commissioner White seconded. Motion carried unanimously.

Chairman Hamlyn announced that staff has requested that items 1A and 1E be pulled from the consent agenda.

CONSENT AGENDA

- 1A. Evaluation of a request for an **EXTENSION OF TIME FOR A REZONE** of a portion of the SW 1/4 SW 1/4 of Section 24, Township 19 North, Range 22 West, from A-R (Agricultural-Residential/One Acre Minimum Lot Size) zone to C-2 (General Commercial) and C-MO (Commercial-Manufacturing/Open Lot Storage) zones, in the South Mohave Valley Area (northeast corner of El Rodeo Road and Mountain View Road), Mohave County, Arizona.

John Montgomery read staff's recommendation for approval. All conditions were standard. There were

two letters in objection received for this item. The property was rezoned in 2006 and had changed ownership since then.

No one spoke in favor of or in opposition to this item. The applicant was not present.

Commissioner Azarmi made the motion to approve per staff's recommendation; Commissioner Morabito seconded. Motion carried unanimously.

1B. Evaluation of a request for an **EXTENSION OF TIME FOR A REZONE** of a portion of the W 1/2 SW 1/4 of Section 35, Township 21 North, Range 17 West, from A (General) zone to C-2H (General Commercial Highway Frontage) zone, in the Kingman Area (south side of Old Highway 66, approximately 2.3 miles northeast of the Shinarump Drive Exit from I-40), Mohave County, Arizona.

Commissioner Abbott made the motion to approve per staff's recommendation; Commissioner Azarmi seconded. Motion carried unanimously.

1C. Evaluation of a request for an **EXTENSION OF TIME FOR A REZONE** of Parcel 29-5, MUSIC MOUNTAIN RANCHES, in Section 29, Township 24 North, Range 14 West, from A-R/36A (Agricultural-Residential/Thirty-six Acre Minimum Lots Size) zone to A-R/8A (Agricultural-Residential/Eight Acre Minimum Lot Size) zone in the Mohave County General Area (east of Antares Road between Huntington Avenue and State Highway 66), Mohave County, Arizona.

There was one letter in support received for this item.

Commissioner Abbott made the motion to approve per staff's recommendation; Commissioner Azarmi seconded. Motion carried unanimously.

1D. Evaluation of a request for an **EXTENSION OF TIME FOR A REZONE** of a 1.86-acre parcel as shown on Record of Survey, Book 21, Page 60, in the S 1/2 S 1/2 of Section 12, Township 17 North, Range 18 West, from A (General) zone to R-1/40M (Single-Family Residential/Forty Thousand Square Foot Minimum Lot Size) and C-2 (General Commercial) zones, in the Yucca portion of the Mohave County General Area (west of Interstate 40 in the townsite of Yucca), Mohave County, Arizona.

Commissioner Abbott made the motion to approve per staff's recommendation; Commissioner Azarmi seconded. Motion carried unanimously.

1E. Evaluation of a request for an **EXTENSION OF TIME FOR A REZONE** of Lot 17, LAKE MOHAVE RANCHOS, Unit 3, in Section 1, Township 25 North, Range 19 West, from A-R (Agricultural-Residential/One Acre Minimum Lot Size) zone to C-2 (General Commercial) zone in the Dolan Springs portion of the Mohave County General Area (southeast of Pierce Ferry Road between Eleventh Street and Penny Street), Mohave County, Arizona.

John Montgomery read staff's recommendation for denial. He noted that the applicant's representative had contacted him and was informed that the applicant experienced some health issues and that was why

the conditions were not met.

Gloria Harter, the applicant, requested an extension. She stated that there were some circumstances that prevented her from completing her conditions. She explained that her daughter was involved in a serious car accident and she was taking care of her. She then had a heart attack in May and had been in rehabilitation since. She would like to move forward with the project if possible.

Wanessa Pence stated that she has been working with the applicant during this process. They were very close in submitting the site plan and requested an extension of time.

Chairman Hamlyn asked how long of an extension of time was needed. Ms. Harter responded one year. Ms. Pence explained that the site plan should be submitted within the next three months but to get everything rolling and approved a year was requested.

Commissioner White made the motion to approve for a one-year extension; Commissioner Abbott seconded. Motion carried unanimously.

1F. Evaluation of a request for an **EXTENSION OF TIME FOR A ZONING USE PERMIT** on a portion of Lot 74, GATEWAY ACRES, Tract 10, lying westerly of US Highway 93, in Section 19, Township 25 North, Range 19 West, for two twenty-thousand (20,000) gallon above-ground fuel storage tanks in an A (General) zone, in the Dolan Springs portion of the Mohave County General Area (west of US Highway 93 north of Pierce Ferry Road), Mohave County, Arizona.

Commissioner Abbott made the motion to approve per staff's recommendation; Commissioner Azarmi seconded. Motion carried unanimously.

REGULAR AGENDA

ARIZONA STRIP AREA

2A. Evaluation of a request for a **MINOR AMENDMENT TO THE MOHAVE COUNTY GENERAL PLAN** for a portion of the SE 1/4 of Section 22, Township 41 North, Range 6 West, from RDA (Rural Development Area) land use designation to SDA (Suburban Development Area) land use designation, and amending Exhibits VI.4 and VI.5 of the General Plan to match, in the Arizona Strip Area (north of Liberty Lane between U.S. Highway 389 and Yellowstone Road), Mohave County, Arizona.

John Montgomery read staff's recommendation for approval. All conditions were standard. There was one letter in objection received for this item. This proposal would bring the property into compliance once the rest of the process was completed.

Darryl Henson, the applicant, stated that he was only doing this because the County requested that it be done in order to bring the property into compliance.

Chairman Hamlyn asked staff how long the property had been this way. Ms. Ballard responded that the Department initially received a complaint on this property in 2003. The Department had worked with the property owner until 2007 and at that point the case was filed in the criminal court and justice courts. A judgment was rendered and the proposal was based on that judgment. Chairman Hamlyn asked staff would the approval of the items bring the property into compliance. Ms. Ballard responded that item 2B was a Zoning Use Permit (ZUP) that would allow the mobile home park in the present location. After the approval of the ZUP, the applicant would need to follow through with a mobile home park plan, which would be the one outstanding item for compliance.

Chairman Hamlyn asked Mr. Henson if he understood what Ms. Ballard just said. Mr. Henson responded yes and that he had the plot plan with him. He added that he just needed the engineer to look at it to see if there were any last minute changes.

Commissioner Azarmi made the motion to approve per staff's recommendation; Commissioner Gibson seconded. Motion carried unanimously.

2B. Evaluation of a request for a **ZONING USE PERMIT** on a portion of the SE 1/4 of Section 22, Township 41 North, Range 6 West, for a manufactured home park in an A-R (Agricultural-Residential/One Acre Minimum Lot Size) zone, in the Arizona Strip Area (north of Liberty Lane between U.S. Highway 389 and Yellowstone Road), Mohave County, Arizona.

John Montgomery read staff's recommendation for approval. All conditions were standard.

No one spoke in favor of or in opposition to this item. The applicant was present.

Commissioner Azarmi made the motion to approve per staff's recommendation; Commissioner Gibson seconded. Motion carried unanimously.

