

MINUTES

NAVAJO COUNTY PLANNING AND ZONING COMMISSION HEARING

May 20, 2010

**ATTENDANCE
P & Z Commissioners**

ATTENDED

Wendell DeCross
Joel Lawson
Jason Hatch
Ruth Ann Smith
Robert K. Black, Jr. (Telephonically)
Evelyn M. Meadows (Telephonically)

ABSENT

Rick Slone
Carol Davis
Bob Hall
Chuck Teetsel
Bill Rawlings

Staff in Attendance:

Greg Loper
Bill Fraley
Homero Vela

Alberto L. Peshlakai
Bill Bess

Meeting held at the Navajo County Board of Supervisors Chambers, Holbrook, Arizona – Time: 6:16 to 8:32 p.m.

Chairman **Wendell DeCross** called the meeting of the Navajo County Planning & Zoning Commission to order. **Mr. DeCross** led the Pledge of Allegiance and explained the meeting procedures to the public, as well as some of the housekeeping rules. **Mr. DeCross** asked those who wish to address the Planning and Zoning Commission to come to the podium, and state their name prior to speaking, and reminded everyone to be sure to sign in. **Mr. DeCross** announced that they were going to change the way the Commissioner's vote. In the past they have done a roll call vote, now there will be a voice vote; if the vote is close they will vote by roll call.

Item #1. SPECIAL USE PERMIT, METEOROLOGICAL TOWER, HEBER AREA: Discussion and possible action on a request by RES Americas to place a Meteorological testing tower with a total height of 265 feet to measure wind for the potential of developing an alternative power (wind) generating facility. APN's: 201-09-001A, a portion of Section 23, in Township 14 North, Range 17 East, located at Antelope Valley area, approximately 10 miles northeast of Heber.

Greg Loper stated that this request is for consideration of one of four separate meteorological towers, all in the same general area and by the same company, and that the initial presentation is to be used for all four requests. **Mr. Loper** also stated that each request will require a separate motion and action.

Mr. Loper presented the Staff Report for the Special Use Permit requests. **Mr. Loper** displayed a site plan map that depicts the four meteorological locations on the map (M1, M2, M3, & M4; agenda items 1-4), and general information relating to the location of, and distances to, residential areas, and roads near all four proposed tower sites. **Mr. Loper** said this is not an application for a wind farm, but just for meteorological towers; nor are there any pending applications for development of a wind farm.

Mr. Loper then read all recommended stipulations aloud, with a change in wording to stipulation number 3 (changing "acquire" to "require").

Owner/Applicant Comments:

James Diven and Jenny Bredt, both of Renewable Energy Systems Americas (RES Americas), introduced themselves to the commission. Mr. Diven said that RES Americas has been in business since 1998, developed 4,000 MW (Mega Watts) of wind energy in the United States, Canada, and Jamaica. They have developed projects and have constructed competitors projects as well.

Jenny Breidt clarified that the order of the towers is not going to be M1, M2, M3 & M4, but the order will be M3 due to the fact it is in the central location, followed by M4, M2 and M1. Ms. Breidt said that the meteorological towers will be at a height of 80 meters versus towers being normally at 60 meters. The reason for selecting 80 meters is that the proposed site is at a lower elevation than other high wind areas, and that the existing Dry Lake hub heights are at 90 meters and they are trying to get as close as possible in tower height. **Ms. Breidt** further stated that the proposed site is partially within the DeSpain Ranch boundary and that negotiations pertaining to leasing the property are underway.

In Favor: No one from the public came forward in favor of this Special Use Permit.

Wendell DeCross reiterated that this is not a discussion for Wind Turbines, but only for meteorological towers.

Dannette Weiss of Arizona Game and Fish provided some concerns such as the canyons nearby, raptors tend to use canyons frequently, bird flight diverters, acoustic bat monitoring, and that Arizona Game and Fish would like to work along side RES America to address some of their concerns. **Wendell DeCross** made a comment concerning transmission lines availability that was previously discussed at the last public hearing.

