

MINUTES

HEARING OF THE NAVAJO COUNTY PLANNING AND ZONING COMMISSION

July 17, 2014

**ATTENDANCE
P & Z Commissioners**

Attended:

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

Absent:

Fred Shupla
Robert K. Black, Jr.
Jason Hatch
Evelyn Meadows
Bob Hall
Carol Davis

Staff Attendance:

Trent Larson
Peggy Saunders

Robin McCormick

Meeting held at the Navajo County Board of Supervisors Chambers, Holbrook, Arizona – Time: 6:04 p.m. to 7:25 p.m.

CALL TO ORDER

Chairman Chuck Teetsel called the meeting of the Navajo County Planning & Zoning Commission to order at 6:04 p.m., and led the Pledge of Allegiance. **Mr. Teetsel** explained the housekeeping rules for the benefit of the public in attendance.

ITEM #1 – CASE #14-10: SPECIAL USE PERMIT: Discussion and possible action on a request by HNZ Holding, LLC for a Special Use Permit for a 196 ft. Meteorological Tower – Weather Station, on APN: 110-05-001D, a.k.a. a portion of Section 22, Township 15 North, Range 23 East of G&SRM in the Snowflake area.

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

Applicant Comments: **Traegen Knight** spoke as a representative of the applicant. He stated that the tower is solely for data collection and HNZ Holding currently has no plans to further develop the land. **Chairman Teetsel** asked how many Met Towers Mr. Worsley had been involved with. **Mr. Larson** stated that he would have to double check, but believed it was about five. Mr. Worsley turned the property over to HNZ and failed to mention the permitting process. He is not currently involved with the property **Chairman Teetsel** asked if any of Mr. Worsley's other towers had exceeded their permitted time limit. **Mr. Larson** said he would check on that for the commission.

In Favor: None.

Opposed: **Del Lewis** submitted a verbal request that the Commission table this issue because the long-term effects are uncertain. He believes the unlit tower is a danger to low-level training flight routes. **Chairman Teetsel** stated that the Commission has dealt with many towers and is required to stay within the FAA guidelines. **Mr. Lewis** asked if the Air Base at Kirkland, NM had been notified. **Mr. Larson** stated that Kirkland Air Base had not been notified, but Game & Fish had been. He said that it would not be an issue to notify the Kirkland Air Base. **Tom Sanguigni** stated that Mr. Worsley is now a State Senator. **Christine Clemente** asked if the tower was erected without a purpose. She was also concerned that the Applicant did not check to make sure no permits were required before erecting the tower. She felt that the Commission should assign a penalty before approving the Permit. **Chairman Teetsel** stated that it was not the duty of the Commission to assign penalties. **Ms. Clemente** shared her belief that retroactively approving this permit sets a dangerous precedent. **Bill White** stated that he felt this had been snuck in under the table. He does not want wind towers next to his property because he fears they will cause psychological harm to his animals. The data collected should not be accepted because it was collected illegally. He does not believe this company is capable of managing any possible future wind farms. **Mr. Larson** explained that the company does not currently have any future plans for the property. **Commissioner Smith** asked the applicant when the tower was constructed. **Mr. Knight** stated that the tower was put up in March.

Motion to approve: **Commissioner Murph** made the motion to approve with the conditions as stated by staff with the additional condition that Staff check with Kirkland Air Base. The motion was seconded by **Commissioner DeCross**. The vote was (6 – 0) to recommend approval to the Board of Supervisors.

ITEM #2 – CASE #14-12: SPECIAL USE PERMIT: Discussion and possible action on a request by AT&T for a Microwave Communications Facility with a self-supporting tower not to exceed 190' and a 12'X20' equipment shelter on APN: 109-23-007, a.k.a. a portion of Section 34, Township 18 North, Range 21 East of G&SRM in the Holbrook area.