3A. Evaluation of a request for a **MINOR AMENDMENT TO THE VIRGIN RIVER COMMUNITIES AREA PLAN** and a **MINOR AMENDMENT TO THE MOHAVE COUNTY GENERAL PLAN** on the SW 1/4 SW 1/4 of Parcel 8, FRANHI CHAPARRAL ESTATES, in Section 11, Township 39 North, Range 16 West, from a UDA, LDR (Urban Development Area, Low Density Residential) land use designation to a UDA, LI (Urban Development Area, Light Industrial) land use designation, and amending Exhibits VI.4 and VI.5 of the General Plan to match, in the Arizona Strip Area (west of Scenic Boulevard between Toni Drive and Shirley Drive), Mohave County, Arizona. **(CONTINUED BY STAFF)**

3B. Evaluation of a request for a **ZONING USE PERMIT** on the SW 1/4 SW 1/4 of Parcel 8, FRANHI CHAPARRAL ESTATES, in Section 11, Township 39 North, Range 16 West, for a wastewater treatment plant, in an A-R/10A (Agricultural-Residential/Ten Acre Minimum Lot Size) zone, in the Arizona Strip Area (west of Scenic Boulevard between Toni Drive and Shirley Drive), Mohave County, Arizona. **(CONTINUED BY STAFF)**

4. Evaluation of a request for a **ZONING USE PERMIT** on a portion of the NE 1/4 NE 1/4 NE 1/4 of Section 22, Township 39 North, Range 16 West, for a secondary residence in an A-R (Agricultural-Residential/One Acre Minimum Lot Size) zone, in the Arizona Strip Area (approximately one-quarter mile west of Scenic Boulevard on the south side of Elbow Canyon Road), Mohave County, Arizona. **(CONTINUED BY STAFF)**

LAKE HAVASU CITY AREA

- 5A. Evaluation of a request for an **ABANDONMENT** of the 60 and 30-foot granted easements along all interior lot lines and within said parcels previously dedicated for ingress, egress, and utilities for Parcels 1 through 12, HAVASU RANCHES, in the N 1/2 and SE 1/4 of Section 9, as recorded by Record of Survey Book 20, Page 9-9A, August 27, 2000, in Township 15 North, Range 19 West, in the Lake Havasu City Area (east of State Highway 95 and south of Heights Boulevard), Mohave County, Arizona.

HaliKae Hiser read staff's recommendation for approval with the condition that the abandonment would not become effective until recordation of the Final Plat.

No one spoke in favor of or in opposition to this item. The applicant was present.

Commissioner Azarmi asked Steve Latoski, the Public Works Department Director, the reason for the easements. Mr. Latoski responded that he did not have the historical information relating to the easements. He noted that none of the easements were currently on the Mohave County road maintenance system.

Commissioner Donahue made the motion to approve per staff's recommendation; Commissioner Azarmi seconded. Motion carried unanimously.

- 5B. Evaluation of a request for a **REVERSION TO ACREAGE** of the N 1/2 and SE 1/4 of Section 9, in Township 15 North, Range 19 West, in the Lake Havasu City Area (east of State Highway 95 and south of Heights Boulevard), Mohave County, Arizona.

Rosevelt Arellano read staff's recommendation for approval. All conditions were standard.

No one spoke in favor of or in opposition to this item. The applicant was present.

Commissioner Donahue made the motion to approve per staff's recommendation; Commissioner Gibson seconded. Motion carried unanimously.

- 5C. Evaluation of a request for a **REZONE** of the N 1/2 and SE 1/4 of Section 9, to be subdivided and known as OUTBACK RANCHES, Tract 3706, in Township 15 North, Range 19 West, from A-R/36A (Agricultural-Residential/Thirty-six Acre Minimum Lot Size) zone to A-R/5A (Agricultural-Residential/Five Acre Minimum Lot Size) zone, in the Lake Havasu City Area (east of State Highway 95 and south of Heights Boulevard), Mohave County, Arizona.

Rosevelt Arellano read staff's recommendation for approval. All conditions were standard.

No one spoke in favor of or in opposition to this item. The applicant was present.

Commissioner Azarmi stated that he was concerned that the money the County would spend on maintaining the roads would outweigh the amount of money collected for the subdivision. He asked staff to shed some light on this. Mr. Latoski stated that the Public Works Department was in the process of conducting a review of the improvement plans for this subdivision which would be required to be designed to Mohave County standards in advance of the County accepting the unpaved roadways for maintenance. Once accepted the roadways would be maintained by the use of Highway User Revenue Funds (HURF). Commissioner Azarmi asked Mr. Latoski if the County would require a provision for the developer to come in and provide some culverts and concrete roadways to ensure that the County was not held responsible for the next 20 years. He recommended a stipulation be added that up to a certain point it would be the developer's responsibility to maintain the roadways after 20 to 30 percent of the end users were in place, then the County would then take over.

Chairman Hamlyn asked staff if the lots were going to vary in size or be similar in size. Mr. Arellano responded that the net would be 5 acres.

Commissioner Flusche asked Mr. Latoski about the type of easements that were being granted on the exterior section lines. Mr. Latoski responded that he did not have the specific plan information but the subdivision would be required to provide for an ingress/egress route from the nearest maintained County roadway to the subdivision. Commissioner Flusche explained that the reason why he brought the question up was because the land butted up against Bureau of Land Management (BLM) land.

Commissioner Donahue made the motion to approve per staff's recommendation; Commissioner Gibson seconded. Motion carried 7 – 1; Commissioner Azarmi voted against the motion.

5D. Evaluation of a request for a **SUBDIVISION PRELIMINARY PLAN AND PETITION OF EXCEPTION** for OUTBACK RANCHES, Tract 3706, being a proposed subdivision located in the N 1/2 and SE 1/4 of Section 9, Township 15 North, Range 19 West, in the Lake Havasu City Area (east of State Highway 95 and south of Heights Boulevard), Mohave County, Arizona.

Sylvia Schaffer read staff's recommendation for approval. All conditions were standard.

No one spoke in favor of or in opposition to this item. The applicant was present.

Commissioner Gibson made the motion to approve per staff's recommendation; Commissioner Donahue seconded. Motion carried 6 – 2; Commissioners Azarmi and Hamlyn voted against the motion.

SOUTH MOHAVE VALLEY AREA

6. Evaluation of a request for a **ZONING USE PERMIT** on Parcel 2, as shown on Record of Survey Book 25, Page 30, in the NE 1/4 NE 1/4 of Section 15, Township 17 North, Range 22 West, for a wireless communication facility with a 180-foot tower in a C-2H (General Commercial Highway Frontage) zone, in the South Mohave Valley Area (south of Courtwright Road between State Highway 95 and Barrackman Road), Mohave County, Arizona.

John Montgomery read staff's recommendation for approval. All conditions were standard. There was one letter of support received for this item.

John Gall, the applicant's representative, stated that the company was out of St. Louis, Missouri and had done over 50 sites in the Southwest area. They had standing agreements with the major carriers to place multiple antennae on their tower. The goal of this proposal was to be able to mitigate the amount of towers and to provide full coverage through out the valley. The towers would be painted a desert sand to blend in and attempt some sort of camouflage.

Chairman Hamlyn asked Mr. Gall to explain how the towers would be camouflaged. Mr. Gall responded that the tower would be painted a desert sand color to blend in with the community and palm tree leaves would be placed by the antennas.

Brian Everman, the St. Charles Tower, Inc. representative, stated that this process was started two years ago with four sites to be approved. Based on staff's recommendation the requests were withdrawn. The company had spent a 9 month process with the Mohave Valley Native American Reservation to see if the towers could be placed on their property and their response was no. The towers were relocated to sites that the County found more appropriate. The towers were monopoles and the cabling was hidden within the pole.

Chairman Hamlyn stated that he wanted to see palm leaves as camouflage. Mr. Everman stated that palm leaves as camouflage could be done.

Commissioner Azarmi made the motion to approve per staff's recommendation; Commissioner White seconded.

Chairman Hamlyn informed Commissioner Azarmi to include the palm leaves as camouflage.

Commissioner Azarmi amended his motion to include the palm leaves as camouflage; Commissioner White seconded. Motion carried unanimously.

7. Evaluation of a request for a **ZONING USE PERMIT** on Lot 7, Block O, GOLDEN SHORES, Unit 7, in Section 11, Township 16 North, Range 21 West, for a wireless communication facility with a 180-foot tower in a C-2 (General Commercial) zone, in the South Mohave Valley Area (west of Oatman Highway and north of Powell Lake Road), Mohave County, Arizona.
(CONTINUED BY APPLICANT)

8. Evaluation of a request for a **ZONING USE PERMIT** on the N 1/2 NE 1/4 SE 1/4 of Section 3, Township 18 North, Range 22 West, for a wireless communication facility with a 180-foot tower in a C-MO (Commercial-Manufacturing/Open Lot Storage) zone, in the South Mohave Valley Area (west of State Highway 95 and north of Boundary Cone Road), Mohave County, Arizona.