Opposed:

Dale Lewis posed a question to the applicant as to what the highest amount paid for fees relating to overall construction of a tower and so forth. **James Diven** responded that he doesn't know the total amount but usually it differs from State to State, County to County, etc. **Mr. Lewis** further asked the low to high range in dollar figures. **James Diven** responded that counties have different processes in handling this type of request and it would be based on what the county or states processing fees are. **Mr. Lewis** asked for dollar amount using Wyoming as an example. **Mr. Diven** responded that he didn't know. **Mr. Lewis** asked for the dollar amount that Navajo County Charged. **Greg Loper** responded that the amount paid to Navajo County was \$400.00 per permit application with the total being \$1,600.00 and that just recently the Navajo County Board of Supervisors approved an increase in fee charges that will be in effect July 1, 2010. **Mr. Lewis** asked if RES American plans to dismantle to sell for surplus when the project is done. **Jenny Breidt** responded that when the project is complete they will dismantle and use in another project. **Kathy Hemenway** objected to the project boundary because it's adjacent to residential areas. **Lois M. Hunt**, resident of Navajo County, urged the commission to deny the Special Use Permit application due to the proximity of Antelope Valley, a residential area. **Sandy Brodine** shared the same comments as stated by Ms. Lois M. Hunt, as she is a fulltime resident as well. **Donna Denzer**, a resident of Antelope Valley, asked that if the meteorological towers prove that winds are acceptable in this area, what setbacks would be provided for the wind towers themselves. **Wendell DeCross** reiterated that this is not a discussion of Wind Turbines but only for meteorological towers. **Itasca Small**, resident of Antelope Valley since 1980, displayed a map that depicts the sections corners, which was later subdivided in the 60's, where no survey or easement records exist. **Ms. Small** pointed out the residential areas and State land locations within the proposed project site area. **Ms. Small** said that the major entrance to Antelope Valley is through Duck Lake Road and asked the setback for a wind tower from the existing 500 kilo-volt Transmission line. **Jenny Breidt** responded that it would be two times the height of the tower. **Ms. Small** displayed other related public information that was pulled off the applicants' website as part of her presentation. The information provided by Ms. Small was information that listed the top twenty (20) states in America for wind energy potential, which doesn't show the state of Arizona. **Ms. Small** stated concerns with migratory bats, and Pierce Wash Draw and asked how many towers fall on state land. **Jenny Breidt** stated this overall project includes both private and state property, but that the meteorological towers are all on private property. **Ms. Small** asked when the sections numbers will be officially released. **Jenny Breidt** responded that the state is not involved in the met towers Special Use Application, only Navajo County. **Karen Ingersal** provided information relating to tax credits, read an excerpt from ARS 42-141.55, referenced a 19 hour hearing that took place in another state, and questioned the ownership of the land at the M4 site. **James Diven** responded that RES Americas is the developer, and is just leasing property from Aztec Land and Cattle, Mr. Steve Brophy.

Staff Questions/Comments: None

Commission Comments:

Joel Lawson asked Karen Ingersoll the result of the nineteen (19) hour long hearing, and whether or not they held a second set of hearings. **Karen Ingersoll** responded that they will be holding a second set of hearings. **Wendell DeCross** asked staff for clarification regarding fencing and screening of the site. **Greg Loper** responded that the site itself is not to be fenced, but rather the footing/foundation areas. **Wendell DeCross** asked the applicant how the monitoring will be done. **Jenny Breidt** responded that periodic checks will be done based on the reason for the checks. **James Diven** responded that the data will constantly be transmitted to the office, and if transmission is interrupted maintenance will be done to address the interruption. **Ruth Ann Smith** had a question concerning the air traffic using as an example the close encounter by Game and Fish during regularly scheduled air monitoring. **Jenny Breidt** replied that the GPS locations will be provided to all airports, private landing strips, and so forth as required by FAA. **Dale Lewis** had concerns with strobe lights, and that private airplane owners don't use or adhere to GPS locations on their flights and recommended that the applicant provided the locations to these owners whenever possible. **Dannette Weiss** stated that her pilots have GPS locators on their planes. **Ruth Ann Smith** had concerns with M1 relating to the remoteness, and that Heber/Overgaard is the nearest emergency response and it is done by helicopter not by ground. **Wendell DeCross** asked what the distance is from the nearest residence to the nearest tower. **Greg Loper** responded that it's approximately 1-¼ miles.

A motion was made by **Ruth Ann Smith** to recommend DENIAL of item number 1 due to the close proximity to residences. The motion died for lack of second.

