

MINUTES

HEARING OF THE NAVAJO COUNTY PLANNING AND ZONING COMMISSION

May 16, 2013

ATTENDANCE P & Z Commissioners

Attended:

1. Chuck Teetsel
2. Randy Murph
3. Joel Lawson
4. Ruth Ann Smith
5. Bob Hall
6. Wendell DeCross (telephonically)

Absent:

Carol Davis
Robert Black
Fred Shupla
Rick Slone
Jason Hatch
Evelyn Meadows

Staff Attendance:

Trent Larson
Peggy Saunders

Homero Vela
Robin McCormick

Brandt Clark (telephonically)

Meeting held at the Navajo County Board of Supervisors Chambers, Holbrook, Arizona – Time: 6:11 p.m. to 7:47 p.m.

CALL TO ORDER

Chairman Joel Lawson called the meeting of the Navajo County Planning & Zoning Commission to order at 6:11 p.m., and led the pledge of Allegiance. Mr. Lawson explained the housekeeping and meeting rules for the benefit of the public in attendance.

ITEM #1 - CASE # 13-07: SPECIAL USE PERMIT: Request by Cellular One for a Special Use Permit to construct a telecommunications tower on Assessor Parcel Number (APN): 212-20-147A, a.k.a. a portion of Section 22, Township 9 North, Range 22 East G&SRM, Navajo County, Arizona, in the Lakeside area.

Trent Larson presented the Staff Report and gave an overview of the project.

Dennis Baker of Cellular One gave supporting statements on behalf of the applicant. This tower will fill a gap in the service area and provide an upgrade from 2G coverage to 3/4G coverage. The company has completed a full archeological and environmental study of the area where the proposed tower will be placed. **Commissioner Teetsel** asked for clarification of the exact proposed location of the tower, and the relation of that position to the opposition received. **Commissioner Teetsel** also asked why that particular location was chosen. **Mr. Baker** indicated that the company did not want to cut down any trees in order to install the tower and all other possible locations would have required trees to be removed. **Mr. Baker** also stated that the trees in the area adjacent to the proposed tower are approximately as tall as the tower would be, making it less obtrusive.

Commissioner Smith commented that she was pleased with the placement being close to trees of the same approximate height, enabling it to blend in. **Commissioner Teetsel** asked if the pole would be painted. **Mr. Baker** stated that the standard poles are galvanized, and

generally painting them makes it stand out more, but they could be painted if the Commission desired. **Trent Larson** stated that one problem with the pole being painted is the possibility of paint chipping, and extra maintenance required to maintain the paint. **Commissioner Teetsel** asked if the company would have any objection to painting the pole. **Mr. Baker** stated that there would not be a problem, but they would only maintain the paint if they were notified that it needed repainting. **Commissioner Murph** asked about the possibility of putting the tower up un-galvanized and allowing it to rust thereby giving it a more natural color. **Mr. Baker** stated that he was unsure of the possibility of obtaining an un-galvanized tower. He was also unsure as to the possible effect on the equipment.

In Favor: 0

Opposed: 2 (1- Phone Call, 1-Email)

Motion to approve with conditions as presented by staff with and additional stipulation that the tower be painted an unobtrusive color: **Commissioner Hall**, the motion was seconded by **Commissioner Smith**. The vote was (6-0) to recommend approval to the Board of Supervisors.

ITEM #2 - CASE # 13-08: SPECIAL USE PERMIT: Request by Cellular One for a Special Use Permit to construct a telecommunications tower on Assessor Parcel Number (APN): 107-07-046F, a.k.a. a portion of Section 15, Township 18 North, Range 19 East G&SRM, Navajo County, Arizona, in the Joseph City area.

Trent Larson presented the Staff Report and gave an overview of the project.

In Favor: 0

Opposed: 0

Dennis Baker of Cellular One gave supporting statements on behalf of the applicant. This tower will fill a gap in the service area and provide an upgrade from 2G coverage to 3/4G coverage. The company has completed a full archeological and environmental study of the area where the proposed tower will be placed.

Motion to approve: **Commissioner Teetsel**, the motion was seconded by **Commissioner Hall**. The vote was (6-0) to recommend approval to the Board of Supervisors.

ITEM #3 – POSSIBLE APPROVAL OF MINUTES FROM THE COMMISSION HEARING OF APRIL 18, 2013.