John Montgomery read staff's recommendation for approval. All conditions were standard.

John Gall, the applicant's representative, stated that he was present to answer questions.

Brian Everman, the St. Charles Tower, Inc. representative, stated that this was one of the towers that was relocated and was available for questions.

Chairman Hamlyn asked Mr. Everman if the palm leaves could be added as camouflage. Mr. Everman responded yes.

Jim Kanelos stated that as long as the towers were multi-use towers, he was in favor of the proposal.

Commissioner White made the motion to approve with palm leaves as camouflage; Commissioner Azarmi seconded. Motion carried unanimously.

GOLDEN VALLEY AREA

9. Evaluation of a request for a **REZONE** of the E 1/2 of Parcel 90, SUN WEST ACRES, Tract 1027, in Section 29, Township 21 North, Range 18 West, from A-R/10 (Agricultural-Residential/Ten Acre Minimum Lot Size) zone to A-R/2A (Agricultural-Residential/Two Acre Minimum Lot Size) zone, in the Golden Valley Area (south of State Highway 68 on the southwest corner of Bolsa Drive and Verde Road), Mohave County, Arizona.

Rosevelt Arellano read staff's recommendation for approval. All conditions were standard.

Frank McCafferty, the applicant's representative, stated that the property had water provided by Valley Pioneer. The property was split with the larger amount on the east side because there was a wash that ran through it. Verde was paved all the way to the intersection. Both Verde and the cross street were maintained by the County. The applicant intended to put a manufactured home on the corner piece and other manufactured homes on the rest. The property was not for sale and the owner had planned to rent it out.

Commissioner Gibson made the motion to approve per staff's recommendation; Commissioner White seconded. Motion carried unanimously.

10. Evaluation of a request for a **ZONING USE PERMIT** on Lot 13, Block C, GOLDEN VALLEY RANCHOS, Unit 4, in Section 13, Township 20 North, Range 19 West, for a private kennel in an A-R/2A (Agricultural-Residential/Two Acre Minimum Lot Size) zone, in the Golden Valley Area (approximately 2 miles south of Shinarump Road between Garnet Road and Desert View Trail), Mohave County, Arizona.

Rosevelt Arellano read staff's recommendation for approval. All conditions were standard. There were three letters in objection received for this proposal. He noted that a surrounding property owner contacted staff and stated that they would help the applicant in obtaining the necessary acreage for a kennel.

Jim Kanelos stated that he was in favor of this kennel. He asked the Commission to not vote against this proposal because the owner did not have the minimum acreage allowed for a kennel. He explained most the lots were 2.5 acres and lost the size due to the easements.

Commissioner Abbott asked Mr. Kanelos the number of parcels in the area that had kennels. Mr. Kanelos responded one that was approved last October and was about two miles away.

Commissioner Azarmi asked staff if there was a fence around the property. Mr. Arellano responded that there was a fence. However, the fence needed to be improved. Dogs could get out of the fence. A lot of the dogs were chained up. During the last site visit there were two to three dogs loose. Condition number five required that the applicant to provide adequate fencing. He added that the closest kennel permit approved was back in April and was approximately four miles from the proposal.

Chairman Hamlyn asked staff if they were free range dogs and he could not see any kennel in staff's photos. Mr. Arellano stated that the kennel looked deceiving. There were a few boards that were held up and the dogs were under the boards. There was another mobile home on the property that some of the dogs stayed in and some of the dogs stayed in the applicant's home. Chairman Hamlyn asked staff if the applicant submitted a site plan for the kennel. Mr. Arellano responded no and that he believed the applicant was waiting for an approval prior to moving forward. He added since this was a personal kennel the applicant would probably get by with submitting a plot plan which was less intense.

Commissioner Gibson stated that she was a little distressed. The Commission had just got done with trying to put in regulations before. In the past there had been situations where the property was in better shape. She was concerned about the Commission allowing dogs to be chained up until there was adequate fencing around the property. The applicant needed to come in with a plan first. Mr. Arellano explained that this was a violation with Animal Control. Animal Control informed the applicant that he needed to apply for a kennel permit with the County due to the number of dogs on the property. Unfortunately the Development Services Department did not handle the health and safety of the animals. Commissioner Gibson stated that the home looked like it was having a hard time too. She asked Mr. Arellano about the current well-being of the animals. Mr. Arellano responded that the dogs appeared to be well fed although the shelter was not the greatest. He added that the applicant was on a fixed income and his resources were limited.

Vernon Williams, the applicant, stated that the dogs outside had good dog houses as shelter.

Commissioner White stated that he was very concerned. The dog houses were okay with one or two dogs but not 28 dogs. He had seen no provisions at all that had been made by the applicant to house these animals to take care of the waste and byproducts. He recommended no.

Mr. Williams stated that he had a bus that had three female dogs. There were three dogs and one cat in the house he lived in. The other mobile home contained dogs as well. Chairman Hamlyn explained that a bus was not a kennel. He suggested a 30 to 60 day continuance to allow the applicant time to submit a site plan that showed kennel facilities. Chairman Hamlyn asked Mr. Williams if he had a problem with the request. Mr. Williams responded no.

Commissioner Azarmi stated that he had a problem with staff approving such a zoning with a situation like this. He asked why staff had recommended approval. Mr. Arellano responded that the reason why staff recommended approval was based on how the area was developed. It appeared that there were very few residents in close proximity to this property. In terms of the health and maintenance of the dogs, that would be the responsibility of the owner and Animal Control to determine proper shelter. This permit would allow the applicant to own more than four dogs as defined in the Zoning Ordinance.

Commissioner Donahue asked staff about the maximum number of dogs allowed on the site. Mr. Arellano responded that there was no maximum. Mr. Arellano added that he would recommend a 60-day continuance to allow the applicant ample time to get with staff.

Commissioner Flusche stated that he would like to see a major improvement of the fencing. Ms. Ballard noted that any kennels approved with a Zoning Use Permit were required to comply with Section 27.M of the Mohave County Zoning Ordinance, which required the property to have a minimum lot size of 2.5 acres and that the exercise or stable area be surrounded by solid fence or wall. The animals needed to be contained with a fenced area.

Commissioner White made the motion to continue for 60 days; Commissioner Donahue seconded. Motion carried unanimously.

11. Evaluation of a request to grant an extension, to determine compliance with the schedule for development, or cause the property to revert to its former zoning classification as specified in **BOS RESOLUTION NO. 2004-357**, which approved the Rezone of a portion of Lot 7, PARADISE ACRES, Unit 1, in Section 14, Township 21 North, Range 18 West, in the Golden Valley Area (south of State Highway 68 between Aztec Road and Bacobi Road), Mohave County, Arizona.

John Montgomery read staff's recommendation for rescission and that the zoning would revert to A-R/2A. He noted that this property had filed a parcel plat, but because of the ownership of additional properties in the area, the approval of the parcel plat would have created a subdivision.

No one spoke in favor of or in opposition to this item. The property owner was not present.

Commissioner Flusche made the motion to rescind per staff's recommendation; Commissioner Azarmi seconded. Motion carried unanimously.

MOHAVE COUNTY GENERAL AREA

- 12A. Evaluation of a request for a **ZONING USE PERMIT** on Parcel 135, CEDAR HILLS RANCHES, Unit 9, in Section 25, Township 21 North, Range 13 West, for a solar power renewable energy facility in an A-R/10A (Agricultural-Residential/Ten Acre Minimum Lot Size) zone, in the Mohave County General Area (north of Interstate 40 and east of Hackberry Road), Mohave County, Arizona.

Rosevelt Arellano read staff's recommendation for approval. All conditions were standard. There were seven letters in objection received for this item. The Mohave County Planning and Zoning Commission previously heard a Rezone request on this property from A-R/10A to M-X on July 8, 2009. However, due to the concerns of a Rezone entitlement the Commission had requested that the Rezone application be replaced with a Zoning Use Permit (ZUP). As of this date, the applicant had submitted a Zoning Use Permit application and the item had been re-advertised.

