

MINUTES

P & Z COMMISSION HEARING

February 19, 2009

ATTENDANCE
P & Z Commissioners

ATTENDED

- 1. Wendell DeCross
- 2. Ruth Ann Smith
- 3. Bill Rawlings
- 4. Robert K. Black, Jr.
- 5. Rick Slone *Telephonically
- 6. Joel Lawson *Telephonically

Bill Fraley
David Swietanski
Veronica Dale

Staff Attendance

ABSENT

- Carol Davis
- Jason Hatch
- Tom Thomas
- Bob Hall
- Evelyn Meadows

Lance Payette
Trent Larson
Alberto Peshlakai

Meeting held at the Navajo County Board of Supervisors Chambers, Holbrook, Arizona – Time: 6:37 p.m.

Wendell DeCross called the meeting of the Navajo County Planning & Zoning Commission to order, and welcomed all who attended the Hearing, and explained the meeting procedures to the public, and then led the pledge of Allegiance. **Bill Fraley** introduced **Greg Loper** as the Deputy Director of Planning & Zoning. Mr. Loper was welcomed by the commission.

Item # 1- SPECIAL USE PERMIT: Discussion and possible Commission action on a request by Heber-Overgaard Unified School District #6 for a Special Use Permit for a wireless cellular tower not to exceed 195 feet in height, on the subject 26.7 acre property known as APN: 206-25-047, located at 2181 W. Country Club Drive, in Township 12 North, Range 17 East, Section 32, of the Gila and Salt River Meridian, in the Heber-Overgaard area

Wendell DeCross explained that due to an error in the noticing of the application, this item will be postponed. Ruth Ann Smith made a motion to table the items until the March meeting. Bill Rawlings seconded the motion. Motion carried unanimously.

Item # 2 – SPECIAL USE PERMIT: Discussion and possible Commission action on a request by Daniel & Lorraine Morris for a Special Use Permit for a wireless cellular tower not to exceed 100 feet in height, on the subject 2.19 acre property known as APN: 206-27-014A, located at 2232 Hwy 260, in Township 12 North, Range 17 East, Section 33, of the Gila and Salt River Meridian, in the Heber-Overgaard area.

Wendell DeCross explained that due to an error in the noticing of the application, this item will also be postponed. Ruth Ann Smith made a motion to table the items until the March meeting. Bill Rawlings seconded the motion. Motion carried unanimously.

Item # 3- SPECIAL USE PERMIT: Discussion and possible Commission action on a request by ANBICO (an Arizona partnership), for a Special Use Permit to allow EcoEnergy, LLC to erect a tower with a total height of 199 feet to measure wind and solar elements for the potential of alternate power on the subject 1 acre property known as APN: 104-03-006, located in Township 19 North, Range 21 East, Section 5, of the Gila and Salt River Meridian, in the Holbrook area.

STATED REASON FOR REQUEST: To allow EcoEnergy LLC to erect a tower with a total height of 199 feet to measure wind and solar elements for the potential of alternate power. The area is now used as a ranch and grazing. This proposed use will create very limited new traffic; only information gatherers will be going to the site. Present uses will be continued. Engineering staff recommends the installation of a beacon type light at the extreme tip of the MET Tower to allow for the signaling of approaching aircraft. The purpose of this tower is to measure wind and solar data for the purpose of evaluating potential alternate energy source production. Planning staff supports alternate energies exploration

and production. **PUBLIC WORKS DEPARTMENT RECOMMENDATION:** Should the Commission grant this Special Use Permit request, staff would recommend the following conditions be applied: *1. This Special Use Permit shall permit the installation of a 199 foot tower to measure wind and solar conditions on the subject property. 2. The permitted special use shall be allowed to occur only in the location shown on the approved site plan. 3. Property must be fenced and screened to a height of 6' immediately around the ground level guy wire attachments. 4. Construction of this facility must commence within a twelve (12) month period of time following Board of Supervisors approval. Failure to do so will result in a review by the Board for possible revocation of the Special Use Permit. 5. This Special Use Permit will be reviewed 36 months after Board of Supervisors approval to determine whether it will be extended or terminated. 6. The tower shall be located so it will not fall onto an adjacent property nor another structure.*

