



**NAVAJO COUNTY
PUBLIC WORKS DEPARTMENT**

STAFF REPORT

PLANNING & ZONING

HEARING DATE: September 17, 2015
CASE#: 15-08
ACTION: Special Use Permit
PROJECT NAME: AZ3 Road Patch - Fitzgerald

PARCEL INFORMATION:

Owner/Applicant: Raymond & Nancy Fitzgerald / Verizon Wireless
Location: Located off Route 1800, 9.1 miles east of Route 77
APN: 110-17-001
Legal Desc: A portion of Section 21, Township 17 North, Range 21 East of the Gila and Salt River Meridian.
District: III – Supervisors Jason Whiting
Parcel Size: 19,070.49 acres

REQUEST: Raymond and Nancy Fitzgerald are requesting a Special Use Permit on behalf of Verizon Wireless, to allow for installation of a 199' lattice Cellular Tower, and 12X26' Equipment shelter.

GENERAL CHARACTER OF NEIGHBORHOOD: This parcel and the surrounding area is primarily used for agricultural purposes.

ZONING DISTRICTS:

Current: A-General

Article 3

Section 301 - Purpose.

The main purpose of this A-General Zone is to provide for all the unincorporated area of the County, except land within the boundary of a reservation and outside the authority of Navajo County not otherwise designated for some other specific zone, to be included in the "A-General Zone", by this Ordinance. No subdividing shall be conducted or approved in the "A-General Zone", without prior re-zoning of the land so intended. Uses permitted in the "A-General Zone", include farm and non-farm residential uses, farms, recreational, institutional, commercial and industrial uses as specifically listed in this Article. **Other uses may be permitted as Special Uses under Article 20.**

ZONING ORDINANCE:

Article: 20 – Special Uses and Planned Unit Development

Section: 2001 – Special Uses

2001.33 - Television, wireless towers, and radio transmitter towers and stations, subject to approval by Federal Regulatory Agencies.

FINDINGS OF FACT:

1. The legal notice for this item has been printed in the Holbrook Tribune and placards were posted in the neighborhood, in compliance with Arizona Revised Statutes and Article 29.
2. The applicant has submitted the plans and supporting statement required by Section 2002(1).
3. The proposed use is one for which a Special Use Permit may properly be granted pursuant to Section 2001(31): "Television, wireless towers, and radio transmitter towers and stations, subject to approval by Federal Regulatory Agencies".
4. Staff has reviewed the submitted materials, site plans and related exhibits in accordance with the Navajo County Zoning Ordinance requirements for a Special Use Permit. Staff finds that the submitted documentation conforms to the requirements of the Ordinance and the promotion of the health, safety and welfare of the public.

PUBLIC COMMENTS & CONCERNS:

As of the date of preparation of this staff report, 0 comments in favor and 0 opposed have been expressed by the public.

DEPARTMENT COMMENTS:

COUNTY ATTORNEY'S OFFICE: There are no legal issues at the present time with this Special Use Permit as long as all local, County, State and Federal laws and regulations are adhered to.
Initial B.C

ENGINEERING COMMENTS: No objections to the proposed land use as long as all conditions listed below are met.

Initial: B.B.

FLOOD CONTROL COMMENTS: No objections to the proposed land use as long as all

condition listed below are met.

Initial: B.B.

PLANNING & ZONING DEPARTMENT: The owners of this property have leased a portion of the site to Sun State Towers-Cyclone to install a cellular tower contingent on the approval of this Special Use Permit. Staff has reviewed all the applicants' materials and found they are in order and ready for action by the Commission.

Initial: P.S.

PUBLIC WORKS RECOMMENDATION: Should the Commission approve this Special Use Permit, staff recommends the following conditions be applied:

1. The Special Use Permit shall permit 1 wireless self-support lattice communication tower, not to exceed 199 feet in height, and a 12'X26' accessory structures necessary for the operation of the tower 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. The Special Use Permit shall run with the land.
4. The applicant shall obtain a Building Permit from Navajo County for such tower prior to commencing construction.
5. Security fencing may be used to protect the equipment and will be at the discretion of the owner.
6. The applicant must meet all State and Federal requirements concerning communication towers prior to any building permits being issued. The tower design is less than 200 feet in height and therefore does not require lighting per FAA guidelines.
7. If the permitted Special Use is not utilized within a twelve (12) month period from the date of approval by the Board of Supervisors, this permit shall become null and void.
8. If the tower is no longer being utilized the property owner shall cause, at his expense, the removal of all components of this tower within a 90-day period.
9. The Owner shall provide all reasonable cooperation to other public and private users who may be interested in co-location on this tower and shall consider such co-location upon commercially reasonable terms, unless such co-location is not technically feasible.
10. Should the operator decide to abandon the use of the tower, they shall notify Navajo County Planning & Zoning, that the tower is no longer being used.



