



RESOLUTION 2016-955

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, ON USE PERMIT 20150388, AN APPLICATION SUBMITTED BY MR. REG DESTREE OF DESTREE DEVELOPMENT, AGENT FOR 407-09-011 SOUTH PROPERTY LLC, OWNER OF PARCEL 407-09-160A, WHICH IS 10.00 ACRES. THE PROPERTY OWNER IS REQUESTING A USE PERMIT TO PLACE AN EIGHTY FOOT (80'), MULTI-CARRIER, MONOPOLE, WIRELESS TOWER, OWNED BY SBA COMMUNICATIONS, ON PARCEL 407-09-160A, LOCATED IN CAMP VERDE, YAVAPAI COUNTY, ARIZONA. A TRANSMITTER STATION AND TOWER FOR AUTOMATIC TRANSMITTING IS AN ALLOWED USED UNDER THE M1 (INDUSTRIAL: GENERAL) ZONING DISTRICT IN THE CURRENT PLANNING AND ZONING ORDINANCE WITH A USE PERMIT. ALL USE PERMIT APPROVALS FOR A NEW WIRELESS COMMUNICATION FACILITIES, IF GRANTED, SHALL BE GRANTED FOR A MAXIMUM PERIOD OF TEN (10) YEARS.

The Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona do hereby resolve as follows:

1. The Common Council hereby finds as follows:

1. A request for approval of Use Permit 20150388 was filed by Mr. Reg Destree of Destree Development, agent for 407-09-011 South Property LLC, owner of parcel 407-09-160A, located in Camp Verde, Arizona, to allow for a Wireless Communication Facility (Wireless Tower) owned by SBA Communications, to be constructed on parcel 407-09-160A.
2. Per Part Eight – Wireless Communication Facility Regulations, Section 809 – Use Permit Applications, of the Town of Camp Verde Planning & Zoning Ordinance, any new wireless communication facility that exceeds ten (10) feet above the maximum height allowed in the density district, or does not meet all of the criteria to be allowed in the Administrative review processes, shall require a Use Permit per Section 809, Paragraph One.
3. The request was reviewed by the Planning & Zoning Commission on February 4, 2016 and by the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona on February 24, 2016 in public hearings that were advertised and posted according to state law.
4. A neighborhood meeting was held on January 13, 2016 by the applicant to provide for citizen review pursuant to ARS §9-462.03 and as required by the Town of Camp Verde Planning & Zoning Ordinance, Part Six, Section 601 – Zoning Decisions, Subsection A. – Zoning Ordinance Amendment Applications and Hearings, Item 3.a.e. This meeting also met the requirements of Part Eight – Wireless Communication Facility Regulations, Section 806 – Application Submittal and Review, Item 1.h of the Town of Camp Verde Planning & Zoning Ordinance.
5. The purpose of the Use Permit is to allow for a Wireless Communication Facility (Wireless Tower) on a portion of parcel 407-09-160A, as specified on the submitted site plan for this project with a required time limit of ten (10) years with Council review after five (5) years with the following conditions of approval as required in Part Eight – Wireless Communication Facility Regulations, of the Town of Camp Verde Planning & Zoning Ordinance:

1. The Wireless Tower will be an eighty foot (80'), multi-carrier, monopole design.
2. The Wireless Tower and all attached equipment will be painted with a low reflective, flat gray, paint.
3. The Wireless Tower will meet all requirements of Part Eight – Wireless Communication Facility Regulations of the Town of Camp Verde Planning & Zoning Ordinance.
4. The applicant will submit the Reclamation Plan and Reclamation Cost Estimate, as required by Part Eight – Wireless Communication Facility Regulations, Section 810 – Reclamation Plan, of the Town of Camp Verde Planning & Zoning Ordinance, to the Community Development Department once Use Permit approval has been provided by the Town Council. Additionally, the building permit will not be issued to the applicant until staff has approved the Reclamation Plan and Financial Assurances in a form as allowed by the Town. In Section 810 of the Town of Camp Verde Planning & Zoning Ordinance, a yearly increase of the Financial Assurances in the amount of 8% of the reclamation cost estimate is required. This 8% per year increase shall apply throughout the full term of the Use Permit. In order to simplify the Financial Assurance process, the Town has allowed a one-time increase for the total number of years the Use Permit is approved for.

An example would be as follows:

- Use Permit term is for 10 Years
 - $8\% \times 10 \text{ Years} = 80\%$
 - The total Financial Assurance would then be $100\% + 80\% = 180\%$ of the Reclamation Cost Estimate
6. The purpose of the use will not constitute a threat to the health, safety, welfare or convenience to the general public and should be approved; and the Council hereby finds that the uses covered by the Use Permit and the manner of its conduct will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare generally, and the uses shall be in conformity to the conditions, requirements and standards of the Town of Camp Verde Planning & Zoning Ordinance.
 7. The Waiver of Diminution of Value Claim has been signed by the owner and is attached as Exhibit A.
 8. The Site Plan is attached as Exhibit B and indicates the approved uses of the Use Permit.

The Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona do hereby approve Use Permit 20150388 for a period of ten (10) years, with Council review after five (5) years, subject to the limitations of Part Six, Section 601 – Zoning Decisions, Subsection C – Use Permit Approvals, Item 2, for the purpose of installing and operating a Wireless Communication Facility (Wireless Tower) on parcel 407-09-160A, with the following findings:

1. The use of this property shall be operated and maintained in a manner consistent with the general provisions of the Town of Camp Verde Planning & Zoning Ordinance per Part Two, Section 203 – Use Districts, Subsection J. M1 District (Industrial: General), Item 3 – Uses and Structures Subject To Use Permit, Line B. Transmitter stations and towers for automatic transmitting, and per Part Eight – Wireless Communication Facility Regulations.

2. Per Part Eight, Section 802 – General Provisions, Item 1 – Camouflaging:
 - a. Improvements consisting of a wireless communication facility including tower structure, antennae and related electrical and mechanical equipment, shall, to the extent possible, use materials, colors, textures, screening, landscaping, and terrain to blend them into the natural and surround setting, unless subject to any applicable standards of the FAA.
 - b. The specific requirements for camouflaging will be determined on a case by case basis depending on the proposed location.

2. Per Part Eight, Section 802 – General Provisions, Item 2 – Collocation:
 - d. Proposed antenna facilities, including concealed antennas, shall be designed to accommodate not only equipment for the applicant's use, but also for the collocation for at least one additional wireless communications provider for every 30' of height proposed. The Town Council may reduce the required shared capacity, if a facility necessary to provide for such collocation, adversely alters the area's visual character.

3. Per Part Eight, Section 802 – General Provisions, Item 5, Equipment shall not generate noise levels that exceed 45 DBA Sound Pressure Level (SPL) on directly adjacent properties. This maximum sound level does not apply to generators used in emergency situations when the regular power supply is temporarily interrupted and noise made during the regular maintenance and upkeep of the facility and site.

4. Per Part Eight, Section 802 – General Provisions, Item 6 – Principal or Accessory Use, Antennas and towers may be considered either principal or accessory uses to the principal use of the property.

5. Per Part Eight, Section 802 – General Provisions, Item 7 – Setbacks:
 - a. Setbacks and separation distances shall be calculated and applied irrespective of municipal and county jurisdictional boundaries.
 - b. Tower facilities must be set back from any lot line a distance equal to at least 100 percent of the height of the tower unless a greater setback is required for the particular zoning district: i.e., the reclining length of any tower must be located on the lot so that in the case of collapse, the tower would be contained within the bounds thereof.
 - c. Tower facilities must be located no closer than 5,000 feet to residential areas.
 - d. Guys and accessory structures must satisfy the minimum zoning district setback requirements.
 - e. Facilities that are located on existing or replaced streetlights, traffic signal poles or electrical utility poles are exempt from any setback requirements.

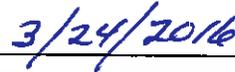
6. Per Part Eight, Section 802 – General Provisions, Item 8, All wireless communication facilities shall be maintained in compliance with applicable state or local building codes under which they were constructed and any regulations of the FAA, the FCC, and any other federal government agency with the authority to regulate them or their components. If such Federal standards and regulations are changed, then the owners of the wireless communication facilities governed by this chapter, which are applicable to these new federal standards shall bring such towers and antennas into compliance with such revised standards and regulations within three months of the effective date of such standards and unless a different compliance schedule is mandated by controlling law. Wireless communications facilities that are not in compliance, shall be removed at the owner's expense if not brought into compliance within 30 days after written demand by the Town of Camp Verde.