Bill Fraley pointed out the potential locations on a map. Mr. Fraley explained that staff has received a request for 4 towers. Mr. Fraley said that EcoEnergy is represented by Scott Fisher, who is present. The County Attorney's office had no issues. The Engineering Department reviewed and has no objection but recommends the installation of a beacon type light on the extreme tip of the tower to allow for signaling of approaching aircraft. Staff concurs with the stipulations as listed above. The Flood Control Department has reviewed the proposed project and they have no objection. Mr. Fraley said he will have a representative of the company explain more about the company, the tower and what they hope to accomplish. Mr. Fraley said there is a potential association with NAU (Northern Arizona University) for solar research, as well.

Developer: Scott Fisher, with EcoEnergy was present. Mr. Fisher said they are working in association with NAU in the addition of bat sensors on the towers. Mr. Fisher explained that the towers are 10 inches in diameter and will stand about 198-199 feet high, they are a simple flag pole design and used to gather information for wind modeling which will give them future aspects on wind in the area. Depending on the outcome of their study, they may come back to Board to request for additional towers. **Wendell DeCross** asked for clarification on NAU. Mr. Fisher said it is Northern Arizona University.

Mr. Fraley elaborated on more tower request(s); this tower is only one, if they decide to erect more they will need to repeat the process as done in this matter. **Mr. DeCross** reaffirmed that this particular agenda item is on this particular tower at this particular location.

No one spoke in favor of the matter.

No one spoke in opposition of the matter.

Comments by Commissioners: **Wendell DeCross** said the main question is to determine if it's a feasible location for wind generating towers. **Mr. Fisher** said that was correct, the towers are for modeling and gathering the data, the actual wind turbines may be located miles away, not necessarily at that location.

Bill Rawlings made a motion to approve Item #3 for a wind generating tower at this location for a Special Use Permit. Mr. DeCross asked for clarification, due to the usage of "wind generating tower", which is not the purpose. **Bill Rawlings** made a motion to approve Item #3 for a Special Use Permit described as indicated in Item #3. **Ruth Ann Smith** seconded the motion. Motion was approved with a vote of 6 in favor and 0 in opposition, Resolution: 09:03P

Item # 4 -SPECIAL USE PERMIT: Discussion and possible Commission action on a request by Land First Corporation, for a Special Use Permit to allow EcoEnergy, LLC to erect a tower with a total height of 199 feet to measure wind and solar elements for the potential of alternate power on the subject 40 acre property known as APN: 110-25-009, located in Township 15 North, Range 20 East, Section 4, of the Gila and Salt River Meridian, in the Holbrook area.

STATED REASON FOR REQUEST: To allow EcoEnergy LLC to erect a tower with a total height of 199 feet to measure wind and solar elements for the potential of alternate power. The area is now used as a ranch and for grazing. This proposed use will create very limited new traffic; only information gatherers will be going to the site. Present uses will be continued. Engineering staff recommends the installation of a beacon type light at the extreme tip of the MET Tower to allow for the signaling of approaching aircraft. The purpose of this tower is to measure wind and solar data for the purpose of evaluating potential alternate energy source production. Planning staff supports alternate energies exploration and production. **PUBLIC WORKS DEPARTMENT RECOMMENDATION:** Should the Commission grant this Special Use Permit request, staff would recommend the following conditions be applied: *1. This Special Use Permit shall permit the installation of a 199 foot tower to measure wind and solar conditions on the subject property. 2. The permitted special use shall be allowed to occur only in the location shown on the approved site plan. 3. Property must be fenced and screened to a height of 6' immediately around the ground level guy wire attachments. 4. Construction of this facility must commence within a twelve (12) month period of time following Board of Supervisors approval. Failure to do so will result in a review by the Board for possible revocation of the Special Use Permit. 5. This Special Use Permit will be reviewed 36 months after Board of Supervisors approval to determine whether it will be*

extended or terminated. 6. The tower shall be located so it will not fall onto an adjacent property nor another structure.

Bill Fraley explained that this tower will be located on Highway 377, about 10 miles away from Holbrook. Mr. Fraley presented the Staff Report to the Commission and said that notification was sent out, published and posted accordingly. The County Attorney, Engineering staff, and Flood Control all had no objections to the proposed project. Planning and Zoning staff concurs with no objections and supports the exploration for alternative energies.