Bill Delmar stated that the ZUP advertised was very vague and not specific. He ended up having to read the staff recommendations that he received this morning to learn that it was for a solar power photovoltaic generation facility. The thing that scared him was that it was not advertised that way. He asked where the power was going, was it going to the Western Area Power Agreement (WAPA) grid or was it going to UniSource. He also asked if the system used any water, how high were the solar panels and what did they look like, and would the solar panels be seen from Hackberry Road. The ZUP would set a precedent in the area and would allow any other system that would use a lot of ground water.

Mike Theriot stated that he owned property that was adjacent to the proposal and was opposed to the establishment of a commercial facility in a rural area. This would devalue his property. He suggested that if the proposal was approved he would like to see a buffer area. He suggested that the project be located to Antares Road. He asked the Commission if they owned property in the area, how they would feel about the proposal being placed next to their property.

Commissioner Azarmi asked Mr. Theriot where his property was located. Mr. Theriot responded that his parcel was 140 and they abutted the northwest corner of the subject property.

Susan Bayer stated that she supported the proposal because this was what green technology was. There would be no water used and no shipping of byproducts. This was a model of what Mohave County should be, completely photovoltaic.

Kathy Tackett-Hicks, the applicant's representative, stated that she would try to answer a few of Mr. Delmar's questions. She explained that this would be a distributed power source that was very small. Only two-thirds of the property would be used. The distributed power would be going to the local utility company and not the WAPA line. The facility would use no water. The panels would be not higher than a single-family residential home. The only building proposed was to house the inverter. Traffic would not be generated and no odors or hazardous materials would be emitted. This was a true green project.

Commissioner Azarmi asked how far the equipment would be from the property lines. Ms. Tackett-Hicks responded that there would probably be a buffer of about 50 to 75 feet.

Commissioner Azarmi made the motion to approve per staff's recommendation; Commissioner Gibson seconded. Motion carried unanimously.

12B. Evaluation of a request for a **MINOR AMENDMENT TO THE MOHAVE COUNTY GENERAL PLAN** for Parcel 135, CEDAR HILLS RANCHES, Unit 9, in Section 25, Township 21 North, Range 13 West, from a SDA (Suburban Development Area) land use designation to RDA, RI (Rural Development Area, Rural Industrial) land use designation to allow for a solar power renewable energy facility, and amending Exhibit VI.4 of the General Plan to match, in the Mohave County General Area (north of Interstate 40 and east of Hackberry Road), Mohave County, Arizona.

Rosevelt Arellano read staff's recommendation for approval. All conditions were standard. There were six letters of objection received for this item.

The Mohave County Planning and Zoning Commission approved this item at its regular meeting on June 10, 2009, with the condition that the requested land use designation should not become effective until the zoning had vested. Since that time the Rezone application had been withdrawn, and a Zoning Use Permit application had been submitted. To ensure conformance between the approved Minor Plan Amendment and the proposed Zoning Use Permit, staff eliminated Condition #2. Mr. Arellano noted that the Commission approved the Minor Plan Amendment back in June 2009. However, it was conditioned to a Rezone. Since the Rezone application had been withdrawn the condition had been eliminated.

Bill Delmar stated that there were conditions for a Rezone included in the Zoning Use Permit staff report. Staff needed to correct conditions four and five on item 12A. He noted that he did not have a problem with the request other than staff needed to correct the conditions listed in the staff report.

Chairman Hamlyn called Mike Therio to the podium as he submitted a request to speak form. However, Mr. Therio announced from the audience that he expressed his objections in item 12A.

Susan Bayer stated that she supported this proposal. She stated that every home in Mohave County should be allowed to have photovoltaic on their homes for all their utility needs. This was a step in the right direction in not using the water.

Commissioner Azarmi made the motion to approve per staff's recommendation; Commissioner Flusche seconded. Motion carried unanimously.

Meeting recessed for break at 11:09 a.m.

Meeting reconvened at 11:30 a.m.

ITEM 12A REVISTED

Chairman Hamlyn announced that he had a request from staff to reopen item 12A.

Commissioner Azarmi made the motion to reopen item 12A; Commissioner Gibson seconded. Motion carried unanimously.

Rosevelt Arellano read staff's recommendation for approval with the condition that the standard conditions for a Zoning Use Permit be included to replace conditions four and five.

Ms. Ballard explained that one of the speakers had mentioned that some of the conditions in item 12A referred to a Rezone. She added that staff requested conditions four and five be replaced with the standard conditions for a Zoning Use Permit.

Commissioner Azarmi made the motion to approve per staff's recommendation; Commissioner Flusche seconded. Motion carried unanimously.

- 13A. Evaluation of a request for a **MINOR AMENDMENT TO THE MOHAVE COUNTY GENERAL PLAN** for a portion of Section 22, lying southeast of State Highway 66, in Township 23 North, Range 15 West, from a UDA, LI (Urban Development Area, Light Industrial) land use designation to a UDA, HI (Urban Development Area, Heavy Industrial) land use designation and amending Exhibits VI.7 and VI.16 of the General Plan to match, in the Kingman Area (south side of State Highway 66 approximately 1.50 miles southwest of Concho Drive), Mohave County, Arizona.

Chairman Hamlyn announced that 90 minutes would be dedicated to item 13A. If the item was not finished the item would be continued to another date and time.

Kevin Davidson read staff's recommendation for approval. All conditions were read into the record. There were 198 letters of support, 92 letters of objection, of which 41 were duplicates, 6 letters of concern, 73 pages of a petition in objection, and 800 signatures of objection received for this item.

Commissioner Abbott asked staff how that area was currently zoned in the General Plan. Mr. Davidson referred to Exhibit A and explained that a land use designation was being looked at along Highway 66. The land use designation was light industrial and the current underlying zoning was A-R/10 to A-R/36 for approximately 3.5 linear miles between the highway and the BNSF railroad. Commissioner Abbott asked what area was zoned for light industrial. Mr. Davidson replied that the entire strip in light blue was the light industrial land use designation. Commissioner Abbott asked what light industrial would accommodate. Mr. Davidson replied any industry facilitated within a building structure and no outside construction such as a warehouse or light manufacturing. Mr. Davidson added that an MX zone was required to render fats and oils. However, with the new renewable energy codes being established, a Zoning Use Permit would be allowed for this use. Commissioner Abbott asked if this type of project required Heavy Industrial. Mr. Davidson replied yes.

Rick Neal, applicant for Sun West Biofuels, stated that the facility would be blending refined natural oils to make biodiesel. The only by-product would be glycerin which was commonly used in soaps and perfumes. Mr. Neal stated that there would be no hazardous waste and no water would be used in production. He explained that it would be a closed-loop system and that no pollutants or smells would be emitted into the atmosphere. Mr. Neal stated that approximately 20 people would be employed during construction and 20 full-time employees once operational. Mr. Neal stated that he conducted two public meetings to address concerns and questions. At the first public meeting Mr. Neal opted for a Zoning Use Permit in lieu of a zone change in the interest of some of the concerned Valle Vista residents who stated that it would set precedence for types of industries associated with a Heavy Industrial zoning. Mr. Neal stated that he was not aware of any opposition within the notification area. Mr. Neal stated that the proposed facility was outside of the fire district and that he formally requested to be annexed into the Northern Arizona Consolidated Fire District. Once accepted Mr. Neal would work hand-in-hand with the fire district, the State Fire Marshal, and the fire safety engineers of Sun West Biofuels, to ensure safe design and implement safe handling practices, prevention, inspection, and compliance. Mr. Neal added that the Mohave County General Plan designated this area to be an urban industrial development area. The facility would be clean, green, and would bring jobs and revenue to the community.

Commissioner Abbott asked the applicant if he needed Heavy Industrial zoning. Mr. Neal replied that he did not want Heavy Industrial and neither did the residents of Valle Vista. The residents were opposed to the types of industry associated with Heavy Industrial and would prefer a Light Industrial designation. Mr. Neal explained that his facility was more Light Industrial than Heavy Industrial.

