

**MINUTES OF THE REGULAR MEETING AND PUBLIC HEARING  
OF THE TOWN OF PINETOP-LAKESIDE PLANNING AND ZONING  
COMMISSION, HELD ON THURSDAY, MAY 26, 2022  
AT TOWN OF PINETOP-LAKESIDE COUNCIL CHAMBERS  
325 W. WHITE MOUNTAIN BOULEVARD, LAKESIDE, AZ 85929**

**A. Call to Order**

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

**Roll Call:**

The following Members were present:

John Salskov	Vice Chairman
James Brimhall	Commission Member
Tim Williams	Commission Member
Alison Stewart	Commission Member
Tim Kendzlic	Commission Member

The Following Member was absent:

Richard Smith	Commission Member
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Also Present:

Jeremiah Loyd	Community Development Director
Kristi Salskov	Town Clerk
Mackenzie Valichnac	Deputy Clerk

**B. Call to the Public**

Vice Chairman Salskov called for public comments. No comments were offered.

**C. Minutes**

**C.1 Minutes of the Regular Meeting of the Planning and Zoning  
Commission held on April 28, 2022.**

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Commissioner Williams moved to approve the minutes of the regular meeting of the Planning and Zoning Commission held on April 28, 2022. Commissioner Brimhall seconded the motion and by show of hands the following vote was recorded:

	<b>AYES</b>	<b>NAYS</b>	<b>ABSTAIN</b>
John Salskov	X		
Alison Stewart	X		
Tim Williams	X		
Tim Kendzlic	X		
James Brimhall	X		

Vice Chairman Salskov declared the motion passed with a 5-0 Vote.

**D. New Business**

**D.1 Consider accepting the resignation of Planning and Zoning Chairman Adam Staley.**

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Community Development Director Loyd stated that Chairman Staley sent a letter of resignation. Commissioner Williams moved to accept the resignation of Zoning Chairman Adam Staley. Vice Chairman Salskov seconded the motion and by show of hands the following vote was recorded:

	<b>AYES</b>	<b>NAYS</b>	<b>ABSTAIN</b>
John Salskov	X		
Tim Williams	X		
James Brimhall	X		
Alison Stewart		X	
Tim Kendzlic	X		

Vice Chairman Salskov declared the motion passed with a 4-1 vote.

**D.2 Information and Discussion regarding a Major Amendment to the Land Use Element of the 2015 General Plan.**

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Community Development Director Loyd stated that the commission would be looking the Land Use Element in the General Plan and what is required for a Land Use Element in the Arizona Revised Statutes (ARS). Loyd wants to discuss the density requirements for areas, especially for the areas listed as

Forest. Loyd asked if there were any questions from the commission or the public.

Rob Ingels asked, “*Is that from the Arizona Revised Statutes?*”

Director Loyd confirmed that this is from 9-461.05.

Rob Ingels requested, “*Can you share briefly what that says?*”

Director Loyd read ARS 9-461.05 1 A-E. Loyd stated that he specifically wants to focus on density, as required by ARS 9-461.05 1 B.

Commissioner Williams asked Director Loyd to confirm what he is referring to when speaking about density and if there has been a meeting with the Forest Service Supervisor to discuss the density of forest.

Director Loyd stated that there has not been contact with the Forest Service.

Town Manager Johnson added that the Forest Service does not acknowledge zoning so a conversation with them would not be necessary.

Director Loyd stated that the goal is to decide what density to assign the areas that are classified as forest in the future Land Use Map. Loyd explained that a future land use map shouldn't just be the current zoning map. The future land use map helps show the direction of growth that the Town wishes to have.

Town Manager Johnson stated Navajo County's Regional Plan of the Town of Pinetop-Lakeside had great aspects that should be included in our General Plan.

Director Loyd confirmed that these aspects are shown in the URS Pinetop-Lakeside Navajo County Regional Plan map that was created in 2004. Loyd stated that this map is a forward-looking map, which is what a Future Land Use Map should be.

Commissioner Brimhall brought up the property that includes the Rim Trail. Brimhall stated that this is a busy tourist spot and asked how the Commission should decide what to classify this as to allow the trail to stay open to the public.

Director Loyd explained that the property surrounding the Rim Trail is private property, and it is up to the property owner to decide what they would like to do. Since it is classified as Forest, members of the public interpret this as Open

Space. However, classifying it as Open Space would restrict the owner of their property rights if they wanted to develop the property. Loyd explained that if it had been assigned a density before becoming private property this confusion may have been eliminated.

Commissioner Stewart asked what the options for the density are.

Director Loyd explained what the different colors represent on the maps.

Town Manager Johnson asked what would be covered under Planned Development.

Director Loyd said that it is a flexible category and would include planned subdivisions and a mix of commercial and residential. Director Loyd stated that site plans must be submitted for approval by the Planning and Zoning Commission or the Community Development Director.

