

MINUTES

HEARING OF THE NAVAJO COUNTY PLANNING AND ZONING COMMISSION

February 19, 2014

ATTENDANCE P & Z Commissioners

Attended:

1. Bob Hall
2. Chuck Teetsel
3. Evelyn Meadows
4. Jason Hatch
5. Randy Murph
6. Rick Slone
7. Ruth Ann Smith
8. Wendell DeCross

Absent:

Carol Davis
Fred Shupla
Robert K. Black

Staff Attendance:

Trent Larson
Peggy Saunders

Kristyn Saunders

Meeting held at the Navajo County Board of Supervisors Chambers, Holbrook, Arizona – Time: 6:02 p.m. to 7:30 p.m.

CALL TO ORDER

Chairman Chuck Teetsel called the meeting of the Navajo County Planning & Zoning Commission to order at 6:02 p.m., and led the Pledge of Allegiance. He also explained the housekeeping rules for the benefit of the public in attendance.

ITEM #1 – CASE # 15-1: SPECIAL USE PERMIT EXTENSION: Discussion and possible action on a request by Aztec East Jeffers, LLC for an Extension on Special Use Permit #05-12 for a Meteorological Tower on APN: 110-07-001B, a.k.a. a portion of Section 31 Township 16 North, Range 20 East of the G&SRM in the Holbrook area.

Trent Larson presented the Staff Report and gave an overview of the project. Aztec East Jeffers, LLC is requesting a 120 month Time Extension for Special Use Permit #05-12. The reason for the extended time frame is to be able to leave the tower up long enough for a viable project to materialize. The original permit was granted in 2012 for 36 months to construct a MET tower located approximately 13 miles southwest of the City of Holbrook in Navajo County.

Applicant Comments: Steve Brophy, with Aztec Land and Cattle Co. explained that there are two met towers in the area; one has been collecting data for three years and the other for two years. The property is leased to a Chicago based wind energy developer. They have received word that the area in question is a prime location for wind energy, and they wish to continue providing data to potential wind farm projects now that the economy has recovered - particularly

in light of the recent policies to close more coal burning plants. He said the longer the term of the data collection the more valuable the data is; making it desirable to not have any gaps in data caused by having to remove the met tower while waiting for extensions to go through. **Chairman Teetsel** asked about the other met towers in the area, the eastern most met tower in particular. **Mr. Brophy** explained that the second tower was newer, and expressed interest in putting up more towers; as well as coming back before the commission for extensions for the other towers so that they would all expire at the same time. **Chairman Chuck Teetsel** expressed his concern for the length of the extension, and asked the Applicant to explain the reason behind such a long extension. **Mr. Brophy** said the towers were not as noticeable or detrimental to the environment, and had a very negligible impact on surrounding people, and that the value of keeping it up was worth the lengthy term of the extension. None of the towers they have put up on their land have been removed as they are a viable asset; the more complete the data set over the years the more desirable it was to potential projects. He also stated the three year limit of the tower was not the most feasible time frame, and that the policy should be reviewed to find a better solution. **Chairman Teetsel** asked **Mr. Larson** about the number of towers that have been approved and how many had been taken down as per the requirements. **Trent Larson** stated that approximately 31 towers have been approved, however staff was still in the process of finding which towers were actually erected; Staff is working with the Arizona Department of Game and Fish on locating and monitoring the met towers. He further noted that only a small number had been taken down; however there are quite a few that are getting close to the timeframe for expiration, and that a handful of owners have come back to ask for extensions on the met towers. **Commissioner DeCross** asked if there had been met towers where the existing wind turbine towers were put up, and also what the purpose the met towers had after the wind farm was in place, as he did not understand why they had permanent met towers after placing the wind farms. **Trent Larson** said there are permanent towers on the Iberdrola sites, and while he did not fully understand the reasoning behind making them permanent, but understood that the generators do not collect data like the met towers do. **Commissioner DeCross** then said that ten years was far too long. **Commissioner Slone** agreed that three years was plenty of time to determine wind capabilities, but also agreed with the applicant, that if the property owner doesn't mind, the status of the met towers, permanent or not, is inconsequential. **Steve Brophy** addressed the Commission and explained the met towers were there to help collect data about efficiency. He also pointed out a similarity to weather stations, and said the longer the towers were in place, the better the data they can collect to follow trends in the weather to bring more informed decisions for future projects. **Commissioner Slone** asked the applicant if he would take down the towers if they were no longer in use, **Mr. Brophy** said they would continue to renew their application until they determined there was not a reason to keep them up, and they would remove them if there was no longer a chance of wind development in the area. **Commissioner Hatch** asked if there was a limit to the number of renewals that could be requested. **Trent Larson** said there were no limits in the Ordinance. **Commissioner Randy Murph** said the purpose of the met tower is to measure the anticipated performance of a turbine, and track changes in weather to anticipate possible lows and highs of production. **Chairman Teetsel** asked at what point it's considered that there are too many met towers, and expressed concern over setting a precedent. **Mr. Teetsel** asked if Game and Fish had any concerns. **Mr. Larson** replied that they do include Game and Fish for new applications for towers and weigh in on the concerns to wild life in the area. **Commissioner DeCross** brought up that there was not really a good reason to having limits if permanent towers existed. **Commissioner Slone** said that if ten years was what they asked for a new tower he would find it excessive as there were unknowns about the impact the tower would make to the area, but ten years was not a problem for an existing tower that was still transmitting data. **Chairman Teetsel** asked if there were any comments, from public and commissioners, seeing none, asked **Mr. Larson** his take on the matter. **Mr. Larson** said we are

in the business of attracting development to this area, it would be wise to allow them to keep the tower up rather than have to take it down. Staff did not receive comments either for or against the project from the public.

