

MINUTES

HEARING OF THE NAVAJO COUNTY PLANNING AND ZONING COMMISSION

May 21, 2015

ATTENDANCE P & Z Commissioners

Attended:

1. Chuck Teetsel
2. Jason Hatch
3. Randy Murph
4. Rick Slone (Via Teleconference)
5. Ruth Ann Smith
6. Wendell DeCross

Absent:

Carol Davis
Fred Shupla
Robert K. Black
Bob Hall
Evelyn Meadows

Staff Attendance:

Bill Bess

Peggy Saunders

Kristyn Saunders

Meeting held at the Navajo County Board of Supervisors Chambers, Holbrook, Arizona – Time: 6:08 p.m. to 8:10 p.m.

CALL TO ORDER

Chairman Chuck Teetsel called the meeting of the Navajo County Planning & Zoning Commission to order at 6:08 p.m., and led the Pledge of Allegiance. **Mr. Teetsel** explained the housekeeping rules for the benefit of the public in attendance.

Items numbered 1 through 3 were combined in the interest of time, and all voted on separately.

ITEM #1 – CASE # 15-03: SPECIAL USE PERMIT – DISTRICT III: Discussion and possible action on a request by Hashknife Wind Energy for a Special Use Permit for a Meteorological Tower (Met 1) on APN: 111-03-001A, a.k.a. a portion of Section 13 Township 15 North, Range 17 East of the G&SRM in the Holbrook area.

Peggy Saunders presented the Staff Report. Invenergy and Hashknife Wind Energy, is requesting a Special Use Permit to install a 197.8 foot Metrological Testing Tower (MET) to collect weather data for the area through the temporary installation of a 197.8 foot MET tower located on their properties in Navajo County. The towers are intended to collect wind speeds, solar intensity and climate related data. This data is to be used by the owner to determine weather and climate patterns on the property. They currently do not have any development plans for an alternate use of the property other than the existing agricultural uses. The collection of this data is to be used in future company analysis and land use planning. **Mr. Steve Brophy** was available in the audience to answer questions from the Commission. **Mr.**

Brophy pointed out that the proposed met towers were just north of an existing wind farm, and the area was thought to be desirable for wind resources. **Commissioner Wendell** asked why the towers were to remain after wind towers were installed, to which **Mr. Bess** answered, keeping the met towers would allow them to measure the difference in air turbulence and productivity. **Chairman Teetsel** asked if there were any other comments to be added. **Commissioner DeCross** requested that the stipulation be added that the operator decide to abandon a met tower that they be required to notify Navajo County.

Commissioner DeCross made the motion to approve with all stipulations from staff and added by the Commission. The motion was seconded by **Commissioner Randy Murph**. The vote was (6 – 0) to recommend approval to the Board of Supervisors.

ITEM #2 – CASE # 15-04: SPECIAL USE PERMIT– DISTRICT III: Discussion and possible action on a request by Hashknife Wind Energy, LLC for a Special Use Permit for a Meteorological Tower (Met 2) on APN: 111-04-001, a.k.a. a portion of Section 9, Township 15 North, Range 18 East of the G&SRM in the Holbrook area.

Commissioner Wendell Decross made the motion to approve with all stipulations from staff and added by the Commission. The motion was seconded by **Commissioner Hatch**. The vote was (6 – 0) to recommend approval to the Board of Supervisors.

ITEM #3 – CASE # 15-05: SPECIAL USE PERMIT– DISTRICT III: Discussion and possible action on a request by Hashknife Wind Energy for a Special Use Permit for a Meteorological Tower (Met 3) on APN: 111-08-002, a.k.a. a portion of Section 20, Township 16 North, Range 18 East of the G&SRM in the Holbrook area.

Commissioner DeCross made the motion to approve with all stipulations from staff and added by the Commission. The motion was seconded by **Commissioner Murph**. The vote was (6 – 0) to recommend approval to the Board of Supervisors.

ITEM #4 – CASE # 15-07: SPECIAL USE PERMIT– DISTRICT II: Discussion and possible action on a request by F Bar Cattle Company to allow Cellular One to construct a second wireless cellular tower on APN: 108-23-997, a.k.a. a portion of Section 9, Township 18 North, Range 16 East of the G&SRM in the Winslow area.