Developer: Scott Fisher explained that it is an identical tower as the previous item.

No one spoke in favor of the matter.

No one spoke in opposition of the matter.

Wendell DeCross asked how many guy wires come off of the sites. **Mr. Fisher** answered that there are 3 from each direction, which is 12 total.

Ruth Ann Smith made a motion to approve the Special Use Permit for Item #4 with the stipulations as outlined by staff and the requirements as outlined by staff. **Bill Rawlings** seconded the motion. Motion was approved with a vote of 6 in favor and 0 in opposition, Resolution: 09:04P

Item #5 - SPECIAL USE PERMIT: Discussion and possible Commission action on a request by BOA Sorte Limited Partnership, for a Special Use Permit to allow EcoEnergy, LLC to erect a tower with a total height of 199 feet to measure wind and solar elements for the potential of alternate power on the subject 1 acre property known as APN: 105-10-021, located in Township 18 North, Range 21 East, Section 12, of the Gila and Salt River Meridian, in the Holbrook area.

STATED REASON FOR REQUEST: To allow EcoEnergy LLC to erect a tower with a total height of 199 feet to measure wind and solar elements for the potential of alternate power. Engineering staff recommends the installation of a beacon type light at the extreme tip of the MET Tower as to allow for the signaling of approaching aircraft. The purpose of this tower is to measure wind and solar data for the purpose of evaluating potential alternate energy source production. Planning staff supports alternate energies exploration and production. **PUBLIC WORKS DEPARTMENT**

RECOMMENDATION: Should the Commission grant this Special Use Permit request, staff would recommend the following conditions be applied: *1. This Special Use Permit shall permit the installation of a 199 foot tower to measure wind and solar conditions on the subject property. 2. The permitted special use shall be allowed to occur only in the location shown on the approved site plan. 3. Property must be fenced and screened to a height of 6' immediately around the ground level guy wire attachments. 4. Construction of this facility must commence within a twelve (12) month period of time following Board of Supervisors approval. Failure to do so will result in a review by the Board for possible revocation of the Special Use Permit. 5. This Special Use Permit will be reviewed 36 months after Board of Supervisors approval to determine whether it will be extended or terminated. 6. The tower shall be located so it will not fall onto an adjacent property nor another structure.*

Bill Fraley explained that there are 2 letters concerning this property, which was just handed to the Commissioners. The first is from Mr. James Charters; he asked if the wind turbines would be erected immediately. Mr. Fraley spoke with Mr. Charters and explained that they are measuring the sources to see if there is potential for locating the turbines there or not. The 2nd email was answered by Linda Elliott, which included: How many towers are they proposing, what effect will they have on the surrounding properties in relation to property value, and obstruction of the view. Mr. Fraley said that staff has addressed the issues that had been submitted. Mr. Fraley located the proposed site on the map, which is located in the Sun Valley area. Mr. Fraley stated that the comments are the same as the two previous items, which include the recommendations and conditions, as well.

David Swietanski restated Engineering staff's stand on the beacon type lights for the last two items as well as this item. Mr. Swietanski recommended that some type of lighting be installed on the towers. A letter was submitted stating they were within FAA's requirements. Mr. Swietanski felt it is appropriate to have the lighting, as other towers that are not as high as 199 feet high have them.

Developer: Scott Fisher said they typically don't have any power at their sites, due to them being in remote areas. But they can look into putting in lights, if required.

Wendell DeCross said it is his understanding that if it is 200 feet or above, lighting is required. **Mr. Fisher** stated the tower is approximately 197 feet.

No one spoke in favor of the matter.

Mardell Shumate, administrator of Sun Valley Indian School, explained that they house 70 to 100 people. Their main concerns are the access roads and emissions, if any.

No one spoke in opposition to the matter.

Mr. Fisher explained that once the towers are erected there is not a lot of activity around the tower except for periodic maintenance. They will not need to come through the school but if it becomes a hindrance they will seek alternate routes and there are no emissions from the tower.