While discussing area 1, which includes Camp Grace, the Rim Trail, and the Maverick Center, Commissioner Stewart stated that Planned Development would make the most sense for that area.

Vice Chairman Salskov asked for public comment on this matter.

Robert Ingels commented, *“Vice Chairman and Commissioners, this has been an issue that some of us have watched for a while. I have a letter that shows that a meeting occurred back in 2019 with some concerned citizens who were working with the Mayor, the Town Manager, and the Community Development Director at the time, regarding the importance of planning. So, it is good to see this going on now. There are a couple things that are a little concerning about the discussion tonight. Part of the General Plan Administration and Implementation does suggest four items, item number three: endeavor to promote public interest in and understanding of the General Plan and regulation relating to that. The lack of involvement that I feel that the public has as some of these things move ahead and I will say, at this point, that its seeming to ignore item four, that is: consult and advise with public officials and agencies, public utility companies, civic education professions, and other organizations and citizens generally with relation of carrying out the General Plan. Some of you have seen that the Record of Decision on the land exchange talked about the importance of the Mogollon Rim Overlook Trail. Being one that has used it for many years it is a disappointment to see that basically shut off from the public. One of the responsibilities, that I feel as a citizen, when I*

*look at a Planning Commission and Council is to look out for the best interest for the citizens of the community. Substantial portions of these 300 acres have gone through rezoning and it doesn't seem to be any concern that I have heard expressed publicly about trying to keep that trail available to the public. Now, when planned development comes and maybe you say the Forest Service released this land, is the private use based on certain conditions and we have a document that talks about the importance of the Mogollon Rim Overlook Trail. Those are the tools that I think somebody needs to be working with to try to create quality development that is good for the citizens of this community for our quality of life. So, as we are on area 1, it's a little frustrating to think that there doesn't seem to be much consideration of the terms that the Forest Service released that land to a private owner. Or an attempt to encourage as that land gets re-zoned to try to promote some of the best value based on the General Plan and the citizen's input and it's the citizen's General Plan to try to at least keep that available. So as this discussion goes forth and I feel we need to engage more with the public. We have a lot of business representation, and we have a lot of folks who want growth. I'm not anti-growth but I would like to see that there is a benefit to our community when a new building comes in, instead of just more traffic. With that said, some of the documents, I would gladly make them available. Again, having the public be more aware of what's going on in these meetings would encourage a better product when we are done. Thank you."*

Commissioner Kendzlic asked if Mr. Ingels could explain the Rim Trail.

*Robert Ingels answered, "I have been out there and visited with people in wheelchairs. I am aware that emails have come in from people that used to visit this area and bring disabled people. Now it's locked up and not accessible. I think we will lose tourism. In my opinion, when the Forest Service let this exchange go through that was a key element to try and preserve. It's kind of turned over in the record of decision to the Town as it develops to properly do that."*

Discussion occurred to explain that this land is privately owned.

*Robert Ingels added, "As site plans get presented for commercial development, how it ties into the highway should be something that the town works with other public entities to minimize negative impacts instead of saying, 'this is out of our control.'"*

Commissioner Stewart asked for clarification as she was under the impression that the Rim Trail was closed for Firewise, and it would be unsafe for the public to be out there during that time.

Commissioner Brimhall asked if there has been any communication with the landowner about his intentions with the Rim Trail Property.

Town Manager Johnson stated that the Arizona Department of Forestry and Fire Management is conducting Firewise treatment on the property. The grant goes until September, but the head of the project is hoping to have it finished before that. The owner has stated that he plans to reopen the trail once Fire Wise is completed. Johnson added that a site plan would need to be submitted for any project on this land.

Commissioner Brimhall asked to confirm if the proposal is to make the area Planned Development.

Vice Chairman Salskov confirmed that Commissioner Stewart's recommendation was to make the section along White Mountain Blvd. commercial, like the rest of the town, and the remaining property Planned Development.

Town Manager Johnson stated that when the land swap occurred, the Forest Service stated that the Town has zoning regulations in place to develop the property properly and they did not wish to add any restrictions.

Larry McCormick offered the following comments, *“Alison, you are absolutely right in talking about the outlook trail and the 340 acres, I believe, that were being thinned. In my eyes, part of the problem is, I was out there through Camp Grace, initially in September and October and the gates were locked. I think that's fairly accurate. The problem was 340 acres, someone, whether it was Mr. Cote or Gappmeyer or someone else, maybe the city, I don't know, hired the Escudilla Fire Department to do the thinning. There were two crews of four men each to thin 340 acres. Which is an absolute joke. How many years will that take?”*

Commissioner Stewart reminded Mr. McCormick that the property owner has the right to choose what to do with their property.