Commissioner Abbott asked staff if the project was required to be Heavy Industrial. Mr. Davidson deferred the question to Ms. Ballard or Mr. Taylor. Commissioner Abbott explained that the reason he asked the question was because he felt that people would look at the project differently if it was not Heavy Industrial. Mr. Neal commented that everything would be done within a closed concrete building. There would be no emissions of any kind. Robert Taylor, Chief Civil Deputy County Attorney, stated that this was not a Rezone only a change of the General Plan designation to a Heavy Industrial designation. Mr. Taylor explained that with a Zoning Use Permit, this facility would be the only use permitted under this action and would not change the underlying zoning. For the use of the property to change to a typical Heavy Industrial zoning use, someone would need to come back to ask for a standard Rezone. This action would not open the door for other industrial uses to come in unless the proposed uses came back before the Planning and Zoning Commission. Mr. Taylor explained that the zoning would remain A-R (Agricultural-Residential) with a Zoning Use Permit limited to this type of facility. Ms. Ballard added that the project was compared to like uses using the Zoning Ordinance and the General Plan and the Department felt that it was more of a Heavy Industrial use as opposed to Light Industrial as there could be the possibility of emission and because of the chemicals that would be used. Commissioner Abbott referred to item one of the staff recommendations which stated that the land use designation would be changed to Heavy Industrial. Commissioner Abbott added that if this was approved it would allow Heavy Industrial in the area.

Commissioner Flusche concurred with Commissioner Abbott and stated that if Heavy Industrial was not going to be acceptable then item one would need to be addressed. Robert Taylor explained that the paragraph stated that the land use designation under the General Plan would be changed to Heavy Industrial, not that the underlying zoning would be changed. Commissioner Flusche stated that it was very clear that the surrounding community did not want Heavy Industrial and asked why the door would be opened for Heavy Industry. Mr. Taylor replied that if this action was approved, the General Plan land use designation would be changed, but it would not change the zoning designation. Any further project would still have to go through the zoning process.

Commissioner Abbott commented that if this was approved as written, it would open the door for Heavy Industrial.

Loretta Pike, Valle Vista resident, stated that she was opposed to any rezoning or permits along Route 66 for the placement of a biodiesel plant. She displayed pictures of many alternative locations that would be a better location for the plant. She felt that the land at the airport or near the Griffith area off of I-40 would be ideal.

Nicole Jenks stated that she researched the biodiesel plant and learned that the plant was one mile from any major residential area, the waterless processing would maintain the integrity of the most important natural resource, and that the plant's history had an excellent safety record. Ms. Jenks felt that the plant would bring much needed tax revenues to Mohave County and she supported the item.

Kent Russell, Valle Vista resident, stated that the only people in support of the biodiesel plant most likely did not live there. Mr. Russell stated that he was opposed to rezoning because it would devalue his property value and he lived downwind from the plant. Two of the chemicals that would be used were highly flammable and explosive and were only a quarter mile away from Valle Vista. Mr. Russell asked if the fire department was prepared in the event of a hazardous material spill and if they even had the proper equipment. Mr. Russell also asked if the taxpayers would be responsible to pay for the additional equipment needed. Mr. Russell added that the only part of the existing Mother Road left in the United States was from Oatman to Seligman.

Chairman Hamlyn asked Mr. Russell if he had attended the two public meetings held by the applicant. Mr. Russell replied no.

Ken Herskind stated that he was in favor of the project. Mr. Herskind stated that this was the beginning of green development that would happen in Mohave County and that this project was a good opportunity to bring jobs into the area.

Bill Delmar, stated that more information was needed on the plant and felt that it needed to be located at the airport or at Griffith. Mr. Delmar stated that in twenty years the Heavy Industrial land use designation would come back to haunt the County.

Lynn Veith, Kingman resident, stated that this plant would be located one to one and one half miles from Valle Vista and would make very little noise and no pollution because of the closed-loop system. Ms. Veith stated that the plant would give Mohave County a chance to be recognized as an area for expansion based on facts. Ms. Veith believed the biodiesel plant would be good for Kingman.

Jack Pike, Valle Vista resident, stated that he was opposed to any zoning change or Zoning Use Permits for either Light or Heavy Industrial use along Route 66 within five miles of Valle Vista. Mr. Pike stated that most people moved to Valle Vista for peace and quiet, the scenic beauty, freedom from traffic, and the recreational opportunities available.

John Grant, vice president with Menlo Energy, a vertically integrated energy power company, stated that Menlo Energy's strategy was to build, own, and operate biodiesel plants. Mr. Grant stated that they were engaged with Sun West and that their goal was to provide the safest, most efficient and most environmentally plant as possible. The technology was waterless, used no acid in the process, no toxic waste, and was virtually odorless. The Phoenix system was fully automated and was closed loop. There would be no hand mixing of materials. Menlo Energy would conduct site training for all personnel.

Stephanie Ewig stated that the people who were in favor of the project would not live anywhere near the plant. Ms. Ewig was concerned with the possibility of fire and explosion. Ms. Ewig asked who the fuel would be made for. She stated that she moved to the area for peace and quiet not to deal with industrial plants.

Dustin Lewis, Kingman resident and Chairman of the Northern Arizona Builders Association, stated that he was in support of growth in Kingman. Mr. Lewis stated that he was also a property owner in Valle Vista and did not share the community's views and was never contacted by the Valle Vista Property Owners Association to represent him. Mr. Lewis stated that Kingman had a great opportunity to be involved in a more environmentally friendly form of fuel and energy. Mr. Lewis stated that his company would use biodiesel if it was local and more affordable.

Norman Stickler, Hackberry resident, stated that he was not in opposition to a biodiesel plant, although, he was opposed to the location. Mr. Stickler stated that he did not return to Arizona to live downwind from this plant. Mr. Stickler stated that changing from Light Industrial to Heavy Industrial was not a Minor Amendment and it would open the door down the road.

Robin Gordon, City of Kingman council member, stated that the plant was good use of the property with access to Highway 66 and the railroad spur. Ms. Gordon stated that Mr. Neal's family had been in the area for generations and she did not believe that he would bring anything to the community that would hurt the community. Ms. Gordon stated that Mr. Neal had the right to develop his own property. Ms. Gordon was confident that the property would be safe and stated that Mohave County should encourage small businesses to move into the community.

Frank Lee, Valle Vista resident, stated that he did not see the need for any Heavy Industrial-type facilities in the area. Mr. Lee stated that there were many other industrial areas for this plant to be located.

Lori Chambers stated that this was a wonderful facility to have in the community. Ms. Chambers stated that facts should be focused on in regard to the safety records of the plants. Ms. Chambers stated that a property owner had the right to develop property to the best and highest use of the property and there was no factual reason to deny the project.

Carol Solper, Valle Vista resident, stated that she was opposed to the biodiesel plant at the desired location. Ms. Solper was concerned with the risk of an explosion which would have dire effects on the Valle Vista residents. The only exit road from Valle Vista was Route 66. Ms. Solper stated that in the case of an evacuation residents would have to go east to Seligman to get onto I-40 in order to get to the Kingman hospital. Ms. Solper asked how the community would be alerted to an explosion.

Shay Givans, Kingman resident, stressed private property rights and stated that the residents did not have to like or dislike a project. The biodiesel plant was complying with all of the regulations. Ms. Givans stated that she supported growth.

Ellen Love, Mohave County resident, stated that she and her husband had major health issues including respiratory and heart problems. The proposed biodiesel plant location was on the only direct access for medical assistance. Ms. Love had a concern with brush fires sparked by the plant. Ms. Love stated that Route 66 was the only access to Kingman and asked what would happen if there was a traffic collision and the highway was closed. Ms. Love stated that hazardous materials and explosives already traveled down the railroad everyday for which Mohave County was not prepared. Ms. Love added that she was opposed to this type of industry for the area.

Cherish Sammeli stated that the decisions made today and in the future would be looked at by other companies and industries wanting to come into the area. Ms. Sammeli supported growth and job opportunities for Kingman.