Chairman Teetsel called for a motion. **Motion to approve:** **Commissioner Jason Hatch** made the motion to approve. The motion was seconded by **Commissioner Ruth Ann Smith**. The vote was (7 – 1) to recommend approval to the Board of Supervisors, with **Commissioner Wendell DeCross** in opposition to the approval.

ITEM #2 – CASE # 14-35: SPECIAL USE PERMIT: Discussion and possible action on a request by Moonbeam Hollow, LLC, for a Special Use Permit for a Family Camp on APN: 404-73-004, a.k.a. a portion of Section 5, Township 11 North, Range 23 East of G&SRM in the Snowflake area.

Trent Larson presented the Staff Report and gave an overview of the project. It is the intent of the property owners to use the land for vacation and recreational purposes on a seasonal basis. All improvements to their property will be consistent with the intended use of the allowed land uses and will be made in full compliance with Navajo County codes. Though they have no formal project timeline for the completion of improvements they intend to be completed during the spring and summer months, as the weather permits. The owners also intend to use only local businesses and labor for completion of improvements.

Applicant Comments: Applicant **Glenn Gutierrez** stated that they wanted to have a place to cool off in the summertime, as he lived in Tucson. **Mr. Gutierrez** said that he wanted to preserve the land as much as possible and save all the junipers possible to preserve the natural feel of the land. **Commissioner Jason Hatch** asked how many homes he planned on building on the property. **Mr. Gutierrez** said up to 13 but only going working on 10. He also noted that the only people that would be using the camp would be those that will help invest in building the project. **Commissioner Hatch** asked the applicant about the size of the project. **Mr. Gutierrez** replied, and said that it was three quarters of an acre at max for each house, to disturb as little land as possible. **Trent** noted that zoning allowed for there to be up to 40 houses on the property, however the applicant was only asking for 13. **COMMISSIONER DECROSS** asked if the applicant would be able to rent the camp out if this project were to be approved. **Mr. Larson** replied that the Ordinance does not allow the units to be rented.

Chairman Teetsel asked if there were any other questions, from commissioners or audience.

Motion to approve: **Commissioner Wendell DeCross** made the motion to approve. The motion was seconded by **Commissioner Randy Murph**. The vote was (8 – 0) to recommend approval to the Board of Supervisors.

ITEM #3 – CASE # 14-37: ZONE CHANGE: Discussion and possible action on a request by Edward T. Deese for a Zone Change from RU-20 to RU-10 for APN: 403-81-011A, a.k.a. a portion of Section 31, Township 14 North, Range 23 East of the G&SRM in the Snowflake area.

Trent Larson presented the Staff Report and gave an overview of the project. The applicant, Mr. Deese, would like to be able to sell half of his 20 acre parcel to a family member to build a home. A Zone Change from RU-20 (Single-family Residential, 20 Acre minimum lot size) to RU-10 (Single –Family Rural 10 Acre minimum lot size) would allow the parcel to be split into two 10 acre parcels.

Chairman Teetsel asked if there were any questions or comments in favor or opposition from the audience.

Nora Isaacs was concerned that if they split the parcel, would that open up problems with dog kennels, junk cars, or noise in the neighborhood. The area was mostly quiet, and they want to maintain that. She pointed out her property, and asked if there was any way they could ensure that there were restrictions. **Chairman Teetsel** asked **Trent Larson** to explain the ordinance section regarding Rural Zoning. **Mr. Larson** explained that the uses and restrictions would remain the same as the current zoning, however dog kennels would require a special use permit. **Chairman Teetsel** asked the applicant if he had any comments, to which **Mr. Deese** replied that if anything became a concern, he would be first to bring it to light as he would be living next door to the property. **Commissioner DeCross** asked what the differences between zonings were; Trent said there was no difference, save for the allowed minimum lot sizes.

Motion to approve: **Commissioner Randy Murph** made the motion to approve. The motion was seconded by **Commissioner Wendell DeCross**. The vote was (8 – 0) to recommend approval to the Board of Supervisors.

ITEM #4 – CASE # 14-38: SPECIAL USE PERMIT: Discussion and possible action on a request by Chris & Judy Gill to allow AT&T to construct a wireless tower on APN: 409-20-015G, a.k.a. a portion of Section 4, Township 10 North, Range 21 E, in the Linden area.