Bill Bess presented the staff report. F Bar Cattle Company is requesting a Special Use Permit on behalf of Cellular One. The requested permit is to allow for installation of a second self-support 180' tower next to the existing 280' Cellular Tower. This will allow them to move the heavier microwave equipment from the older tower onto the new state-of-the-art tower. They plan to keep the RF antennas on the 280' tower for greater coverage. The new cell tower will use the existing operations equipment shelter on the property. The surrounding area is mostly used for agricultural uses, and is zoned as A-General, which allows uses for towers like the one proposed. Flood Control and Engineering had no issues; the County Attorney's office also had no issues as long as all the conditions listed in the Staff Report were met. Staff received 0 comments in favor, and 1 in opposition. **Commissioner Hatch** asked why they were building the new tower next to the old tower. **Dennis Baker**, of Cellular One came forward to reply, and said that the new tower would use the same utility building, and would be placed within 30 feet

of the existing tower. He said the new tower would help the microwave backhaul and give them the ability to install more equipment into the network. AT&T wishes to add more technology to the existing tower, however additional weight could cause the existing structure to fail. The second tower is being constructed to move older, heavier equipment and introduce new technology into the network. After discussing the process for abandoning a tower, **Commissioner DeCross** recommended adding a condition to the resolution: "Should the operator decide to abandon the use of the tower, they shall notify Navajo County Planning & Zoning, that the tower is no longer being used." With no further discussion, **Chairman Teetsel** called for a motion.

Commissioner DeCross made the motion to approve the Special Use Permit as presented by Staff with the additional condition stated. The motion was seconded by **Commissioner Hatch**. The vote was (6 – 0) to recommend approval to the Board of Supervisors.

ITEM #5 – CASE #15-06: SPECIAL USE PERMIT– DISTRICT III: Discussion and possible action on a request by Kompo Care for a Medical Marijuana Offsite Cultivation Facility on APN: 202-39-008 & 202-27-033B, a.k.a. a portion of Section 35 & 36, Township 14N, Range 21E, in the Snowflake area.

Mr. Bess presented the Staff Report.

Kompo Care currently maintains a medical marijuana dispensary in Taylor, and they wish to build an offsite cultivation facility to grow their product to support it. The surrounding area is vacant area and undeveloped land outside of Snowflake. The proposed building would be 6000 square foot metal building as well as having security measures including monitoring cameras for 24 hour surveillance, and a modular building for 24-hour on-site personnel. The parcels in question contain trust land for dilapidated buildings that were once used as a pig farm.

Mr. Bess further stated that the current zoning is RU-20, and the use is allowed as in Article 16A of the Zoning Ordinance. He also noted that the purpose of the RU-20 zoning was to prevent high density populations in areas where emergency services were unavailable, and stated that the proposed location was fairly isolated and well away from other properties. **Mr. Bess** also read out the distance requirements, and noted that the proposed location met these requirements. Staff received 0 comments from the public in favor, and 3 comments opposed. Engineering, Flood control, and Attorney's offices did not have any issues with the proposal as long as the applicant followed the list of conditions in the staff report. Staff has contacted multiple districts and jurisdictions that have dealt with cultivation centers, and no impacts in public safety or otherwise have been noted. Applicant **Dusty DeCarlo** was in the audience, and approached the commission to answer questions. He noted that the former cultivation center had been approved before by the Board of Supervisors and had no issues with the operation of the center; however the location of the center was leased property and the costs became a large disadvantage to the location. Since then Kompo Care has struggled to find a new location, working closely with Staff. The Commission and the Board of Supervisors approved a change in the ordinance to include Rural 20, 10, and 5 zonings to allow Medical Marijuana cultivation centers, away from more populous areas. **Chairman Teetsel** called for anyone in the audience who wished to speak in favor of the application.

Robert Fern spoke in favor of the project, and noted the need to be fairly distant from