A motion was then made by **Robert Black, Jr.** to recommend APPROVAL of this Special Use Permit under **Resolution #10:09P**, with the stipulations as recommended by staff.

PLANNING COMMISSION RECOMMENDATION: *Should the Board of Supervisors approve this Special Use Permit request, the Planning Commission recommends that the following stipulations be applied:*

1. *This Special Use Permit shall allow for the installation of one (1) meteorological tower, with a maximum height of 265 feet.*
2. *The meteorological tower shall be allowed to occur only in the location as indicated on the approved site plan, except as may otherwise be approved by the Navajo County Public Works Department.*
3. *Building permits are required for the meteorological tower and any accessory uses (such as fences, etc.), and a permit shall be acquired prior to placement of any meteorological tower.*
4. *A Floodplain Use Permit (where required) shall be obtained prior to issuance of any building permits.*
5. *The meteorological tower and all guy-wire attachments/footings shall be enclosed by a security fence with a minimum height of 6-feet and a maximum height of 8-feet (excluding barbed wire or cyclone wire). Information regarding who to contact in the event of an emergency or any problems with the tower or its associated uses & structures shall be placed upon the fence. The information is to include a contact name, company name, and phone number for someone who can be reached 24 hours a day, 7 days a week.*
6. *The meteorological tower shall include the installation of low-intensity, red pulsating/blinking lighting for night-time visibility that conforms to FAA regulations. The use of night-time strobes or strobe-type lighting is prohibited. The meteorological tower shall also be painted in alternating orange/red and white colors in conformance with FAA requirements.*
7. *Prior to acquiring a building permit, and as development progresses, the applicant shall consult with and obtain written comments from the Arizona Game & Fish Department and the U.S. Fish & Wildlife Service (Flagstaff Ecological Services Field Office) to select a meteorological tower site that avoids habitat features that congregate wildlife and regarding measures to minimize the impact on birds and wildlife of the facilities and operations authorized by this Special Use Permit. The applicant shall give due consideration to the concerns and recommendations of these agencies and shall use all reasonable efforts to satisfy their concerns and to minimize the impact on birds and wildlife, including the possible placement*

of Bird Flight Diverters on the guy wires and acoustic monitoring stations on or near the meteorological tower. The location and construction of facilities shall be generally consistent with the Arizona Game & Fish Department's "Guidelines for Reducing Impacts to Wildlife from Wind Energy Development in Arizona" and shall incorporate best available technologies and industry practices to minimize the impact on birds and wildlife.

8. *Prior to acquiring a building permit, the applicant shall provide latitude and longitude coordinates (North American Datum of 1983) and related maps of the final site of the meteorological tower to the Navajo County Public Works Department, the Arizona Game & Fish Department, the U.S. Forest Service, and to local Emergency Service providers and airports.*
9. *The meteorological tower shall be located so it will not fall onto an adjacent property nor another structure.*
10. *The minimum setback for the meteorological tower shall be 1,000' from the project boundary, and 750' from any public roadway.*
11. *Prior to issuance of any building permits for the meteorological tower, the developer shall submit to the Navajo County Public Works Department information regarding the manufacturer of the tower, structural information, information regarding who to contact in the event of an emergency or any problems with the tower, and information regarding how data is collected and transmitted.*
12. *Construction of the meteorological tower shall commence within twelve (12) months following approval by the Navajo County Board of Supervisors. Failure to do so may result in a review by the Board of Supervisors for possible revocation of the Special Use Permit.*
13. *The Special Use Permit shall be reviewed thirty-six (36) months after Board of Supervisors approval by the Navajo County Planning and Zoning Department to determine whether it should be extended or terminated.*
14. *Development and use of the site shall include efforts, such as Best Management Practices, to reduce & mitigate dust created by this project. Efforts shall also be made to reduce the removal of vegetation during construction and use of the site and any roadways that provide access to the site. Upon the removal of the meteorological tower and associated structures and improvements, the site and any roadways that provide access to the site shall be restored and re-vegetated to their current/native condition.*

The motion was seconded by **Jason Hatch** and passed by a majority vote. In Favor: 4, Opposed: 2 (members DeCross and Smith dissenting).