Trent Larson presented the Staff Report and gave an overview of the project. Pinnacle Consulting is requesting a Special Use Permit on behalf of AT&T. The requested permit is to allow for installation of a 140' Cellular Tower. The cell tower will be a monopole with an 11.5'x20' operations equipment shelter on the property. There was one property owner opposed to the project because there would be a second tower in the vicinity.

COMMISSIONER WENDELL DECROSS asked why they were submitting for their own tower instead of using an existing tower. The applicant responded that it wasn't feasible to piggyback off other towers. AT&T had great towers and wanted to expand the network to make the signal work better for consumers. They requested co-location with owners of existing towers, but they were unable to upgrade because of amendments of current leases, and had great difficulty getting a response from other tower owners (fire department).

Chairman Chuck Teetsel asked if there were any more questions, noting that the Fire Department's tower did not have space for the new equipment. Seeing none, he asked for Motion.

Motion to approve: **Commissioner Evelyn Meadows** made the motion to approve. The motion was seconded by **Commissioner Wendell DeCross**. The vote was (8 – 0) to recommend approval to the Board of Supervisors.

ITEM #5 – CASE #15-2: NAVAJO COUNTY ORDINANCE AMENDMENT TO ARTICLE 16A-02.3: Medical Marijuana Dispensary Offsite Cultivation Location facilities to be allowed in Rural (RU-20, RU-10, RU-5 and RU-1), zoning districts and, subject to securing a Special Use Permit.

Trent Larson presented the Staff Report and gave an overview of the project. The Navajo County Zoning Ordinance, adopted in 1974, requires periodic amendments to address changes

in land use law, technology, and other factors in order to best serve the current needs of Navajo County residents and business'. Occasional text amendments are also required for clarification in the ordinance as terminology, social culture and economic stability changes. The text amendment being proposed by staff is for the purpose of including the Rural Zoning Districts in the list of allowed areas for Medical Marijuana Offsite Cultivation Locations. Currently the Zoning Ordinance allows a State approved Medical Marijuana Dispensary to operate an offsite cultivation facility in the A-General, Commercial-Residential and Industrial Zoning Districts. Upon review of the available land in the currently allowed zoning districts, the cultivation facilities end up in higher density residential and retail areas. The surrounding property and business owners in these areas have expressed much concern for this type of facility locating near them. The proposed change will allow an offsite cultivation center to be located in areas of low density residential among other agricultural type of activities. The proposed change will not affect the requirement for the owner to obtain a Special Use Permit before opening the cultivation facility. The process of acquiring a Special Use Permit through public hearings will remain in place to provide for public involvement.

Commissioner DeCross asked that the RU-1 zoning be removed from the list of zonings that will permit the use in question, as they wished to encourage more remote locations for the centers.

Motion to approve: **Commissioner Smith** made the motion to approve, with stipulation to remove RU-1. The motion was seconded by **Commissioner DeCross**. The vote was (8 – 0) to recommend approval to the Board of Supervisors.

ITEM #6 – POSSIBLE APPROVAL OF MINUTES FROM THE COMMISSION HEARING OF NOVEMBER 20, 2014.

Motion to approve/deny: **Commissioner Wendell DeCross**, the motion was seconded by **Commissioner Jason Hatch**. The vote was (8 – 0) to approve the minutes of the August 21, 2014 hearing.

ITEM #7 – POSSIBLE APPROVAL OF 2015 MEETING SCHEDULE.- Approved

ITEM #8 – ELECTION OF OFFICERS.

Commissioner Wendell Decross - Made a motion to open the nominations. **Commissioner Ruth Ann Smith** Nominated Chairman Chuck Teetsel for another term. **Commissioner Bob Hall** Seconded the motion. **Commissioner Wendell Decross** made a Motion to Close Nominations. Motion Passed (8-0). Commissioner Chuck Teetsel will remain the Chairman.

Vice Chair Nominations **Commissioner Hatch** made a motion to open the Vice Chair nomination. **Commissioner Slone** nominated Ruth Ann Smith to remain as Vice Chair of the Planning Commission. **Commissioner DeCross** made a motion to close the nominations, and keep Vice Chair Ruth Ann Smith. **Commissioner Murph** seconded the motion, motion passed 8-0.

ITEM #9 – COMMISSIONER'S COMMENTS AND/OR DIRECTIONS TO STAFF.

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

Commissioner Evelyn Meadows asked about minutes, staff explained that the minutes were not quite ready.

ITEM #10 – REPORT FROM STAFF TO THE COMMISSION.

Trent Larson said there were four new housing projects with possibly more development including an RV park in the Lakeside area, with a possible old project in the Silver Lake Estates area. Greg Loper may be working with the developer to revive the project and finish it.

Chairman Chuck Teetsel asked about town homes, Trent said there was no site plan, but he will be meeting with them in the next week, 50 possible townhomes.

With there being no further business to bring before the Commission, a motion to adjourn was made by **Commissioner Jason Hatch**, and seconded by **Commissioner Ruth Ann Smith**.

The vote was unanimous (8 – 0), and the meeting was adjourned at 7:30 p.m.

NAVAJO COUNTY PLANNING COMMISSION

Chairman, Chuck Teetsel

ATTEST:

Secretary, Kristyn Saunders