everyone, the changing of the zoning ordinance, and said that they have done everything in their ability to work with Navajo County to get this done. **Jeff Quinn**, with Kompo Care also spoke in favor, and said that from an economic standpoint they would be unable to continue their business unless they were able to build their cultivation center. **Chairman Teetsel** called for anyone in the audience who wished to speak in opposition. **Ben Ballard** stepped forward with the concerns about not being notified, to which **Mr. Teetsel** explained that the requirements for notification are 300' from the property line, but to err on the side of caution staff notified more property owners than required by law. **Mr. Ballard** said his issues were with security and that he was worried that he might have to increase the security for his business, and asked that if it was required to be in rural areas then why was it not a perceived threat; and expressed concerns about property value. **Chairman Teetsel** responded to property value concerns, and said that the immediate area with the dilapidated buildings was far more of an impact than the cultivation facility, which would be very difficult to see from the road if at all. He further explained that the reason behind including the rural zoning was to try and ease discomfort of property owners in more populous areas, and there was *not* a requirement for them to be in rural zonings as cultivation facilities are also allowed in Industrial and A-General zonings. **Mr. Bess** also clarified that the title of "Rural" did not necessarily mean that it was located in a truly rural area, and that it simply indicated a minimum lot size, as the location was just outside of the city limits of Snowflake. **Jim Muzrall** approached the commission with concerns about property value, and ground water usage. He also said that he was concerned because some people were not notified. **Chairman Teetsel** explained again the 300' minimum requirement for notification, and **Mrs. Saunders** from Staff explained that some postcards were returned because the property owners failed to provide the Assessor's Office with correct mailing addresses; she further stated that it was the responsibility of the property owner to provide current and up to date information to the Assessor's Office to be able to receive such notices in a timely manner. **Mr. Muzrall** then asked if there was some sort of stipulation about who they could sell the property to. **Chairman Teetsel** addressed this question, there are no requirements on who he can sell it to, as anyone can own property. **Commissioner DeCross** asked if **Mr. Muzrall** was within the city limits of the town of Snowflake, and **Mr. Muzrall** confirmed that he was. **Commissioner DeCross** then explained that the city has its own zoning requirements, and they have no jurisdiction over what the county does, and vice versa. So the City requirements may be different than what Navajo County requires. **Greg Wilson's** main concerns were about what chemicals they would be using to grow their product and how it would impact the environment. He also asked if his restrictions would change, **Mr. Bess** said that the County Attorney would be best to contact about this particular question. **Clover Hertlein** had a question regarding the crosspollination. **Robert Thomas** came forward to express his concerns about the company moving from their previous location, and also brought up concerns about who would be inspecting them to make sure that the plants were being properly contained and proper handling procedures were being followed. He asked if the smell was pungent and if it would affect the air quality. **Chairman Teetsel** stated that the inspections were to be handled by the state of Arizona, not the County. **Chairman Teetsel** asked Staff if the actual dispensary had moved from its original location in Taylor, and Staff replied that it had not. **Sharon**

Muzrall simply stated that she sees this as a bad omen. She also felt it would impact growth in the area. **Chairman Teetsel** agreed there were issues everyone had opinions on, and their own opinions should not affect the Commissioner's job, which was to determine if this was an allowed use for this property. **Mr. DeCarlo** clarified some of the questions. They left the saw mill property because it was a one year lease that was both a dispensary and a cultivation facility, but they moved to the Taylor location once their lease was up. **Mr. DeCarlo** also said they are an organic company, and would only be using organic fertilizers. In regard to the water usage, they would use around 500 to 800 gallons a day. The facility is also completely indoors, so cross-pollination would not be an issue, and **Chairman Teetsel** recommended that they contact the County if there was a strong odor, as it would be a Code Enforcement issue. **Commissioner Hatch** asked if they owned this property. **Mr. DeCarlo** replied that the sale was contingent upon the approval of the Special Use Permit. **Chairman Teetsel** asked how tall the facility would be, **Mr. DeCarlo** replied that it would be at most 14 feet tall. **Chairman Teetsel** the state law that the dispensaries within the State of Arizona can assist each other when their supplies is low, which is how Kompo Care was able to keep running despite not having a current cultivation center. **Chairman Teetsel** said that it did not matter how many plants they were growing, that was up to the State to determine if that was acceptable or not. **Commissioner Smith** asked **Mr. DeCarlo** if there was enough demand in their dispensary to justify his need for a larger cultivation facility, **Mr. DeCarlo** said that there was an increase in patients that justified the need for a larger cultivation center. **Commissioner Smith** explained the usefulness of dispensaries in controlling the cultivation of Medical Marijuana. If a Medical Marijuana patient does not have a dispensary within 25 miles of their home, they can legally grow for themselves, and grow for up to five people. This would remove the regulation requirements and there would be no way for the State, or Law Enforcement to determine if the patient is using the product correctly or if they're using it to generate illegal income. Having a dispensary removes the temptation of misuse by the patient, and the product is being regulated under strict conditions and tracked accordingly.

Commissioner Smith made a motion to approve the Special Use Permit with the stipulations stated by Staff. The motion died for lack of a second.

Commissioner DeCross made a motion to deny the Special Use Permit, which was seconded by **Commissioner Slone**. The vote was (4 – 1) to recommend denial to the Board of Supervisors.

Chairman Teetsel then called for a short recess at 7:38 PM. Meeting resumed at 7:43 PM.