Motion to approve: **Commissioner Teetsel**, the motion was seconded by **Commissioner Murph**. The vote was (6-0) to recommend approval to the Board of Supervisors.

ITEM #4 – ELECTION OF OFFICERS

Chairman Joel Lawson asked for volunteers to serve as Chairman and Vice-Chairman. **Commissioner Teetsel** volunteered for Chair and **Commissioner Smith** volunteered for Vice-

Chair. **Commissioner Hall** nominated Commissioner Teetsel for Chairman and Commissioner Smith for Vice-Chairman, both Commissioner Teetsel and Commissioner Smith were voted in unanimously 6-0.

ITEM #5 – DISCUSSION – ESTABLISHING BYLAWS FOR THE PLANNING & ZONING COMMISSION.

Trent Larson presented an overview of the proposed bylaws. No action can be taken on the bylaws at this meeting. This is only for discussion. **Commissioner Teetsel** had a question about the section of the bylaws outlining conflict of interest. **Chairman Lawson** asked Deputy County Attorney Brandt Clark to give further explanation of the procedures relating to defining a conflict of interest. **Mr. Clark** explained that if any of the Commissioners felt they had a conflict they should feel free to speak with him about it. When that item comes up on the agenda the Commissioner with the conflict can declare a conflict and step out of the room or simply sit back and not participate in the discussion. If a Commissioner wished to bring personal business before the Commission they should feel free to present the item just as any other citizen would, but they would not be able to participate in the discussion as a Commissioner. **Commissioner Teetsel** asked if it were necessary to have the bylaws include the recording of individual votes as opposed to a simple yea or nay. **Mr. Clark** stated that these bylaws belong to the Commission and they can change them to their taste. **Commissioner Teetsel** asked if there was a downside to removing the language requiring the recording of individual votes. **Mr. Clark** explained that the only advantage to having it in the bylaws would be on a controversial issue, it could be helpful to the Board of Supervisors to know whether or not the Commissioner from their District was in favor or opposed to the item. **Chairman Lawson** asked about the language allowing or disallowing the Chairman to make motions. **Mr. Clark** indicated that it is up to the Chairman, there is nothing preventing the Chairman from making a motion, but generally the Chairman abstains from making motions or voting unless there is a tie. **Commissioner Hall** asked for a more clear definition of Regular and Alternate members of the Commission to be added to the bylaws. **Commissioner Smith** asked about the possibility of adding language for removal of a Commissioner for non-attendance. **Commissioner Teetsel** stated that as was discussed at the previous meeting, it is up to the Supervisor for the District to appoint or remove Commission members. **Mr. Larson** stated that staff has agreed to produce an annual attendance report each quarter to the Commissioners and Supervisors. Commissioner Murph stated that he would like the bylaws to strongly recommend attendance.

ITEM #6 – COMMISSIONERS' 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 Development Services Department staff to study or provide additional information on topics of the Commissions' choosing.

ITEM #7 –REPORT FROM STAFF TO THE COMMISSION.

Trent Larson shared a report on previously approved Special Use Permits for Met Towers showing which towers have actually been installed, how long the towers have been in place, and whether or not the Special Use Permit had expired. **Danette Weiss** with the Game & Fish Department offered comments supporting Mr. Larson's report. **Commissioner Teetsel** asked what the options were if the Special Use Permit was expired and the company cannot be reached and does not remove the tower. **Mr. Larson** said that it would be a Code Enforcement issue, and could go to hearing if there was no response from the company. **Commissioner Teetsel** asked about the possibility of requiring a performance bond on all future Met Towers. **Commissioner Teetsel** also asked staff to research the requirements and expense of decommissioning the Towers. **Homero Vela** suggested that staff needed to discuss all these options with the County Attorney's office. Staff will report back at the next meeting. **Commissioner Teetsel** asked if the number of guy-wires on the towers was variable. **Ms. Weiss** stated that to the best of her knowledge the number of guy-wires is variable and depended on the height of the tower. **Mr. Larson** stated that in the current Special Use Permit language there is a requirement for restoration and re-vegetation of the site upon expiration of the Permit.

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

The vote was unanimous (6-0), and the meeting was adjourned at 7:47 p.m.

NAVAJO COUNTY PLANNING COMMISSION

Chairman, Joel Lawson

ATTEST:

Robin McCormick