

**MINUTES OF THE REGULAR MEETING
OF THE TOWN OF PINETOP-LAKESIDE PLANNING AND ZONING
COMMISSION, HELD ON WEDNESDAY, FEBRUARY 21, 2018 IN THE
TOWN COUNCIL CHAMBERS LOCATED AT
1360 N. NIELS HANSEN LANE, LAKESIDE, AZ 85929**

A. Call to Order

Vice Chairman Smith called the meeting to order at 5:00 p.m.

Roll Call:

The following Members were present:

Adam Staley	Chairman
Richard Smith	Vice Chairman
Mazie Hastings	Commission Member
John Salskov	Commission Member

The following Member was absent:

Tim Williams	Commission Member
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Also Present:

Keith Johnson	Town Manager
Cody Blake	Community Development Director
Jill Akins	Deputy Town Clerk
Larry Agan	Commissioner Applicant
John Turner	Conditional Use Permit Applicant
Nancy Turner	Conditional Use Permit Applicant
Robert Ingels	Citizen
Bob Martinson	White Mountain Independent

B. Call to the Public

Chairman Staley called for public comments. No comments were offered.

C. Minutes

Member Hastings moved to approve the Minutes of the Regular Meeting held on January 25, 2018. Vice Chairman Smith seconded the motion and was carried unanimously.

D. Staff Reports

D.1 Report and Update from Community Development Department.

Community Development Director Blake stated he did not have anything to report.

E. Old Business

No old business to report at this time.

F. New Business

F.1

Review, Discussion and Consider Approval of Conditional Use Permit – 124 (CUP) for applicant John Turner for two (2) horses at 2728 S. Hart Lake Lane, Lakeside, AZ 85929 in the N/E ¼ of Section 1, 42-039D. CUP per Chapter 17.80 and Chapter 17.104, Section 17.104.150.

Community Development Director Blake stated the Turner's completed the Conditional Use Permit (CUP) application. Director Blake informed the Commissioners of a mistake on his memorandum regarding the acres listed as .52 acres and he said it should be 4.78 acres. He said the applicant is requesting to have two (2) horses on the property and said the Code allows for six (6) horses on this size of property. Director Blake stated that nineteen (19) letters were mailed out to the surrounding property owners and said only one (1) property owner responded and it was a positive response and is in support of the CUP.

Director Blake said staff recommends the approval of the CUP as long as the owner's comply with the requirements of the equine regulations. He explained the owners must have at least twelve hundred square feet per horse for corral space and the applicant has four thousand square feet, which is larger than the minimum required by the Code. He explained the owner will be building horse stalls and has

already pulled a building permit for the stalls. Director Blake said there are no drainage issues on the property.

John Turner asked the commissioners if they had any questions to ask him.

In response to Vice Chairman Smith, Mr. Turner said the green temporary corral fencing would be kept and explained he currently has a Mustang that has to be kept in a smaller space while he is training her. He said he would be driving some poles into the temporary fencing so the fence does not move and wire up the fence. He explained the fence will be semi-permanent and will not move or allow the animals to escape. Mr. Turner explained further that he removed an old barn and corral that was located on the back of the property. Mr. Turner conveyed he wanted the horses to be located on the front of the property, explaining that horses really like people and like to be around people.

Member Hastings moved to approve Conditional Use Permit 122 per Equine Regulations for two (2) horses, property located at 2728 S. Hart Lake Lane, Lakeside, AZ, also known as APN 212-42-039D. Member Salskov seconded the motion and was carried unanimously.

F.2 Discussion and Consider Approval of Larry Agan to fill Planning and Zoning Commission Vacancy with a Term Ending July 24, 2020.

Director Blake stated there is one (1) Planning and Zoning Commission vacancy available in the county and one (1) Planning and Zoning Commission vacancy that must be in the jurisdiction of the Town boundaries. He said Mr. Agan would fill the county vacancy.

Member Salskov moved to approve the recommendation to the Town Council the appointment of Larry Agan to fill the Planning and Zoning Commission county vacancy with a term ending July 24, 2020. Member Hastings seconded the motion and was carried unanimously.

F.3 Review, Discussion and Consider Approval of New Town Code Chapter 17.106 Wireless Communication Facilities and Design Standards for Wireless Facilities in the Right-of-Way.

Director Blake said presently the Town does not have any cell phone tower Code to address cell phone towers, the placement of cell towers, height or look of the tower. He explained he created this Code to address Wireless Communication Facilities and said the second part of the Code is the Design Standards for Wireless

Facilities in the Right-of-Way. He explained the Design Standards for Wireless Facilities in the Right-of-Way is State required Code, further explained the State passed a law last year that Towns and Cities have to allow small cell tower usage within the public right-of-way. He said there are some State mandated restrictions and limitations on size and height, but also gave jurisdictions some leeway in placing reasonable limitations on the towers in the right-of-way. The Code was supposed to be passed in February 2018 or within sixty (60) days of the first application, but he said the Town has not received an application yet.

Director Blake stated that the Wireless Communication Facilities Code will be addressing cell towers on private property and the Design Standards that are specific to small cell towers within the right-of-way.