ITEM #6 – CASE #15-09: SPECIAL USE PERMIT– DISTRICT IV: Discussion and possible action on a request by Steve Dedmon, to construct a Manufactured Home Park on APN: 212-26-085, a.k.a. a portion of Section 24, Township 9 North, Range 22E, in the Lakeside area. Bill Bess presented the staff report. Steve Dedmon, on behalf of Manulux Communities is requesting a Special Use Permit to develop a 6.02 acre property to operate a 47 unit manufactured home community in the Lakeside area. Engineering, Flood Control, and the Navajo County Attorney's office had no issues as long as the conditions listed in the staff report were met. **Bill Bess** also said that the roads within the project would not be taken into the County road maintenance system, they will be

gravel roads that will be maintained by Manulux Communities. Staff received 0 in favor and 4 opposed. **Steve Dedmon** was in the audience, and addressed the Commission. He and **Jack Peterson** had been researching a development opportunity and found this parcel was close to schools and in R-3 zoning, making the project desirable for this type of community development. **Chairman Teetsel** and **Commissioner Decross** asked about density allowed in R-3 zoning, **Mrs. Saunders** read from the ordinance that the minimum lot area for a manufactured home park was 6000 square feet, the minimum width is 60 feet, and the allowed lot coverage was up to 50% for the zoning of the property; The applicant was able to meet these requirements for the proposed project. **Chairman Teetsel** asked about the road maintenance, and if there was an HOA that would be put in place. **Mr. Dedmon** said that there would not be an HOA, Manulux Communities would be responsible for maintaining the land and roads. **Chairman Teetsel** asked if the lots were leased, **Mr. Dedmon** said that he would not be selling any of the lots and would only be renting the properties. **Chairman Teetsel** asked if fire department had reviewed the plans, to which **Mr. Dedmon** confirmed that they had been reviewed by the fire department and that the plans met the requirements. **Commissioner Decross** stated that he had safety concerns about the increase in traffic. **Mr. Bess** said that there was going to be traffic increase, but that Amanda Drive was big enough to accommodate the increase. **Commissioner Decross** had issues with the ingress and egress being fairly close together, and asked the reason behind this. **Mr. Dedmon** explained this project is to be phased and the first phase includes the two road connections. **Chairman Teetsel** asked if there was anyone in the audience that would like to speak in favor. **Juan Rosalez-Perez** and **Jack Peterson** both spoke in favor of the project. **Chairman Teetsel** asked if there was anyone in opposition in the public. **Don Hanson** spoke in opposition to the project, and was worried about the increase in traffic because there was already 12 units on Amanda Drive. He further said he had not brought the CC&Rs for his subdivision but believed that they were protected from any development in the subdivision. **Chairman Teetsel** asked Staff to explain; **Mr. Bess** said that the issue of the CC&Rs wasn't relevant because the project area abuts the subdivision but is not a part of the subdivision. **Commissioner Decross** pointed out that a previous application was denied because of possible traffic issues; **Chairman Teetsel** responded, it was more an issue of industrial uses in a residentially zoned area than the traffic. **Jack Peterson** said, he was the previous owner of the lots that **Don Hanson** currently owns, and said there was no such agreement between them that prohibited **Mr. Peterson** from developing his land. He also wanted to say that he should be able, as a private land owner, to use his property for profit. They could have chosen to put in multi-family apartments according to the zoning, which would not require a Special Use Permit. **Mr. Bess** said communities of higher density in the area have used similar roads and have not had problems, and that Amanda Drive would have enough room for both communities. **Chairman Teetsel** called for a motion, and **Commissioner Murph** made the motion to approve. The motion was seconded by **Commissioner Hatch**. The vote was (6 – 0) to recommend approval to the Board of Supervisors.

ITEM #7 – POSSIBLE APPROVAL OF MINUTES FROM THE COMMISSION HEARING OF FEBRUARY 19, 2015.

Item tabled, as the finished minutes had not been reviewed by Staff.

ITEM #8 – 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.

ITEM #9 – REPORT FROM STAFF TO THE COMMISSION.

Peggy Saunders showed a map of the current installed and planned met towers in the County.

With there being no further business to bring before the Commission, a motion to adjourn was made by **Commissioner DeCross**, and seconded by **Commissioner Murph**.

The vote was unanimous (6 – 0), and the meeting was adjourned at 8:10 p.m.

NAVAJO COUNTY PLANNING COMMISSION

Chairman, Chuck Teetsel

ATTEST:

Secretary, Kristyn Saunders