Comments by Commissioners: **Robert Black, Jr.** asked for the logistics behind this location, as opposed to the other sites. And if there are turbines decided on later, why this location, why is this site significant in making that decision? **Mr. Fisher** asked to have the question repeated. **Mr. Black** assumed that there was series of research done on this site on the logistics of this site, he's curious as to why this site is chosen for a possible turbine.

Mr. Fisher said the locations were chosen for wind modeling. The towers are strategically placed in various locations, such as canyons. When the wind modeling is complete that's when they analyze where to put potential wind turbines. **Mr. Fraley** asked if it would be correct to state that this location is a potential wind channel. **Mr. Fisher** said that part of their decision was on the potential wind channels and there was existing wind data for that area and they are filling the gaps for their research.

Wendell DeCross asked if the locations are going to be measuring wind velocity and asked if it will be measuring anything else. **Mr. Fisher** said they are primarily putting wind and solar sensors on the towers, but in conjunction with NAU they may be putting bat sensors on them.

Joel Lawson asked how long the towers will be in place. **Mr. Fisher** said they are in commission for 2 years and after the data is gathered they could be up for a total of 5 years. **Wendell DeCross** clarified that the request is for 36 months. **Mr. Fraley** said that staff will review them at that time and if they wish to renew, they will do so and the same with terminating. **Mr. Black** asked about the recommendation of beacon lights; does it need to be seriously considered. **Mr. Fisher** said there are several MET towers in the area, some that do not have them, if they are going to require them, there are those that will need to be looked at for the lighting to be placed on. **Mr. DeCross** asked if the lighting is a stipulation. **Lance Payette** said the other 2 items have been approved without the lighting on them. If lighting is appropriate; let staff explore it and stipulate it at the Board level. **Mr. DeCross** asked if the school has any kind of landing facility for aircraft. Sun Valley school answered no. **Mr. DeCross** said that Mr. Fisher had a good point of putting the lighting on one; you better put it on all of them.

Bill Rawlings made a motion to approve Item #5 for a Special Use Permit with the recommendations staff has provided.

Ruth Ann Smith seconded the motion. Motion passed with a vote of 6 in favor and 0 in opposition, Resolution: 09:05P

Item #6 - SPECIAL USE PERMIT: Discussion and possible Commission action on a request by DeSpain Lx Ranch, LLC, for a Special Use Permit to allow EcoEnergy, LLC to erect a tower with a total height of 199 feet to measure wind and solar elements for the potential of alternate power on the subject 1 acre property known as APN: 107-05-035B, located in Township 18 North, Range 19 East, Section 34, of the Gila and Salt River Meridian, in the Joseph City area.

STATED REASON FOR REQUEST: To allow EcoEnergy LLC to erect a tower with a total height of 199 feet to measure wind and solar elements for the potential of alternate power. Engineering staff recommends the installation of a beacon type light at the extreme tip of the MET Tower as to allow for the signaling of approaching aircraft. The purpose of this tower is to measure wind and solar data for the purpose of evaluating potential alternate energy source production. Planning staff supports alternate energies exploration and production. **PUBLIC WORKS DEPARTMENT RECOMMENDATION:** Should the Commission grant this Special Use Permit request, staff would recommend the following conditions be applied: *1. This Special Use Permit shall permit the installation of a 199 foot tower to measure wind and solar conditions on the subject property. 2. The permitted special use shall be allowed to occur only in the location shown on the approved site plan. 3. A Floodplain Use Permit shall be obtained prior to issuance of a building permit. 4. Property must be fenced and screened to a height of 6' immediately around the ground level guy wire attachments. 5. Construction of this facility must commence within a twelve (12) month period of time following Board of Supervisors approval. Failure to do so will result in a review by the Board for possible revocation of the Special Use Permit. 6. This Special Use Permit will be reviewed 36 months after Board of Supervisors approval to determine whether it will be extended or terminated. 7. The tower shall be located so it will not fall onto an adjacent property nor another structure.*

Bill Fraley explained that this is located off of Obed Road in the Joseph City area. All of the recommendations are the same as previously stated. One of the conditions that Flood Control is placing on this location is that they will require a floodplain use permit prior to the issuance of a building permit or the installation of the tower.

The developer, **Scott Fisher**, had no discussion for this item.

No one spoke in favor of the matter.