7. Per Part Eight, Section 802 – General Provisions, Item 9, Wireless communications facilities shall be regulated and permitted pursuant to this section and shall not be regulated or permitted as essential services, public utilities, or private utilities.
8. Per Part Eight, Section 802 – General Provisions, Item 12, Camp Verde Fire District and Camp Verde Marshal's Office shall have access to the exterior and interior via keys or other method in case of emergency.
9. Per Part Eight, Section 804 – Prohibitions:
 1. Lighting; Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the application shall contain a list of optional light devices and a statement of the reason for selection of the light device specified over each of the options.
 2. Signs; No signs shall be allowed at a facility with the exception of a single one (1) square foot sign providing emergency contact numbers for the facility.
 3. Wireless communication facilities shall not be installed in environmentally sensitive areas, including but not limited to any riparian or watercourse area.
10. Per Part Eight, Section 811 – Removal, Prior to building permits/zoning clearances being issued, and within 30 days of Town Council approval, financial assurances shall be posted by the applicant to assure the removal of the tower and return of the site to its previous state in the event the use is discontinued or abandoned. Towers and antennae shall be removed, at the owner's expense, if not used for a permanent use for 180 consecutive days unless this period is extended pursuant to this section. If the tower or antennae is not removed, after 180 consecutive days of disuse, the Town of Camp Verde may give notice that it will contract for removal within 30 days following written notice to the owner. Thereafter, the Town of Camp Verde may cause removal at the cost of the owner. An owner wishing to extend the time for removal or reactivation shall submit an application stating the reason for such extension. The Planning Director may extend the time for removal or reactivation up to 60 additional days upon a showing of good cause. Upon removal of the wireless telecommunications facility, the applicant will have seven calendar days to begin the reclamation plan approved with the original application. Financial assurances may be used by the Town of Camp Verde for any obligation not discharged by the owner.
11. Per Part Eight – Wireless Communication Facility Regulations, Section 806, Item 1.b, applications for administrative approvals and use permits for a wireless communication facility shall be subject to the procedures and requirements for use permits generally, except as modified in this section. Per Part Six, Section 601 – Zoning Decisions, Subsection C – Use Permit Approvals, Item 1.e the Use Permit is valid and operable only for the specific use as granted and subject to any specified time limit. No such use may be modified, changed, altered or increased in intensity, in any manner that conflicts with the Use Permit and/or required conditions of approval, without approval of a new Use Permit.

PASSED AND ADOPTED AT A REGULAR SESSION OF THE COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, ON MARCH 23RD, 2016.



Charles C. German, Mayor



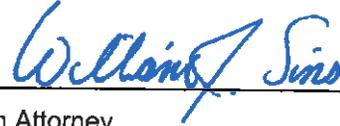
Date

Attest:



Virginia Jones, Town Clerk

Approved As To Form:



Town Attorney

CONSENT TO CONDITIONS/WAIVER FOR DIMINUTION OF VALUE

The undersigned is the owner of the parcel of land described in EXHIBIT A hereto that is the subject of the Use Permit for parcel 407-09-160A. I have reviewed the proposed conditions of Use Permit attached hereto as Exhibit B and by signing this document, the undersigned agrees and consents to all such conditions imposed by the Town of Camp Verde in conjunction with the approval of the Use Permit and waives any right to compensation for diminution in value pursuant to Arizona Revised Statutes § 12-1134 that may now or in the future exist as a result of the approval of the Use Permit.

In the event the above application is withdrawn, or the City denies the application, the City shall release the Owner from this waiver.

Dated this 10 day of MARCH, 2016

THOMAS L GRIFFITH
Owner

Owner

THOMAS L. GRIFFITH
Printed Name

Printed Name

Thomas L Griffith
Signature

Signature

STATE OF ARIZONA)
County of YAVAPAI)

On this 10th day of March, 2016, before me, the undersigned Notary Public, personally appeared Thomas Griffith, who acknowledged that this document was executed for the purposes therein contained.