NAVAJO COUNTY PUBLIC WORKS DEPARTMENT

PLANNING & ZONING

Post Office Box 668 - 100 East Code Talkers Drive

Holbrook, Arizona 86025

(928) 524-4100 FAX (928) 524-4122

www.navaiocountyaz.gov

SPECIAL USE PERMIT APPLICATION

(also to be used for an Amendment to an approved/existing Special Use Permit)

SITE & PROPOSAL INFORMATION:

PROJECT NAME: AZ3 Road Patch - Fitzgerald

PROPOSED USE OF PROPERTY: Proposed Verizon Wireless 199' Self Support tower with a 12 x 26 shelter

SPECIAL USE CATEGORY: Cell Tower

LOCATION (include nearest town/community): North side of Rt 180 approx 9.1 miles East of Rt 77. Holbrook is closest city approx 10 miles NW.

GENERAL DIRECTIONS TO PARCEL: Starting from the intersection of Rt 180 and Rt 77 travel 9.1 miles east on Rt 180. The proposed tower is on the North side of Rt 180.

ADDRESS (if known): The parcel is vacant- no address

PROPERTY SIZE: 19,070.49 acres; 830,689,200 square feet

LEGAL DESCRIPTION: Township 17N North, Range 22E East, Section(s) 2 plus multiple others - see attached

ASSESSOR PARCEL NO.: 110-17-001

SUBDIVISION NAME: N/A LOT #: _____

PRESENT USE OF PROPERTY: Cattle ranch

CURRENT ZONING: A- General

PROPOSED ZONING: Proposed new 199' Verizon Wireless Self Support Lattice Tower with a 12 x 26 shelter

OWNER & CONTACT INFORMATION:

OWNER'S NAME: Raymond Fitzgerald and Nancy W. Fitzgerald Trustees of the Fitzgerald Living Trust

OWNER PHONE NO.: 858-748-0017 FAX #: _____

OWNER EMAIL ADDRESS: Kateroom16@aol.com

OWNER MAILING ADDRESS: 14821 Winding Canyon Rd

CITY: Poway STATE: CA ZIP CODE: 920642

DATE OF OWNERSHIP: _____

CONTACT NAME: Mike Gallagher

COMPANY NAME: Wavelength Management on behalf of Verizon Wireless

CONTACT PHONE NO.: 480-290-5330 FAX #: 1-888-652-4159

CONTACT EMAIL ADDRESS: mgallagher@wavmgmt.com

CONTACT MAILING ADDRESS: 2200 E. Williams Field Rd #200

CITY: Gilbert STATE: AZ ZIP CODE: 85295

OWNER'S AFFIDAVIT:

I, (print name) Donley F. O'Brien, being duly sworn, depose and say that I am the owner of the property involved in this application and that the information herewith submitted is true and correct to the best of my knowledge.

Donley F. O'Brien
Owner's Signature SUCCESSOR Co-Trustee

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) SS

Sworn and subscribed before me on this 26th Day of FEBRUARY, 20 15

[Signature]

Notary Public

AUGUST 11, 2016

My Commission Expires



For Staff use only:

Accepted by: _____

Date: _____

Submittal Approved: _____

Date: _____

Fee: _____

Case #: _____

Planning Commission: _____

Action: _____

Board of Supervisors: _____

Action: _____

Notes / Stipulations: _____

Purpose of Request

Verizon Wireless is requesting Special Use Permit Approval to install a new wireless communication facility. The proposed facility shall provide wireless services, as required by Verizon Wireless' FCC license, to fill a significant gap in coverage and capacity. This site is necessary due to:

- technological advancements
- growing number of customers
- increased usage of data
- increased voice calls

Description of Proposal

Verizon Wireless is proposing to develop a new wireless communications facility on a vacant parcel located on the north side of Rt. 180 Approx 9.2 miles east of the intersection of Rt. 180 and Rt. 77 SE of Holbrook. There is no address for the very large vacant parcel that is 19,070.49 acres. The closest landmark is shown in the aerial photo above and is 1,051' east of the proposed tower location. Verizon is proposing to construct a new 199' Self Support Lattice tower, place a 12' x 26' prefabricated shelter at the base of the tower, and place a diesel generator inside the prefabricated shelter. The entire site is proposed to be inside a 100' x 100' lease area. The proposed location is on parcel zoned A General and is currently used as a cattle ranch. This location has been carefully sited to limit the visual impact in this area while accomplishing Verizon's need to provide an unsurpassed service to their customers including: commuters, residents, visitors, businesses and *first responders*.