In response to Member Salskov, Director Blake explained the Design Standards state the allowance of the small wireless towers in the right-of-way. He said the Design Standards are from the City of Chandler which is also utilized by the City of Show Low.

Director Blake explained that most of the Code in Chapter 17.106 Wireless Communication Facilities requires a Conditional Use Permit (CUP) except for Chapter 17.106.020 Permitting, A. Uses of Permitted in Right-of-Way. He said if the tower is not in public right-of-way, a Conditional Use Permit (CUP) will be required. He said if it is a cell company wanting to install on telephone poles, the Town must allow it by State law and only design regulations that are allowed. Director Blake explained most of the Code came from the City of Flagstaff.

The following changes were made to Chapter 17.106, Wireless Communication Facilities:

17.106.020 Permitting

A. Uses Permitted in Right-of-Way (*No Conditional Use Permit required.*)

17.106.030 General Requirements:

Member Hastings expressed her concern with the artificial lighting under D.2 “Necessary for security” and said this is too broad of a statement.

Director Blake explained the lighting would be addressed within the outdoor lighting code and said the outdoor light control in 17.104.140 is referenced in D.3.

It was the consensus of the Commission to remove D.2 and D.3 under 17.106.030 General Requirements.

Member Salskov expressed concern he has an issue with F.2. “To the maximum extent feasible, wireless communication facilities shall be placed directly above, below, or incorporated with vertical design elements of a building to help in camouflaging.”

It was the consensus of the Commission to change F.2. to the following: *“To the maximum extent feasible, wireless communication facilities shall conform to the design elements of a building.”*

It was the consensus of the Commission to change F.4.e. to the following: *“Antennas shall be fitted with adequate coverage and shall not extend beyond the tree branches located immediately adjacent to the antennas.”*; and Figure 1: *“Standards for Sites”*.

It was the consensus of the Commission to change F.4.g. to remove *“The Director or”* from the beginning of the third sentence.

Chairman Staley suggested using *“WCF”* as the abbreviation for *“Wireless Communication Facility”*, after the first use of the statement in the beginning of the document.

Robert Ingels addressed the Commission with the following comments: *“It is important to attempt to co-locate sites because there is already one very large tower in the community and a lot of engineering went into it to create the most preferential spot for the tower. The Code states that the Director may waive the requirement for Conditional Use Permits for Wireless Communication Facilities that meet all of the criteria of this Code if the new facility or equipment is co-located on or adjoining an existing Wireless Communication Facility. Does adjoining mean a parcel next to this or would it be a structure next to it? And, again, would the co-location, being something to me that needs to be way up front in the process, if the company has come in and already pulled the request for the Conditional Use Permit and is going through that process it is very important in my eyes that somebody say that this community does not want to have cell towers all over the place, please give us your best attempt to co-locate before processing a permit. Once an owner has pulled a permit their foot is in the door to go their own route and we get a new tower in a new location. So, the way this is worded is one little paragraph talking about the importance of co-location being important on the*

preferred site and I think that would be important to really encourage the co-locating. Again, I can't stress, my bedroom, and I'm up high, I see three flashing red lights now when the shades are open from Porter Mountain and in my driveway I see the new tower, White Mountain Communication has up, and I've accepted that tower, but I've heard a commercial property right across from my driveway had thought about having a second cell tower at that location too. There is a responsibility as a community to look at the purpose that we want and to have a limited number of towers and have the premier locations to best serve the citizens. I know it is a private business issue but I feel it would save a lot of the difficulty in conversing with staff and the Commission if Conditional Use Permits would go ahead. Although I know this is important, and talked about for quite a few years now, and I had referenced the Flagstaff codes sometime back, the lack of people here at a 5:00 p.m. meeting on a Wednesday might be significant for taking legal action to recommend this as is and it would be nice for the public to know what is being proposed and have an opportunity to comment on it.

Chairman Staley thanked Mr. Ingels and said the Commission and staff appreciate his input.

Vice Chairman Smith moved to recommend to the Town Council the approval of Town Code Chapter 17.106 Wireless Communication Facilities subject to the discussed changes from the Commission. Member Salskov seconded the motion and was carried unanimously.

Director Blake proceeded to the Design Standards and said there are not a lot of communities in the State that have approved the Design Standards for a small Wireless Facility in the Right-of-Way as of yet, only Chandler, Paradise Valley and Show Low have passed this. He explained there are still some questions on the State law and how some of these might be affected, but said this document does have a long list of definitions in the document regarding the intent and goes into a lot of the requirements mentioned in the State Code.

Director Blake asked the Commissioners if they have had a chance to review the Design Standards.

Chairman Staley said he had not thoroughly reviewed the document and asked Director Blake if this was an action item for approval and recommendation.