Item # 2 -- SPECIAL USE PERMIT METEOROLOGICAL TOWER, HEBER AREA: Discussion and possible action on a request for RES Americas to place a Meteorological testing tower with a total height of 265 feet to measure wind for the potential of developing an alternative power (wind) generating facility. APN's: 201-10-001, a portion of Section 29, in Township 14 North, Range 18 East, located in the Antelope Valley area, approximately 10 miles northeast of Heber.

Owner/Applicant Comments: No additional comments from owner/applicant.

In Favor: No one additional from the public came forward in favor of this Special Use Permit.

Opposed: No one additional from the public came forward in opposition of this Special Use Permit.

Staff Questions/Comments: No additional comments.

A motion was made by **Joel Lawson** to approve this Special Use Permit under **Resolution #10:10P**, with stipulations as recommended by staff.

PLANNING COMMISSION RECOMMENDATION: *Should the Board of Supervisors approve this Special Use Permit request, the Planning Commission recommends that the following stipulations be applied:*

1. *This Special Use Permit shall allow for the installation of one (1) meteorological tower, with a maximum height of 265 feet.*
2. *The meteorological tower shall be allowed to occur only in the location as indicated on the approved site plan, except as may otherwise be approved by the Navajo County Public Works Department.*
3. *Building permits are required for the meteorological tower and any accessory uses (such as fences, etc.), and a permit shall be acquired prior to placement of any meteorological tower.*
4. *A Floodplain Use Permit (where required) shall be obtained prior to issuance of any building permits.*
5. *The meteorological tower and all guy-wire attachments/footings shall be enclosed by a security fence with a minimum height of 6-feet and a maximum height of 8-feet (excluding barbed wire or cyclone wire). Information regarding who to contact in the event of an emergency or any problems with the tower or its associated uses & structures shall be placed upon the fence. The information is to include a contact name, company name, and phone number for someone who can be reached 24 hours a day, 7 days a week.*
6. *The meteorological tower shall include the installation of low-intensity, red pulsating/blinking lighting for night-time visibility that conforms to FAA regulations. The use of night-time strobes or strobe-type lighting is prohibited. The meteorological tower shall also be painted in alternating orange/red and white colors in conformance with FAA requirements.*
7. *Prior to acquiring a building permit, and as development progresses, the applicant shall consult with and obtain written comments from the Arizona Game & Fish Department and the U.S. Fish & Wildlife Service (Flagstaff Ecological Services Field Office) to select a meteorological tower site that avoids habitat features that congregate wildlife and regarding measures to minimize the impact on birds and wildlife of the facilities and operations authorized by this Special Use Permit. The applicant shall give due consideration to the concerns and recommendations of these agencies and shall use all reasonable efforts to satisfy their concerns and to minimize the impact on birds and wildlife, including the possible placement of Bird Flight Diverters on the guy wires and acoustic monitoring stations on or near the meteorological tower. The location and construction of facilities shall be generally consistent with the Arizona Game & Fish Department's "Guidelines for Reducing Impacts to Wildlife from Wind Energy Development in Arizona" and shall incorporate best available technologies and industry practices to minimize the impact on birds and wildlife.*
8. *Prior to acquiring a building permit, the applicant shall provide latitude and longitude coordinates (North American Datum of 1983) and related maps of the final site of the meteorological tower to the Navajo County Public Works Department, the Arizona Game & Fish Department, the U.S. Forest Service, and to local Emergency Service providers and airports.*
9. *The meteorological tower shall be located so it will not fall onto an adjacent property nor another structure.*
10. *The minimum setback for the meteorological tower shall be 1,000' from the project boundary, and 750' from any public roadway.*
11. *Prior to issuance of any building permits for the meteorological tower, the developer shall submit to the Navajo County Public Works Department information regarding the manufacturer of the tower, structural information, information regarding who to contact in the event of an emergency or any problems with the tower, and information regarding how data is collected and transmitted.*

