

Gila County Planning and Zoning Commission

Gila County Payson Complex

608 E. Hwy 260, Payson, AZ.

August 20, 2009-APPROVED

1. **Call to order/Pledge of Allegiance**

Planning and Zoning Commission meeting was called to order by Chairman, Don Ascoli at 10:00 am.

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| 2. Roll Call- Chairman | Don Ascoli |
| Vice Chairman | Lori Brown |
| Members | Jack Larimore |
| | Mickie Nye (via telephone) |
| | Renee Zeising |
| | Ron Christensen |
| | Rose Harper (absent) |
| | Jay Spehar (via telephone) |
| | Travis Williams |

3. Motion was made by Commissioner Renee Zeising to approve the minutes from July 16, 2009, seconded by Commissioner Jack Larimore; motion unanimously approved.

4. Director/Commission Communications: Robert Gould, Director of Community Development had nothing to report.

5. CUP-09-01, filed by Jeff Johnson, authorized agent for Gary Binder the property owner: Application is a request to utilize an existing amateur radio tower to provide commercial communication services to neighboring properties and emergency service providers from the subject site in the East Verde Estates Community, which is 3 miles north of Payson, Arizona. The subject property is addressed as 234 W. Kings Drive and has tax parcel number 302-31-136A. The subject site is a consolidation of Lots 3, 4 and 5 in the Kings Addition Subdivision and Lots 1 and 11 in the Orloff Palisades Subdivision.

Commission member Renee Zeising motioned to remove the item from the table; motion passed unanimously.

The commission determined that they would hear new comments or information from the public but would not hear repeated information/comments.

Robert Gould, Director of Community Development, stated that Section 103.14 of our Zoning Ordinance states that communication towers can go in any zoning district with a Conditional Use Permit unless the use was outright permitted in which case they didn't need a CUP. He stated that it also required that all towers be structurally engineered and that no tower shall be closer than its height to the property line unless accompanied by structural engineering that eliminated the need for a fall zone. He also stated that Section 103.11 of our Zoning Ordinance states that the primary intent of a Conditional Use Permit is to assure that a proposed use is harmonious or compatible with neighboring uses through the application and maintenance of specific conditions.

He further stated that the Sheriff's Office and the Payson Fire Department were contacted and both stated that they knew nothing about the tower but had no concerns. Mr. Gould stated that in their packet he included information that shows

that Mr. Day/Mr. Johnson are providing services today and Gila County has no record of any conditional use permits in these areas; but it could be possible that they are operating on a tower that has been permitted for another individual.

Recommendation from staff:

1. The applicant shall submit appropriate engineering to show that the tower is structurally sound and that a fall zone is not necessary. If the fall zone is necessary then the applicant shall return to the Commission with an alternate location.
2. The tower shall not be utilized for signage or any advertising purpose
3. The applicant shall paint the tower a green and or brown color to be approved by the Community Development Director in consultation with neighbors. The intent of the painting is to camouflage the tower as much as can reasonably be done.
4. Failure to comply with all FAA and FCC regulations can make this conditional use permit void.
5. Prior to permitting this as a commercial tower with antennas by Michael Day all other towers where he offers commercial services will be appropriately permitted.

After discussion between the commission and the director, the chairman opened the meeting for public comments.

Dan Haapala stated that he resides in East Verde Park, is the chairman of the East Verde Fire District Board, President of the East Verde Fire Wise Community, serves on the East Verde Park Incorporated (inaudible) Safety and Health as chairman and stated that the fire board met on the second Monday of August following the first hearing in which they'd learned that this item had been tabled by the commission; at the time they did not see any problem with the tower and with communication possibilities that it was going to provide. They wrote a letter asking this board to go forward and recommend approval to the Board of Supervisors. He continued by stating that although they saw the Notice of Public Hearing the first time they were not able to attend; but when they saw the second Notice of Public Hearing they were enthusiastic. Mr. Gould, Director of Community Development stated that if the property was posted again the commission must hear the public comments but noted that the agenda was not noticed that way. Mr. Hoppola continued by stating that as a small community it is very hard to be in the dark in the 21st Century without having cell or internet service. He stated that one neighbor was trying to sell his home, had someone interested come to the door, pulled out his cell phone, had no service and left. Mr. Haapala stated that the tower is very important to the neighborhood.

Mr. Lee Machaka resides at 323 McNealy and stated that he sees the tower more than anyone, its right outside his front door; he stated that it gives the possibility of saving body or property and felt that it was the price they should pay for progress and the whole community will benefit from it.

Mr. Steve Conley stated that he was concerned with commercial growth and stated that if it the tower was unobtrusive (like the Payson complex) nobody would complain.

After much discussion, public comments were closed.

Commissioner Renee Zeising stated that because of the topography of the area and because of issues in the past with not being able to get communication services felt that

the community really needs better communication, and stated that these residents matter to her-she's in favor of recommending approval.

With no further questions from the commission, Chairman Ascoli asked for a motion. Commissioner Renee Zeising motioned to recommend approval to the Board of Supervisors with the following conditions:

1. Documentation from the applicant shall submit appropriate engineering to show that the tower is structurally sound and that a fall zone is not necessary. If the fall zone is necessary then the applicant shall return to the Commission with an alternate location.
2. The tower shall not be utilized for signage or any advertising purposes.
3. The applicant shall paint the tower a green and/or brown color to be approved by the Community Development Director or by someone designated by the Director in consultation with neighbors. The intent of the painting is to camouflage the tower as much as can reasonably be done.
4. Failure to comply with all FAA and FCC regulations can make this conditional use permit void.
5. Prior to permitting this as a commercial tower with antennas by Michael Day all other towers located in Gila County where he offers commercial services will be appropriately permitted.

Vice Chairperson-Lori Brown seconded the motion and the motion carried unanimously.

BREAK FROM 10:40; RETURNED AT 10:50

6. Zoning Ordinance Update by Rudy Frost

Director Robert Gould and Consultant Rudy Frost reported on the Update to the Zoning Ordinance. The commission agreed with staff to put together a unified development code and do it in a two step process; 1. Put together the Gila County Unified Development code (minor land division, subdivision, lighting, zoning review, signage) without making any amendments to the regulatory system and 2. Update the Unified Development Code in conjunction with whatever direction you had from your planning program.

Suggestions made by the commission:

Add owner's rights, procedures for every application, statutory exemptions (agriculture, mining, etc). Rudy Frost stated that they add a cultural use situation and stated that if you can meet the criteria you could use it but it should not be for everybody.

Rudy Frost asked that if they agreed he would proceed; the commission instructed Rudy to proceed to take the existing code and format, then you start adding the items that need to be added, then the revisions, etc. Bob informed Rudy that there was a Zoning Code Update Committee and the commission recommended Rudy work with the committee.

Date & time for the next scheduled meeting: September meeting will be in Globe on the 24th at the Board of Supervisors Hearing Room.

Meeting adjourned at 11:45 pm.