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

Applicant Comments: **Lyndon Vidrine** spoke on behalf of the applicant. He stated that this tower would provide better voice and data service to the I-40 corridor. The company has reviewed the terms and is ready to accept them. **Chairman Teetsel** wanted to know why the tower wouldn't be lit since it was so close to the local airport. **Mr. Vidrine** stated that the company was willing to go along with any recommendations the FAA made. **Commissioner DeCross** asked if there was a time limit on a Special Use Permit. **Mr. Larson** stated that time limits can be applied, but are not necessary. Since this structure is more or less permanent Staff recommends a permanent, transferable Permit. **Commissioner DeCross** stated that he would like to see the company notify the County if they are no longer using the tower, so that it can be removed. **Mr. Vidrine** stated that the company would agree to that request. **Mr. Larson** suggested that the conditions be amended to state that the applicant shall notify Navajo County Public Works, or successor department, if the tower is no longer in use. **Chairman Teetsel** suggested the conditions also be amended to require the tower be lit regardless what the FAA requires. The tower shall follow FAA recommendations for lighting on a 200' tower even though it is 10' shy of that height.

In Favor: None.

Opposed: None.

Motion to approve: Commissioner DeCross made the motion to approve with the conditions as stated and amended by staff. The motion was seconded by Commissioner Smith. The vote was (6 – 0) to recommend approval to the Board of Supervisors.

ITEM #3 – CASE #14-14: SITE PLAN REVIEW: Discussion and possible action on a request by City of Winslow for a Site Plan Review to operate a Kennel for their Animal Care Facility, on APN: 103-18-006A, a.k.a. a portion of Section 25, Township 19 North, Range 15 East, of G&SRM in the Winslow area.

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

Applicant Comments: **Sandra Philips** spoke on behalf of the applicant. She stated that the ranch access road in the area will continue to have access and the road will be improved with culvert installation. **Mr. Larson** stated that he has heard comments about the turn off of the access road being too tight for a vehicle pulling a trailer. The applicant stated that there would be no problems softening the turn to accommodate a trailer.

In Favor: None.

Opposed: **Charles Engels** stated that if the applicant would move the proposed site 200' to the North the City could avoid additional construction on the road. He is concerned that he is losing access to his road. **Ms. Phillips** stated that the current location had been proposed due to the topography of the property. If the site was moved to the North there would be flooding concerns. Commissioner Lawson asked if it was absolutely necessary to impede Mr. Engels road access. **Ms. Phillips** stated that that would require more research, planning, and consultation with ADOT. Chairman Teetsel asked **Mr. Larson** what power the Commission had in this case. **Mr. Larson** stated that the Commission's duty was to decide if the proposed site is a good, legal use of the land and would not be a nuisance. Chairman Teetsel suggested that Mr. Engels consult with ADOT about his concerns. **Elaine Griffin-St. Germain** stated that she lived 300' from the proposed site and wanted to know about noise control measures that will be taken. **Ms. Phillips** stated that she was unaware of exactly what the noise control plan was, only that there was one in place.

Motion to approve: Commissioner Smith made the motion to approve with the conditions as stated by staff. The motion was seconded by Commissioner DeCross. The vote was (6 – 0) to recommend approval to the Board of Supervisors.

ITEM #4 – POSSIBLE APPROVAL OF MINUTES FROM THE COMMISSION HEARING OF MAY 15, 2014.

Motion to approve: Commissioner DeCross, the motion was seconded by Commissioner Murph. The vote was (6 – 0) to approve the minutes of the May 15, 2014 hearing.

ITEM #5 – 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.

Chairman Teetsel asked for an update on the existing Met Towers. **Mr. Larson** shared that there is progress being made on expired Met Towers. Chairman Teetsel suggested that going

forward the conditions given in the Permitting process for Met Towers “give the Commission some teeth” to act if the permit expires.

ITEM #6 – REPORT FROM STAFF TO THE COMMISSION.

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

The vote was unanimous (6 – 0), and the meeting was adjourned at 7:25 p.m.

NAVAJO COUNTY PLANNING COMMISSION

Chairman, Chuck Teetsel

ATTEST:

Robin McCormick