Richard Basinger, attorney for the Valle Vista Property Owners Association, stated that he made two submittals in regard to this project with the Valle Vista Property Owners Association opposing it because of the health, safety, and welfare issues. Mr. Basinger stated that out of 138 operating biodiesel plants since 1996, there had been 17 explosions and/or fires, or a percentage of 12.3 of the plants. Mr. Basinger stated that this plant was a dangerous type of development and was too close to a residential community. Mr. Basinger added that the plant should not be allowed without a zoning change to Heavy Industrial and that the plant did not consider the General Plan guidelines of noise, water contamination, or other hazardous materials. The only right the property owner had was as an agricultural use.

Justin Chambers stated that he supported the project. He noted that the area near Griffith did not have rail access. Mr. Chambers stated that more growth was needed in Kingman for the youth besides drug stores, hospitals, and medical centers. Mr. Chambers stated that America and Kingman needed these jobs.

Vickie Hoag, Valle Vista resident, stated that she was opposed to the project. Ms. Hoag stated that she chose the area because it was zoned Agricultural-Residential and questioned who the project would benefit. Ms. Hoag stated that property values would be lowered and homeowner's insurance premiums would increase. Ms. Hoag stated that she was not against renewable energy or biofuels, she was only against the location.

Chairman Hamlyn called Dorothy Curl to the podium because she submitted a request to speak form. However, she did not come forward to speak.

Kathleen Murray stated that she came to Kingman five years ago because it was growing and interested in development. Ms. Murray stated that it seemed the County had now put up road blocks for development of commercial enterprises. Ms. Murray believed that a negative message was being sent to companies interested in this area. Ms. Murray stated that if this plant complied with all of the regulations, there should be no reason for it not to be located in Kingman. There were no jobs in this area.

Sue Ulrich, Valle Vista resident, described her lifestyle in Valle Vista and stated that she did not choose to live less than one mile from an industrial facility that would pose risks to her safety and health. Ms. Ulrich stated that she was opposed to any zoning changes as well as any Light or Heavy Industrial businesses. Ms. Ulrich added that she was not opposed to biodiesel or growth in Kingman.

Chairman Hamlyn called Vince Holton to the podium. However, he did not come forward to speak.

Gary Lott, Mohave County resident, business owner, and licensed appraiser, stated that this plant would not devalue the properties near Valle Vista. Mr. Lott stated that during property appraisals near other industries in the area, there had been no negative effects found on property values. Mr. Lott stated that he supported the biodiesel plant.

Shirley Alvitra-Johnson, Valle Vista resident, stated that she was opposed to a change in the General Plan for the rezoning of the biodiesel plant. Ms. Alvitra-Johnson stated that she did not understand why this project was a Minor Amendment and believed that government documents were being manipulated.

Chairman Hamlyn called Debra Sixta to the podium because she submitted a request to speak form. However, she did not come forward to speak.

Harley Pettit, Kingman resident, stated that the location of this project was a problem and that there were other areas zoned properly for this industry. Mr. Pettit stated that he was not against development, but he believed in responsible development and that this would be spot-zoning. Mr. Pettit suggested that the I-40 Corridor or Griffith would be better locations than the historic Route 66.

Richard Roback, president of the Valle Vista Property Owners Association, stated that there were over 4,000 property owners in Valle Vista and more than 648 people signed a petition opposing the location of this plant. Mr. Roback was concerned that opening a Heavy Industrial area would lower the standards of living and that property values would plummet. Mr. Roback was also concerned about the safety of the residents in the area. Mr. Roback stated that there were other areas more suited for Heavy Industry.

Kathaleen Franklin, Valle Vista resident, stated that she moved to the area because of the location and the golf course. Ms. Franklin stated that a biodiesel plant would be a poor choice for the area. Ms. Franklin was concerned with property values and homeowners insurance premiums being increased. Ms. Franklin stated that she intended to utilize Proposition 207 which would protect a property owner to just compensation if the value of a persons property was reduced by the enactment of a land use law such as a zoning change. Ms. Franklin stated that she would be forced to relocate and rebuild. Ms. Franklin quoted a statement made by Supervisor Gary Watson that was published in the Kingman Daily Miner last week which stated, solar and wind facilities should be placed in areas where they would not create a major impact on a community. Ms. Franklin added that the ramifications of a biodiesel plant would have a major impact to the residential community and questioned what the purpose of zoning was.

John Salem, mayor of Kingman, stated that the 15,000 square-foot facility would be made out of concrete, it would be aesthetically pleasing from Highway 66, and include attractive landscaping. All of the operations would be designated to the interior of the building and there would be a railroad spur for access for the distribution of the products. Mr. Salem stated that this plant would create 40 million dollars in gross revenues into the economy. Mr. Salem added that this was an opportunity for Mohave County to put an industrial facility into this area and that biofuel was a green energy product. Mr. Salem stated that he also owned property in Valle Vista and was not concerned with property values decreasing.

Chairman Hamlyn asked for a motion to continue item 13A to another date and time in order to break for lunch. He reminded the audience that the speakers who spoke today would not be asked to speak again at the next meeting. The remainder of speakers for item 13A would be asked to speak at the next meeting.

Commissioner Flusche asked staff what date the item would be continued to. Ms. Ballard replied that staff had pre-reserved the auditorium for Wednesday, August 19, 2009.

Commissioner Flusche made the motion to continue item 13A to Wednesday, August 19, 2009, at 10:00 a.m.; Commissioner White seconded. Motion carried unanimously.

Meeting recessed for lunch at 1:00 p.m.

Meeting reconvened at 2:15 p.m.

13B. Evaluation of a request for a **ZONING USE PERMIT** on a portion of Section 22, lying southeast of State Highway 66, in Township 23 North, Range 15 West, for a renewable energy biodiesel facility in an A-R/10A (Agricultural-Residential/Ten Acre Minimum Lot Size) zone, in the Kingman Area (south side of State Highway 66 approximately 1.50 miles southwest of Concho Drive), Mohave County, Arizona.

Rosevelt Arellano stated that due to the continuance of item 13A, staff recommended that item 13B be continued as well to the August 19, 2009 Planning and Zoning Commission meeting.

The applicant was not present.

Commissioner White made the motion to continue item 13B to Wednesday, August 19, 2009; Commissioner Flusche seconded. Motion carried unanimously.

14. Evaluation of a request for a **REZONE** of the SE 1/4 SE 1/4 of Section 15, Township 14 North, Range 13 West, from A-R/36A (Agricultural-Residential/Thirty-six Acre Minimum Lot Size) zone to A-R/8A (Agricultural-Residential/Eight Acre Minimum Lot Size) zone, in the Mohave County General Area (west of Signal Road and approximately 2 miles north of the Signal Road and 17 Mile Road intersection), Mohave County, Arizona. **(CONTINUED BY STAFF)**

15. Evaluation of a request for a **REZONE** of Lot 8, Block 10, Yucca Townsite in Section 12, Township 17 North, Range 18 West, from A (General) zone to N-P (Neighborhood Park) zone, in the Yucca portion of the Mohave County General Area (southeast corner of Sixth Avenue and Second Street), Mohave County, Arizona. **(CONTINUED BY STAFF)**

16. Evaluation of a request for a **ZONING USE PERMIT** on the S 1/2 of Lot 18, LAKE MOHAVE COMMERCIAL CENTER, in Section 2, Township 25 North, Range 19 West, for a residence in a C-2 (General Commercial) zone, in the Dolan Springs portion of the Mohave County General Area (southeast of Pierce Ferry Road between Penny Street and Lloyd Street), Mohave County, Arizona. **(WITHDRAWN BY APPLICANT)**

17. Evaluation of a request for a **ZONING USE PERMIT** on a portion of the SW 1/4 SW 1/4 of Section 13, lying east of State Highway 93, in Township 27 North, Range 21 West, for a 1,000-gallon above-ground propane dispensing tank, in a C-RE (Commercial-Recreation) zone, in the White Hills portion of the Mohave County General Area (east of State Highway 93 approximately 1.70 miles north of White Hills Road), Mohave County, Arizona.

Rosevelt Arellano read staff's recommendation for approval. All conditions were standard.

No one spoke in favor of or in opposition to this item. The applicant was not present.

Commissioner White made the motion to approve per staff's recommendation; Commissioner Azarmi seconded. Motion carried unanimously.