The lease area shall be fully enclosed by a chain link fence. This shall be an unmanned facility that will be visited infrequently for maintenance. Verizon shall require electric and telephone utilities. These utilities will be accessible via the Public Right of Way to the site. This development does not emit any odor, dust, gas, noise, vibration, smoke, heat of glare. The RF emissions from this site are well within the FCC guidelines for a wireless communications facility. This is the least intrusive means to fix the significant gap in coverage and capacity. This facility is proposed to provide wireless service and capacity relief to surrounding wireless communication facilities. Extensive measures were taken to ensure this location will minimize the visual impact on the surrounding area. The materials, colors, and textures are designed to blend with the surrounding setting.

Location and Accessibility/ Circulation System

The proposed development shall be accessible utilizing a recently approved ADOT permit included in the SUP submittal package as a reference. This development will not increase traffic due to it being an unmanned facility.

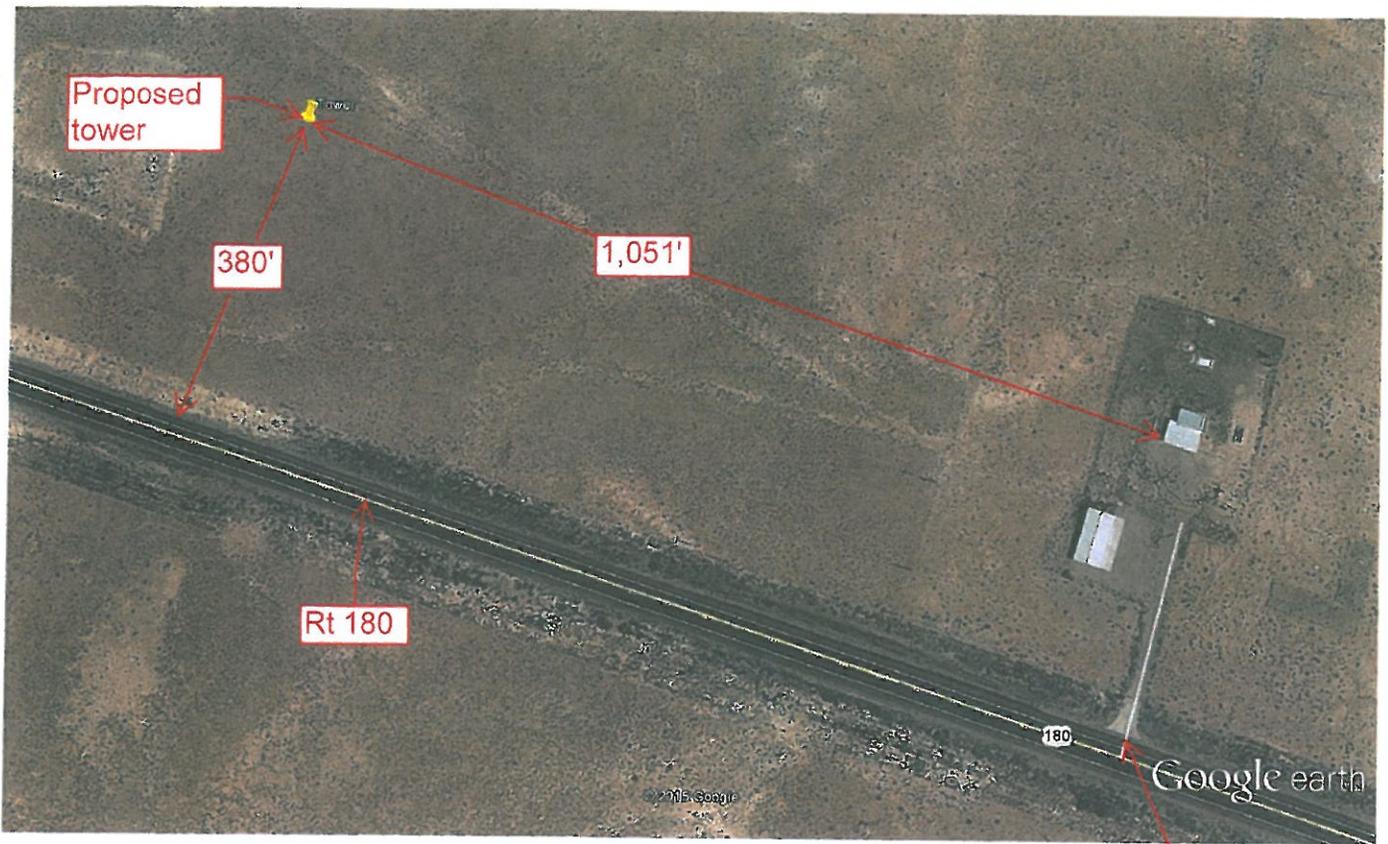
Development Schedule (phasing)

The overall development of the site will take approximately 45 days with the bulk of the work being accomplished in the first 4 weeks. The work will be accomplished during regular business hours and will require the use of standard grading equipment. During this time there may be multiple vehicles and laborers performing the work.