Larry McCormick responded, *“Yes, he could but there is also an agreement between the Forest Service and the purchaser that the Rim Overlook Trail will*

*be kept accessible. Now, I understand the liability issue, but we are talking about a quarter to maybe a half-acre trail that was clear initially at the beginning of the Escudilla hiring and very accessible to get to and we are still going to wait how many months for this to happen. You are good with that? As a group you are good with the Overlook trail being closed for as long as it takes 8 guys to do the thinning? I don't know how many are there now, I don't go there every day."*

Commissioner Kendzlic responded, *"Yes, because this is private property."*

Larry McCormick continued, *"There is an agreement that needs to be enforced. Its that simple. There is an agreement in the land swap that clearly states that the Overlook Trail will remain open in perpetuity. Nobody seems to care about that."*

Commissioner Brimhall asked if there was anything in the contract that would allow the Town to enforce this.

Commissioner Kendzlic responded, *"that doesn't matter right now because it is a liability to have people there while Fire Wise is happening."*

Community Development Director Loyd reminded the commission that the focus of the meeting is to discuss future land use and this discussion is off topic.

Vice Chairman Salskov stated that the Commission agrees that for Zone 1 it should be commercial along White Mountain Blvd. and the rest should be Planned Development.

Community Development Director Loyd asked what the Commission would like to do with Zone 5.

Commissioner Williams expressed that he thought this area should be Planned Development as well.

Vice Chairman Salskov asked Director Loyd to show what parts of the Town are in Zone 5.

Community Development Director Loyd stated that most of this is currently zoned Open Space, especially along Billy Creek.

Commissioner Brimhall asked if there was a way to create a buffer around Billy Creek.

Community Development Director Loyd stated that they could make the area around Billy Creek Open Space.

Commissioner Brimhall said that he would like to see it similar to Woodland Lake and be a place for people to come and enjoy the outdoors.

Vice Chairman Salskov stated that he would like to see the area that backs the forest to be Low Density and then the area in front of that to be Planned Development. This would help reduce the number of houses that back the forest.

Commissioner Williams and Kendzlic agreed that this is a good idea for the area.

Community Development Director Loyd asked what the Commission would recommend for the area around Penrod and Aspen Meadows. Director Loyd stated that there are developers who would like to expand the cabins but are unable to because of zoning.

Robert Ingels added, *“I know the master plan of Aspen Meadows. When you talk about expanding cabins are you talking about Mountain Top?”*

Community Development Director Loyd said he thought they were called Pinetop Vista Cabins.

Robert Ingels continued, *“Yes, they are for sale right now and they have had cabins there for decades.”*

Community Development Director Loyd stated that this area isn't zoned commercial and since the cabins are legal non-conforming they cannot be expanded.

Commissioner Williams asked what the surrounding area is zoned.

Community Development Director Loyd stated that it is R-low.

The commission discussed the pros and cons of allowing more cabins in a residential area. The commission decided that Planned Development is better



than Commercial because a developer would have to bring a site plan to the Commission for approval. Vice Chairman Salskov asked if this was a private road.

Robert Ingels answered, *“It is. From the end of the cul-de-sac up, its private. The family built the cabins in the 60’s, then it sold approximately 10 years ago. Then the whole top of the mountain sold more recently, and I guess that guy is still struggling to get the rock work to get utilities up there to use for 1 acre lots, overlooking the whole meadow.”*

The commission discussed how many cabins are currently there and the area around the cabins.

Robert Ingels added, *“The road is very steep and cindered, not paved and the cabins are kind of nestled against the mountain I think that is why they are so desirable for people. To get away from traffic.”*

The commission discussed that Planned Development would be a good idea for this area, since approval would be needed before development. The Commission also discussed how legal non-conforming affects zoning. Vice Chairman Salskov reminded that the Future Land Use Map is different from zoning. If a Zone Change is requested but it doesn’t fall within the density assigned in the General Plan, it cannot be approved.

Robert Ingels added, *“I believe the commission created a way where a residential lot of a certain size can have a guest house up to 1000 square feet.”*

Community Development Director Loyd confirmed that is correct in the R-Low zone.

Robert Ingels continued, *“Even without going through subdivision or re-zoning, if the property did a minor lot split to the three acres, they could almost double the amount of cabins.”*

Community Development Director Loyd stated they already have five cabins so they would only be able to add one more.

Commissioner Williams added that they would be able to increase the size of the cabins during that process.

Robert Ingels stated, “I’m just trying to be constructive to help out the sales tax revenue without negatively impacting the surrounding neighbors and making it easier for you to be accommodating in businesses interest and have a minimal impact instead of having a resort-like impact.”

Community Development Director Loyd stated that this could be a possibility. He also stated that the Town cannot regulate short term rentals due to State Legislation.

**E. Adjournment**

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There being no further business at this time, the meeting was adjourned at approximately 7:10 p.m.

  
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Vice Chairman Salskov

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Planning and Zoning Commission of the Town of Pinetop-Lakeside, Arizona, held on the 26<sup>th</sup> day May 2022. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 26<sup>th</sup> day of May 2022.

  
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Mackenzie Valichnac, Deputy Town Clerk