Director Blake answered that it is an action item for tonight's meeting. He explained that State law states it is supposed to be passed by February 2018 or

with good quality development. As I am looking through some of the notes that I have here, Commission Powers and Duties, Planning and Zoning should have the power to approve, conditionally approve or disapprove all applications within the Design Review. Now that is still in the Code, but how does the Commission get to review and do the design review when a property is already denuded of all the vegetation on it. That goes directly in contrast with some of the criteria that normally would be considered in a conceptual plan and I am really concerned with that we are shifting a whole bunch of power into one individual by title the Director of Community Development and hearing that this same individual would be the forester cuts out what I think the Code was trying to allow a collaboration of different interests to work that no longer are going to have anywhere near the guidance that was in here, because as seven Commissioner Members you see everything slightly different and I think that is very valuable than one individual making decisions that can't be reversed. The line items that I had gone through and had question marks on, I guess you guys are comfortable with all of that

Member Hastings moved to recommend to the Town Council the approval of the changes to Title 17 Chapter 17.88 Design Review. Vice Chairman Smith seconded the motion and was carried unanimously.

F.5 Review, Discussion and Consider Approval of Changes to Title 17 Chapter 17.84 Site Plan and Plot Plan Review and Approval.

Director Blake said this section had been discussed previously by the Commission and he has made all of the changes and recommendations to Chapter 17.84 Site Plan and Plot Plan Review as proposed by the Commission.

Robert Ingels provided the following comments to the Commission: *The Section 17.84.040 Site Plan Appeals that has been changed to the point that can anybody other than the applicant and one of the Town Councilmembers or Staff create an appeal of a site plan. That would be a question that I would have. When clear cutting occurred, where the Pizza Hut is now located in Show Low, this would be a reason to have development agreements to try and create a recorded document that would avoid having a property be clear cut of all of the vegetation without a posting that would allow it to be at least restored to a point that erosion, drainage or runoff would not be a problem. And so in the binding conditions and application I know that that would be something that has been used minimally with the Town in the past, but I think that it is important that the section is in there. Again, with all due respect, you as Commissioners do homework and volunteer to be in the role you are in, you are doing your best to make recommendations that*

are relevant to certain sections in Title 16 and 17 of the Zoning Code. You are minimizing the realm of power and duty that the Commission has to the changes that are in here and as a past Commissioner the ability to have a flow chart to be clear and concise I think is important. The importance of having things be clear and easy to use is very important and the important time for that is when they are in the office inquiring about what they want to do with a piece of property. As this process moves ahead, the Community Development Director is the key person to get the guidance going, but the interaction with the Planning and Zoning Commission and staff and the interaction with the Commission and the applicant can make a huge difference in the quality of the community that we have going forth. So I understand the roles as far as the need for more economic development and sales tax revenue, but at the same time I am concerned about losing the qualities that a lot of us feel are important and the site plan and plot plan process to me is one of those items that the Commission should step up, be informed and try to make this community move in the direction that the voters of the General Plan had created by their votes.

Member Salskov moved to recommend to Town Council the suggested changes to Chapter 17.84 Site Plan and Plot Plan Review. Vice Chairman Smith seconded the motion and was carried unanimously.

F.6 Discussion Regarding Any Future Agenda Items.

Community Development Director Blake announced that he received a letter of interest from Chuck Nicholson to fill the vacancy on the Commission and said Mr. Nicholson is a Town resident and a Town business owner. He said his letter of interest will be presented to the Commission at the next meeting for their review.

Director Blake said he would have a couple of more sections of Chapter 17, previously reviewed by the Commission, for approval. He said he would also bring back the Design Standards for Wireless Facilities in the Right-of-Way that the Commission tabled tonight.

Robert Ingels provided the following comments to the Commission: *I would appreciate as a future agenda item where minutes are available to be reviewed prior to upcoming meetings with action to approve them. Granted I was here at 5:02 p.m. tonight and I didn't have time to fill out the paperwork because of my tardiness, but I was aware from being here in the January meeting that there was a quorum and had anticipated addressing some of these issues that I didn't do a very good job of tonight and some of the omissions that I felt should have been in the*

minutes talked about you guys as a planning commission as a tree board, which I think would be a good thing, because we are a Tree City USA and there are certain requirements for that. Unless I am mistaking, the tree board that the Commission acts as is designated by Town Council and if I am wrong on that I am sorry but I thought as a future agenda item would be “What is your role as the Commission as the tree board”. The other thing is, how you as a Commission create more public participation in the process of looking over the documents you have and how do we get people engaged in the community to participate. Part of the General Plan talks about it being a plan for the citizens and so meeting times that are convenient for the public to attend would be a great thing and I am not trying to defend that people are not here, maybe there is so much trust in the process that they don’t need to come and share opinions maybe you have other sources of input. A future item would be “How do we engage our citizens in the process better”.

Chairman Staley stated the Commission has had meetings at different times and there had been very little public input unless it is a major topic and sometimes we do have public input. He said he agrees a future discussion item could be how to engage the public and said it is critically important to the Commission and the Community.

Chairman Staley asked Director Blake to address the Tree Board status situation for clarification.

Director Blake stated he would look into that and report back to the Commission.

Vice Chairman Smith said the Commission needs to get back on track on the second and fourth Thursday of the month at 6:00 p.m.

Director Blake announced that the next Planning and Zoning Commission meeting will be held on Thursday, March 8, 2018 at 6:00 p.m.

G. Adjournment:

There being no further business at this time, the meeting was adjourned at approximately 6:42 p.m.

Chairman Adam Staley