No one spoke in opposition of the matter.

Comments by Commissioners: Wendell DeCross asked that Flood Control address the difference of building in a floodplain versus a floodway because it is his understanding that building can be done in a floodplain but not in a floodway. **Trent Larson** said that is correct. Mr. Larson explained that this site is in a Zone A; the requirements would be that their type of fencing is chain link which would not obstruct the flow and of course the issuance of a floodplain use permit issued by the local authority, and that being Navajo County. Joel Lawson asked if there is any conflict due to it being Supervisor J.R. DeSpain's ranch and having been appointed by Mr. DeSpain to serve on the Commission. **Lance Payette** said no, it is not a conflict.

Ruth Ann Smith made a motion to approve the Special Use Permit, Item #6 on the agenda, with recommendations as outlined by staff, this item also including the floodplain permit required by engineering. Robert Black, Jr. seconded the motion. Motion passed with a vote of 6 in favor and 0 in opposition, Resolution: 09:06P

Bill Fraley will revisit with the engineering department on all of the lighting comments between now and the Board of Supervisors meeting.

Item #7 Possible approval of the January 15, 2009 Minutes. A motion was made by Ruth Ann Smith to approve the minutes as printed. Robert Black, Jr. seconded the motion. Motion carried unanimously.

Item #8 – Commissioners' comments and 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 Planning & Zoning staff to study or provide additional information on topics of the Commissions' choosing.

Wendell DeCross appreciated the commissioners whom appeared on the phone.

Greg Loper said that he and Mr. Fraley have discussed on adding an item to the agenda which would be a report, such as new cases or what is in the pipeline. Also some strategic planning for a one year, two year or five year plan. Mr. Loper would like to plan some work sessions and possibly invite the Department of Commerce to have a "mini" session of the yearly conference, which all Commissioners may not be able to attend. Mr. Loper also asked that Commissioners possibly remind each other of upcoming meetings and look at the possibility of carpooling to the meetings, due to not having a quorum or if we're having a problem with getting a quorum.

Bill Fraley commended the Commissioners on giving up time to serve as Commissioners. Mr. Fraley said we can't impress enough the need to have attendance. We as staff will try to determine earlier if we have a quorum. Once we have a commitment of having a quorum, we advertise and do the posting; we simply cannot do business without having a quorum from the Commission, it is not allowed and all items do have to go through the Planning Commission before they go to the Board.

Ruth Ann Smith asked about where they are with the change of ingress/egress with the Forest Service and the Heber Youth Camp. **Bill Fraley** said the Forest Service approached the church on an alternate access; which would require them to go into the next subdivision and down another street and across Forest Service land. This will require more studies on Forest Service land to be conducted. If the access changes, the Forest Service would need to issue a new use permit and suspend the old one. Mr. Fraley spoke with the representatives of the church and they have gotten some applications on whom they would want to have the studies to be performed by and they will select within 3 weeks or so. Mr. Fraley said they are waiting on the applicant to proceed to the Board. Ms. Smith said her concern is on the number of people who were opposed to the access, and if it is changed that doesn't require it coming back to the Planning Commission. **Lance Payette** said that it is not required. **Mr. Fraley** said staff will notify every individual along the new access and the existing accesses on Meadow Lane as well as the site being posted again. Ms. Smith said they will still have their day at the meeting, if they choose to. Mr. DeCross said as Commissioners, they need to cooperate on being in attendance, as staff goes through a lot of work to put this all together, along with the applicants and public audience that attends.

The Commission reserves the right to change the order of any Agenda item.

The Commission reserves the right to adjourn into executive session when needed pursuant to ARS §38-431.03(A) (3) for legal consultation on the above-described agenda items.

With there being no further business to come before the Planning and Zoning Commission, the meeting was adjourned at; 7:40 p.m. A motion was made to adjourn the meeting by **Ruth Ann Smith**. **Bill Rawlings** seconded the motion. Motion unanimously carried.

Approved this 18th day of June, 2009

Wendell DeCross

Wendell DeCross
Chairman, Navajo County
Planning & Zoning Commission

ATTEST:

Alberto L. Peshlakai

Alberto L. Peshlakai
Secretary, Navajo County
Planning & Zoning Department