After the completion of development the site will only require general maintenance. Verizon anticipates the site will be visited on average a few times a month. General maintenance usually requires one work vehicle and can be accomplished 24/7.

Public Utilities and Services

This shall be an unmanned facility and will require electric and telephone utilities. The development will not create any refuse, sewage or need any water. These utilities will be accessible via the Public Right of Way to the site. This development does not emit any odor, dust, gas, noise, vibration, smoke, heat of glare. The RF emissions from this site are well within the FCC guidelines for a wireless communications facility.



Google earth



The photo on page 2 was taken from here.

↑
North

RESOLUTION NO. _____

**A RESOLUTION OF THE NAVAJO COUNTY BOARD OF
SUPERVISORS DENYING A
SPECIAL USE PERMIT FOR A CELLULAR TOWER**

WHEREAS, an application for a Special Use Permit was duly filed by Raymond & Nancy Fitzgerald on behalf of Verizon Wireless to construct a 199 foot self-support lattice Cellular Tower; and

WHEREAS the application concerns the following real property in Navajo County: APN: 110-17-001, a.k.a. a portion of Section 21, Township 17 North, Range 22 East of G&SRM in the Holbrook area; and

WHEREAS, the applicant has the legal right to use the above described property according to the owner's affidavit dated February 26, 2015; and

WHEREAS, the Planning & Zoning Commission, after considering the testimony and other evidence presented at the hearing as well as the recommendations of staff, found that the Special Use Permit was not consistent with the public health, safety and general welfare and recommended denial.

NOW, THEREFORE, BE IT RESOLVED that the Planning & Zoning Commission hereby **DENIES** the Special Use Permit.

PASSED AND ADOPTED by the Navajo County Board of Supervisors by a vote of _____ yeas and _____ nays on September 17, 2015.

Planning & Zoning Commission

Chuck Teetsel, Chairman

ATTEST:

Secretary, Planning & Zoning

RESOLUTION NO. _____

**A RESOLUTION OF THE NAVAJO COUNTY BOARD OF
SUPERVISORS APPROVING A
SPECIAL USE PERMIT FOR A CELLULAR TOWER**

WHEREAS, an application for a Special Use Permit was duly filed by Raymond & Nancy Fitzgerald on behalf of Verizon Wireless to construct a 199 foot self-support lattice Cellular Tower; and

WHEREAS the application concerns the following real property in Navajo County: APN: 110-17-001, a.k.a. a portion of Section 21, Township 17 North, Range 22 East of G&SRM in the Holbrook area; and

WHEREAS, the applicant has the legal right to use the above described property according to the owner's affidavit dated February 26, 2015; and

WHEREAS, a Public Hearing for a Zone Change, as required by Section 2902(2) of the Navajo County Zoning Ordinance was duly noticed and held on September 17, 2015; and

WHEREAS, the Planning & Zoning Commission, after considering the testimony and other evidence presented at the hearing as well as the recommendations of staff, finds that the Special Use Permit is consistent with the public health, safety and general welfare and recommends approval to the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that the Planning & Zoning Commission hereby recommends approval, subject to the following conditions:

1. The Special Use Permit shall permit a wireless communication tower, not to exceed 199 feet in height, and equipment cabinet necessary for the operation of the towers 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. The Special Use Permit shall run with the land.
4. The applicant shall obtain a Building Permit from Navajo County for such tower prior to commencing construction.

5. Security fencing may be used to protect the equipment and will be at the discretion of the owner.
6. The applicant must meet all State and Federal requirements concerning communication towers prior to any building permits being issued. The tower design is less than 200 feet in height and therefore does not require lighting per FAA guidelines.
7. If the permitted Special Use is not utilized within a twelve (12) month period from the date of approval by the Board of Supervisors, this permit shall become null and void.
8. If the tower is no longer being utilized the property owner shall cause, at his expense, the removal of all components of this tower within a 90-day period.
9. Should the operator decide to abandon the use of the tower, they shall notify Navajo County Planning & Zoning, that the tower is no longer being used.
10. The Owner shall provide all reasonable cooperation to other public and private users who may be interested in co-location on this tower and shall consider such co-location upon commercially reasonable terms, unless such co-location is not technically feasible.

PASSED AND ADOPTED by the Navajo County Board of Supervisors by a vote of _____ yeas and _____ nays on September 17, 2015.

Planning & Zoning Commission

Chuck Teetsel, Chairman

ATTEST:

Planning & Zoning Secretary