18. Evaluation of a request for a **ZONING USE PERMIT** on Parcel 24-A-2, CEDAR HILL RANCHES, Unit 2, as shown on Parcel Plats Book 19, Page 68, in Section 31, Township 21 North, Range 14 West, for a secondary residence in an A-R/8A (Agricultural-Residential/Eight Acre Minimum Lot Size) zone, in the Mohave County General Area (south of Interstate 40 and east of Blake Ranch Road), Mohave County, Arizona.

Rosevelt Arellano read staff's recommendation for approval. All conditions were standard. There was one letter in support received for this item.

William Russell, the applicant, stated that his wife's father was moving from California and needed someone to take care of him. The second residence would be for him. They had planned to install a well and share it. A driveway would be cut through the existing property so it would not impact the traffic at all. The second residence would be approximately between 800 to 1,000 square foot manufactured home. He noted that the letter of support was from his neighbor and that there was another neighbor present at the meeting to speak in support as well.

Brent Gilbert, the neighbor, stated that he supported the proposal.

Commissioner Abbott made the motion to approve per staff's recommendation; Commissioner Morabito seconded. Motion carried unanimously.

19. Evaluation of a request to **RESCIND**, and cause the property to revert to its former zoning classification as specified in **BOS RESOLUTION NOS. 2006-689 and 2007-476**, which approved the Rezone and Extension of Time for a Rezone of Parcel 1, except the W 1/2 NW 1/4 NW 1/4 thereof, and Parcel 2, SACRAMENTO VALLEY RANCHES SOUTH, in Section 24, Township 19 North, Range 18 West, in the Mohave County General Area (west of Interstate 40 approximately one-half (1/2) of a mile south of Griffith Road), Mohave County, Arizona.
(CONTINUED BY APPLICANT)

20. Evaluation of a request to grant an extension, to determine compliance with the schedule for development, or cause the property to revert to its former zoning classification as specified in **BOS RESOLUTION NO. 2008-147**, which approved the Rezone of Parcels 1 through 4, as shown on Parcel Plats Book 26, Page 82, and a portion of the E 1/2 of Section 13, lying east of Interstate 40 and south of the south line of Lake Havasu Estates – Mohave Center, Unit 1, Tract 1168, in Township 17 North, Range 18 West, in the Yucca Portion of the Mohave County General Area (east of Interstate 40 and south of Stephens Drive), Mohave County, Arizona.
(CONTINUED BY APPLICANT)

21. Evaluation of a request to grant an extension, to determine compliance with the schedule for development, or cause the property to revert to its former zoning classification as specified in **BOS RESOLUTION NO. 2006-175**, which conditionally approved the Rezone of Lot 2, Block B, MOHAVE COUNTY INDUSTRIAL CENTER, in Section 7, Township 22 North, Range 15 West, in the Mohave County General Area (south side of Jan Road between State Highway 66 and Charles Drive), Mohave County, Arizona.

John Montgomery read staff's recommendation to continue the item for 60 days to allow staff to present the item to the Abatement Action Committee for possible resolution.

The Mohave County Planning and Zoning Commission heard this item at its regular meeting on September 10, 2008, and continued the item to the January 14, 2009 meeting to allow the applicant additional time to resolve the zoning violations. At the January 14, 2009 meeting, the Commission continued the item to the July 8, 2009 meeting to allow the applicant additional time to resolve the zoning violations. At the July 8, 2009 meeting the Commission approved a request by the Department to continue the item to the August 12, 2009 meeting to allow staff to present the item to the Abatement Action Committee for possible resolution.

Ms. Ballard stated that this item had been presented to the Abatement Action Committee and they have accepted it as one of their cases. Currently the committee was trying to obtain and develop an agreement with the owner. The property owner had expressed an interest in having the County abate her property and then place a lien against it for the cost of the abatement. She was willing to sign the agreement. The County Attorney's office was drafting up the agreement. Optimistically in 60 days the Department would have a signed agreement and either a bid process or date of abatement.

Commissioner White made the motion to approve staff's recommendation to continue the item for 60 days; Commissioner Donahue seconded. Motion carried unanimously.

KINGMAN

22. Evaluation of a request for a **REZONE** of Lots 22 and 23, Block 180, NEW KINGMAN ADDITION, Unit 11, in Section 30, Township 22 North, Range 16 West, from C-2 (General Commercial) zone to C-2H (General Commercial Highway Frontage) zone, in the Kingman Area (northeast corner of Northern Avenue and Van Nuys Road), Mohave County, Arizona.

John Montgomery read staff's recommendation for approval. All conditions were standard. Mr. Montgomery noted that this property had previously been rezoned C-2H and the necessary site plan was not completed. However, the owner was now ready to file the site plan.

No one spoke in favor of or in opposition to this item. The applicant was present.

Commissioner Abbott made the motion to approve per staff's recommendation; Commissioner Azarmi seconded. Motion carried unanimously.

OTHER

- 23A. Evaluation of a request to **AMEND THE MOHAVE COUNTY ZONING ORDINANCE CREATING A NEW SECTION 19.1 REGULATIONS FOR PLANNED AREA DEVELOPMENT OR "PAD" ZONE.**

John Montgomery noted that in the staff report staff recommended approval; however, a 60-day continuance was requested while staff prepared the amendment to section twelve. A few years ago there was a proposal for a "PAD" and had been on the back burner. The proposal was reviewed by the Subdivision Review Committee. He noted that Section 12 of the Mohave County Zoning Ordinance should also be amended to include the new zones. There was one letter in objection received for this item.

Chairman Hamlyn called Jim Kanelos to the podium because he submitted a request to speak form. However, when called upon he did not come forward to speak.

Judi Scaliatine, representative of the Highway 93 Advisory Group South, requested that no zoning or rezoning changes take place until there was complete understanding of all the new zones to include the PAD zone, COR zone, Overlay zone, and the E zone.

Commissioner Flusche made the motion to continue the item for 60 days; Commissioner Donahue seconded. Motion carried unanimously.

23B. Evaluation of a request to AMEND THE MOHAVE COUNTY ZONING ORDINANCE CREATING A NEW SECTION 20.1, REGULATIONS FOR COMMERCIAL-OFFICE-RESIDENTIAL OR "COR" ZONE.

John Montgomery noted that section 12 of the Mohave County Zoning Ordinance needed to be amended and recommended a 60-day continuance. There was one letter in objection received for this item.

Commissioner Flusche made the motion to continue the item for 60 days; Commissioner Azarmi seconded. Motion carried unanimously.

23C. Evaluation of a request to AMEND SECTION 12.1 OF THE MOHAVE COUNTY ZONING ORDINANCE, (ESTABLISHMENT OF URBAN-RURAL OVERLAY ZONES) AND RELATED PORTIONS OF SECTIONS 27.B.6, 27.R.3 AND 27.R.5 (GENERAL PROVISIONS), AND CREATE A NEW SECTION 12.2, REGULATIONS FOR RESIDENTIAL CLUSTER OVERLAY ZONE.

John Montgomery recommended a 60-day continuance. There was one letter in objection received for this item.

Commissioner Flusche made the motion to continue the item for 60 days; Commissioner Azarmi seconded. Motion carried unanimously.

24. Evaluation of an AMENDMENT TO PORTIONS OF SECTIONS 3.10 AND 3.11 OF THE MOHAVE COUNTY LAND DIVISION REGULATIONS, AS AMENDED, for the unincorporated parts of Mohave County, Arizona.

Karl Taylor, the Development Services Planning Manager, read staff's recommendation for approval. The purpose of this evaluation is to determine whether to amend portions of the Mohave County Land Division Regulations, to allow for the temporary suspension of certain processing and submittal deadlines outlined in the regulations, due to the continuing economic downturn.

Commissioner White stated that he would like to see some changes made. He wanted the developer to be required to make minimal progress on the preliminary plat that was submitted instead of a blanket approval. He explained minimal would be at least one thing in the preliminary plan to show progress was being made. He did not support a blanket automatic approval.

Chairman Hamlyn commented that he would like to see something done within the first year.