12. *Construction of the meteorological tower shall commence within twelve (12) months following approval by the Navajo County Board of Supervisors. Failure to do so may result in a review by the Board of Supervisors for possible revocation of the Special Use Permit.*
13. *The Special Use Permit shall be reviewed thirty-six (36) months after Board of Supervisors approval by the Navajo County Planning and Zoning Department to determine whether it should be extended or terminated.*
14. *Development and use of the site shall include efforts, such as Best Management Practices, to reduce & mitigate dust created by this project. Efforts shall also be made to reduce the removal of vegetation during construction and use of the site and any roadways that provide access to the site. Upon the removal of the meteorological tower and associated structures and improvements, the site and any roadways that provide access to the site shall be restored and re-vegetated to their current/native condition.*

The motion was seconded by **Jason Hatch** and passed unanimously. In Favor: 6, Opposed: 0

Item # 3 – SPECIAL USE PERMIT METEOROLOGICAL TOWER, HEBER AREA: **Discussion and possible action on a** request for RES Americas to place a Meteorological testing tower with a total height of 265 feet to measure wind for the potential of developing an alternative power (wind) generating facility. APN's: 201-09-001A, a portion of Section 25, in Township 14 North, Range 17 East, located in the Antelope Valley area, approximately 10 miles northeast of Heber.

Owner/Applicant Comments: No additional comments from owner/applicant.

In Favor: No one additional from the public came forward in favor of this Special Use Permit.

Opposed: No one additional from the public came forward in opposition of this Special Use Permit.

Staff Questions/Comments: No additional comments.

A motion was made by **Jason Hatch** to approve this Special Use Permit under **Resolution #10:11P**, with stipulations as recommended by staff.

PLANNING COMMISSION RECOMMENDATION: *Should the Board of Supervisors approve this Special Use Permit request, the Planning Commission recommends that the following stipulations be applied:*

1. *This Special Use Permit shall allow for the installation of one (1) meteorological tower, with a maximum height of 265 feet.*
2. *The meteorological tower shall be allowed to occur only in the location as indicated on the approved site plan, except as may otherwise be approved by the Navajo County Public Works Department.*
3. *Building permits are required for the meteorological tower and any accessory uses (such as fences, etc.), and a permit shall be acquired prior to placement of any meteorological tower.*
4. *A Floodplain Use Permit (where required) shall be obtained prior to issuance of any building permits.*
5. *The meteorological tower and all guy-wire attachments/footings shall be enclosed by a security fence with a minimum height of 6-feet and a maximum height of 8-feet (excluding barbed wire or cyclone wire). Information regarding who to contact in the event of an emergency or any problems with the tower or its associated uses & structures shall be placed upon the fence. The information is to include a contact name, company name, and phone number for someone who can be reached 24 hours a day, 7 days a week.*
6. *The meteorological tower shall include the installation of low-intensity, red pulsating/blinking lighting for night-time visibility that conforms to FAA regulations. The use of night-time strobes or strobe-type lighting is prohibited. The meteorological tower shall also be painted in alternating orange/red and white colors in conformance with FAA requirements.*

7. *Prior to acquiring a building permit, and as development progresses, the applicant shall consult with and obtain written comments from the Arizona Game & Fish Department and the U.S. Fish & Wildlife Service (Flagstaff Ecological Services Field Office) to select a meteorological tower site that avoids habitat features that congregate wildlife and regarding measures to minimize the impact on birds and wildlife of the facilities and operations authorized by this Special Use Permit. The applicant shall give due consideration to the concerns and recommendations of these agencies and shall use all reasonable efforts to satisfy their concerns and to minimize the impact on birds and wildlife, including the possible placement of Bird Flight Diverters on the guy wires and acoustic monitoring stations on or near the meteorological tower. The location and construction of facilities shall be generally consistent with the Arizona Game & Fish Department's "Guidelines for Reducing Impacts to Wildlife from Wind Energy Development in Arizona" and shall incorporate best available technologies and industry practices to minimize the impact on birds and wildlife.*
8. *Prior to acquiring a building permit, the applicant shall provide latitude and longitude coordinates (North American Datum of 1983) and related maps of the final site of the meteorological tower to the Navajo County Public Works Department, the Arizona Game & Fish Department, the U.S. Forest Service, and to local Emergency Service providers and airports.*
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14. *Development and use of the site shall include efforts, such as Best Management Practices, to reduce & mitigate dust created by this project. Efforts shall also be made to reduce the removal of vegetation during construction and use of the site and any roadways that provide access to the site. Upon the removal of the meteorological tower and associated structures and improvements, the site and any roadways that provide access to the site shall be restored and re-vegetated to their current/native condition.*

The motion was seconded by **Evelyn M. Meadows** and passed unanimously. In Favor: 6, Opposed: 0.