William Scott Russell
Notary Public

My Commission Expires: 12/25/2016

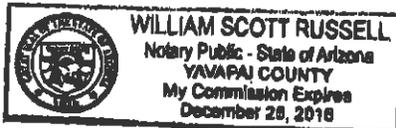


EXHIBIT A

Legal Description

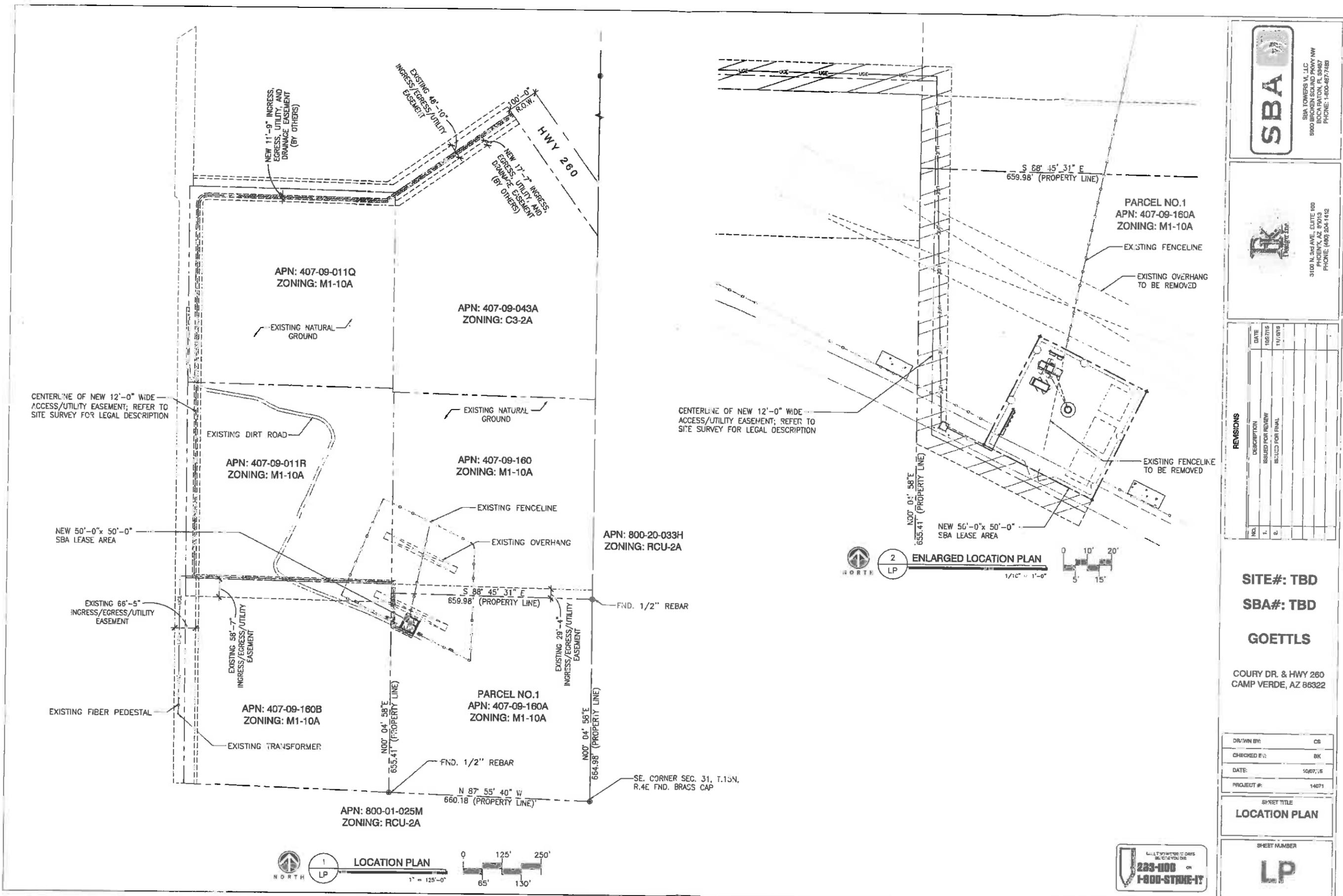
LESSOR'S LEGAL DESCRIPTION (APN #: 407-09-160A)

PARCEL NO. 1:

A PARCEL OF LAND LOCATED IN THE EAST HALF OF SECTION 31, TOWNSHIP 15 NORTH, RANGE 4 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BLM BRASS CAP MARKING THE SOUTHEAST CORNER OF SAID SECTION 31, FROM WHICH A BLM BRASS CAP MARKING THE NORTHEAST CORNER OF SAID SECTION 31 BEARS NORTH 00° 07' 26" EAST, A DISTANCE OF 5284.81 FEET; THENCE NORTH 87° 53' 32" WEST, ALONG THE SOUTH LINE OF SAID EAST HALF, A DISTANCE OF 880.18 FEET TO A ½ INCH REBAR WITH CAP "LS #19853"; THENCE NORTH 00° 07' 08" EAST, A DISTANCE OF 855.41 FEET TO A ½ INCH REBAR WITH CAP "LS#19853"; THENCE SOUTH 88° 43' 23" EAST, A DISTANCE OF 859.98 FEET TO A ½ INCH REBAR WITH CAP "LS#19853"; THENCE SOUTH 00° 07' 26" WEST, ALONG THE EAST LINE OF SAID SECTION 31, A DISTANCE OF 884.98 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT ALL OIL, GAS, COAL AND MINERALS AS RESERVED IN DEED RECORDED IN BOOK 188 OF DEEDS, PAGE 417, RECORDS OF YAVAPAI COUNTY, ARIZONA.



SBA TOWERS V, LLC
5900 BROKEN SOUND PKWY NW
BOCA RATON, FL 33487
PHONE: 1-800-487-7488



3100 N. 3RD AVE., SUITE 100
PHOENIX, AZ 85013
PHONE: (480) 304-1412

REVISIONS	
NO.	DESCRIPTION
1	ISSUED FOR REVIEW
2	ISSUED FOR FINAL

SITE#: TBD
SBA#: TBD
GOETTL

COURY DR. & HWY 260
CAMP VERDE, AZ 86322

DRAWN BY:	CS
CHECKED BY:	BK
DATE:	10/07/15
PROJECT #:	14071

SHEET TITLE
LOCATION PLAN

SHEET NUMBER
LP