Commissioner Azarmi stated that he was a member of the Subdivision Review Committee (SRC). He noted that the proposal was due to the economy. It was not because the developers did not want to go forward it was because they could not go forward due to the economy. He encouraged the Commission to take a look at what the Subdivision Review Committee had already done, which was posted on the Department's website.

Commissioner White stated was concerned about developments creating an eyesore in the community and being granted an extension.

Mr. Taylor noted that the recommendation was only for the projects that already have a preliminary approval by the Board of Supervisors as of July 1, 2009 and in fact that date might be more appropriately set at September 1, 2009, considering the time that had already elapsed. Staff had not intended for this to apply to projects that had just begun processing. The preliminary plan approval that the regulations provided for right now was for four years from the date of the Board's approval with ample extensions.

Commissioner Donahue asked if the amendment of the land division regulations would be applied to everyone and not just a certain list of developers. Mr. Taylor responded that the land division regulations could be amended as the Commission saw fit and as the Board approved. The SRC recommended an amnesty for processing deadlines. The two years seemed to be an appropriate figure to give the developers some leniency across the board. However, not everyone had a preliminary plan approval in place at this time. This recommendation would only be for those projects that had a preliminary approval by the Board as of the prescribed date.

Commissioner Azarmi made the motion to approve per staff's recommendation; Commissioner Morabito seconded. Motion carried 7 – 1; Commissioner White voted against the motion.

25. Discussion of Petitions of Exception.

Karl Taylor stated that the Commission had indicated that they had some questions about the Petitions of Exception process.

Commissioner Abbott stated that a developer or subdivider goes into the Development Services Department and some agree to conform to all the requirements of the Mohave County Land Division Regulations and others come up with Petitions of Exception. He read a prepared statement into the record. He commented that the Petitions of Exception needed be worked out between the developer and staff and only should be presented to the Commission when absolutely needed.

Chairman Hamlyn called Denise Bensusan to the podium because she submitted a request to speak form. However, she announced from the audience that Commissioner Abbott covered what she wanted to say.

Mr. Taylor outlined the Petition of Exception process. The recommendation that was going to the SRC was a process by which Petitions of Exception were more administratively approved. Some of the items, for example double-fronted lots, could be approved by staff. However, if there was reason to recommend denial, the item could be appealed forward to the Commission and the Board.

Chairman Hamlyn stated that sometimes the Petitions of Exception get carried away. He noted that the Commission did not have to agree to their request and asked legal counsel if that was correct. Robert Taylor, Chief Civil Deputy County Attorney, stated yes, that the Commission could make a recommendation to the Board to deny the Petitions of Exception. Chairman Hamlyn agreed with Commissioner Abbott that some of the developers take advantage of the Petitions of Exception. The County's control was in the process of the Planning and Zoning Commission meeting. He stated that if a Commissioner did not agree with the request then do not vote for it. Mr. Taylor stated that the proposal was to narrow down those types of exceptions that needed to come to a public hearing to enable staff to make a determination as to what type of exceptions were minor and did not need the amount of public input, which would be covered in the new subdivision regulations.

Commissioner Flusche noted that Petitions of Exception normally came in when a developer wanted to put a subdivision in without paved roads. The developer needed to pave the roads of the subdivision no matter where the subdivision was located in his opinion. Otherwise, the County would end up paving the roads.

Commissioner Azarmi stated that one of the objectives of the SRC was to streamline a lot of these issues. He asked Ms. Ballard how long the SRC had been meeting.

Ms. Ballard responded approximately one year. She added that most of the Petitions of Exception were actually routine ones that included double-fronted lots, non-radial lot lines, and long blocks. The routine Petitions of Exception would be moved to administrative approvals, unless staff determined the request should not be approved, and then if the applicant appealed the denial the Commission would then make a recommendation to the Board. For the last seven to eight years the Department had seen a lot of urban-sized lots in subdivisions, which were required by the subdivision ordinance to come forward with full urban improvements which included paved streets, electric, water and sewer lines, and electric to every lot. Recently the Department had seen parcels five acres in size. The subdivision regulations did not require paving of roadways within those subdivisions or even to the subdivisions. They require electricity only to the parent parcel and not the individual lots. They also did not require any water or sewer. She noticed that the Commission was concerned about the possibility of infrastructure liability in the future.

26. Discussion of the difference between minor land division and subdivision standards.

Karl Taylor stated that the question arose a few meetings back by the Commission and he was present to answer any questions.

Commissioner Azarmi asked Mr. Taylor to elaborate on the difference between minor land divisions and subdivision standards. Mr. Taylor explained that minor land divisions were not subjected to the same process as a subdivision. Subdivision was defined as the creation of six parcels or more, any one or more which was less than 36 acres in size. A minor land division would be classified as a division of five parcels or fewer. He added that six parcels or more would need to be reported to the Department of Real Estate. An unsubdivided development was when a developer took a square mile of land or multiple square miles of land and divided it into 36-acre parcels.

Chairman Hamlyn stated that the Commission was used to half-acre to one-acre subdivisions and now there were five-acre subdivisions coming forward. A subdivision was a subdivision and should be fair across the board.

Mr. Taylor commented that subdivisions came in all shapes, color, and sizes. Approximately 95 percent of the subdivisions that were proposed were urban density. Urban was anything less than an acre in size, suburban was one to 4.99 acres in size, and rural was five acres or greater.

Ms. Ballard pointed out that many of the standard levels of infrastructure and service that the County expected in the subdivisions get their guidance from the General Plan.

Commissioner Azarmi was concerned about an investor fronting the money to provide improvements; however, the existing property owners would benefit from it and the developer would not receive any of the money back. Right now everyone was waiting for their neighbor to go first so they could tie into the utilities. He would like to see the investor get at least part of the money he or she invested back.

Robert Taylor, the Chief Civil Deputy County Attorney, stated that the County could not do a payback system for the water, gas or electric since the County did not provide those type of services. The County did provide road infrastructure. There were some mechanisms in place, for example, community facilities districts and improvement districts, where the parties by agreement conformed a payback system. Another possible mechanism would be an impact fee structure. The developer could get credit for impact fees for improvements that the developer put in that the fees covered.

Commissioner Azarmi suggested that as the application came to the County for a subdivision or for a building the County could then at that time require them to contribute toward those improvements.

27. Discussion of Renewable Energy Fees (Commercial and Residential).

Christine Ballard, the Development Services Planning and Zoning Division Manager, stated that this item came forward at the request of the Commission. At this point of time the Department was still working on standards. This item will be continued to be brought back until the Department developed a workable product. However, she suggested that the item come back in October.

28. Discussion of Renewable Energy Zoning Classifications.

Christine Ballard, the Development Services Planning and Zoning Division Manager, stated that this item came forward at the request of the Commission. The Commission had the draft of the zones. Staff had received comments from many of the Commissioners.

Denise Bensusan, the Northwest Arizona Watershed Vice Chair, stated that there were some concerns about the definition of a renewable energy project. If the County was going to utilize the water supply, a finite water supply, to produce energy, it should not be called renewable. There had to be some sort of limit on the amount of acre-feet of water that a energy project could consume to produce the energy. She mentioned a figure of between 200 to 500-acre feet a year, with 500-acre feet a year being very generous. If one used more than 500-acre feet then it should not be classified as a renewable energy project.

Jana Selk stated that she supported property rights. However, if she owned property in downtown Kingman she knew that she could not develop a pig farm. Property owners had rights but there were restrictions to those rights. Renewable energy production had been mandated from the federal government to the states. One method of solar production, concentrated solar power, yearly used a large amount of water. One of the facilities planned to be built north of Kingman would use the same aquifer that the City of Kingman used. Water was becoming a most valuable resource. She asked why wasteful water cooling could not be ruled out as a zoning or overlay and wanted to know why the County was not being proactive with water resources.

Chairman Hamlyn announced that items 25, 26, 27, and 28 would be brought back when more concrete information was available.

Commissioner Donahue made the motion to adjourn; Commissioner White seconded. Motion carried unanimously.

Meeting adjourned at 3:26 p.m.

Respectfully submitted,
Jennifer L. Harper
Planning and Zoning Commission Clerk