Item # 4 – SPECIAL USE PERMIT METEOROLOGICAL TOWER, HEBER AREA: Discussion and possible action on a request for RES Americas to place a meteorological testing tower with a total height of 265 feet to measure wind for the potential of developing an alternative power (wind) generating facility. APN's: 201-04-001, a portion of Section 5, in Township 13 North, Range 18 East, located in the Antelope Valley area, approximately 10 miles northeast of Heber.

Owner/Applicant Comments: No additional comments from owner/applicant.

In Favor: No one additional from the public came forward in favor of this Special Use Permit.

Opposed: No one additional from the public came forward in opposition of this Special Use Permit.

Staff Questions/Comments: No additional comments.

A motion was made by Evelyn M. Meadows to approve this Special Use Permit under **Resolution #10:12P**, with stipulations as recommended by staff.

PLANNING COMMISSION RECOMMENDATION: *Should the Board of Supervisors approve this Special Use Permit request, the Planning Commission recommends that the following stipulations be applied:*

1. *This Special Use Permit shall allow for the installation of one (1) meteorological tower, with a maximum height of 265 feet.*
2. *The meteorological tower shall be allowed to occur only in the location as indicated on the approved site plan, except as may otherwise be approved by the Navajo County Public Works Department.*
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5. *The meteorological tower and all guy-wire attachments/footings shall be enclosed by a security fence with a minimum height of 6-feet and a maximum height of 8-feet (excluding barbed wire or cyclone wire). Information regarding who to contact in the event of an emergency or any problems with the tower or its associated uses & structures shall be placed upon the fence. The information is to include a contact name, company name, and phone number for someone who can be reached 24 hours a day, 7 days a week.*
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11. *Prior to issuance of any building permits for the meteorological tower, the developer shall submit to the Navajo County Public Works Department information regarding the manufacturer of the tower, structural information, information regarding who to contact in the event of an emergency or any problems with the tower, and information regarding how data is collected and transmitted.*
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13. *The Special Use Permit shall be reviewed thirty-six (36) months after Board of Supervisors approval by the Navajo County Planning and Zoning Department to determine whether it should be extended or terminated.*
14. *Development and use of the site shall include efforts, such as Best Management Practices, to reduce & mitigate dust created by this project. Efforts shall also be made to reduce the removal of vegetation during construction and use of the site and any roadways that provide access to the site. Upon the removal of the meteorological tower and associated structures and improvements, the site and any roadways that provide access to the site shall be restored and re-vegetated to their current/native condition.*

The motion was seconded by **Ruth Ann Smith** and passed unanimously. In Favor: 6, Opposed: 0

Item # 5 -- Possible approval of February 18, 2010 Minutes. **Joel Lawson** made a motion to approve the minutes as presented **Jason Hatch** seconded the motion. In Favor: 6, Opposed: 0. The motion passed unanimously.

Item # 6 – Possible approval of March 18, 2010 Minutes. **Joel Lawson** made a motion to approve the minutes as presented **Jason Hatch** seconded the motion. In Favor: 6, Opposed: 0. The motion passed unanimously.

Item # 7 – Commissioners’ comments and/or directions to staff. Chairman **Wendell DeCross** thanked staff for continuing to provide information that allows the Commission to make informed recommendations to the Board of Supervisors.

Greg Loper provided notice of an upcoming conference pertaining to Wind Energy being conducted at NAU (Northern Arizona University), and informed the Commission that only five Commissioners can attend to avoid having a quorum. The County will reimburse Commissioners, and if they choose to attend please provide notice to staff so arrangements can be made.

With there being no further business to come before the Planning and Zoning Commission, the meeting was adjourned at 8:32 p.m. A motion was made to adjourn the meeting by **Joel Lawson**. **Jason Hatch** seconded the motion. The motion passed unanimously.

Approved this 17th, day of **June, 2010**.

Wendell DeCross

Chairman, Navajo County
Planning & Zoning Commission

ATTEST:

Alberto L. Peshlakai

Secretary, Navajo County
Planning & Zoning Department

