

AGENDA
Special Session
THE PLANNING AND ZONING COMMISSION
TOWN OF CAMP VERDE 473 S. MAIN STREET
CAMP VERDE, AZ. 86322
COUNCIL CHAMBERS STE. 106
THURSDAY FEBRUARY 07, 2013
6:30 PM

Because All Commission meetings will end at 9 PM, any remaining agenda items will be heard at the next Commission meeting.

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Consent Agenda** - All those items listed below may be enacted upon by one motion and approved as Consent Agenda Items. Any item may be removed from the Consent Agenda and considered as a separate item if a member of Commission so requests.
 - a. **Approval of Minutes:**
01-03-2013 Regular Session
 - b. **Set Next Meeting, Date and Time:**
As Needed
5. **Call to the Public for Items not on the Agenda**
(Residents are encouraged to comment about any matter not included on the agenda. State law prevents the Commission from taking any action on items not on the agenda, except to set them for consideration at a future date.)
6. **Public Hearing, Discussion and possible recommendation to Council on a Use Permit application submitted by Mr. Adam Brixius of Clear Blue Services, agent for GL & SF Green Revocable Trust, owners of Rancho Verde RV Park. This Use Permit application, if approved by the Town Council, will replace the current Use Permit to allow for the addition of a Wireless Tower at the Rancho Verde RV Park. The property is located on parcel 403-19-013V at 1488 W. Horseshoe Bend.**
7. **Public Hearing, Discussion and possible recommendation to Council on an application submitted by Mr. Adam Brixius and/or Mr. Andy Livingston, of Clear Blue Services, agents for AT&T Mobility, for a Use Permit to place a 90' Wireless Tower on property owned by GL & SF Green Revocable Trust, owners of Rancho Verde RV Park. The property is located on parcel 403-19-013V at 1488 W. Horseshoe Bend.**

Call to the Public for Items not on the Agenda

There will be no Public input on the following items:

8. **Commission Informational Reports:** Individual members of the Commission may provide brief summaries of current events and activities. These summaries are strictly for the purpose of informing the public of such events and activities. The Commission will take no discussion, consideration, or action on any such item, except that an individual Commission member may request an item be placed on a future agenda.
9. **Staff**
10. **Adjournment**

MINUTES DRAFT
Regular Session
THE PLANNING AND ZONING COMMISSION
TOWN OF CAMP VERDE
COUNCIL CHAMBERS STE. 106
THURSDAY JANUARY 03, 2013
6:30 PM

Minutes are a summary of the actions taken. They are not verbatim.
Public input is placed after Commission motions to facilitate future research.
Public input, where appropriate, is heard prior to the motion

1. **Call to Order**
Vice Chairperson Blue called the meeting to order at 6:30 p.m. He welcomed Brad Gordon, newly appointed Commissioner to replace Joe Butner, whose term has expired, noted that Commissioner Hisrich is back, and that Commissioner Parrish was absent

2. **Roll Call**
Vice Chairperson Blue, Commissioners Hisrich, Gordon, Norton, Freeman and Hough were present; Commissioner Parrish was absent.

Also Present: Community Development Director Mike Jenkins, Asst. Planner Jenna Owens, and Recording Secretary Margaret Harper.

3. **Pledge of Allegiance**
The Pledge was led by Hough.

4. **Consent Agenda** - All those items listed below may be enacted upon by one motion and approved as Consent Agenda Items. Any item may be removed from the Consent Agenda and considered as a separate item if a member of Commission so requests.
 - a. **Approval of Minutes:**
12-06-2012 Special Session
 - b. **Set Next Meeting, Date and Time:**
As NeededOn a motion by Hisrich, seconded by Norton, the Consent Agenda was unanimously approved as presented; except that Commissioner Gordon abstained from the vote since he had not yet been a member.

5. **Call to the Public for Items not on the Agenda**
There was no public input.

6. **Election of Officers.**
On a motion by Blue, seconded by Hisrich, the Commission voted unanimously to elect Chip Norton as Chairperson.

On a motion by Norton, seconded by Hough, the Commission voted unanimously to elect Greg Blue as Vice Chairperson.

Vice Chairperson Blue introduced this item, Election of Officers, and with no further discussion the foregoing actions were taken; newly-elected Chairperson Norton then presided over the remainder of the meeting.

7. **Public hearing, discussion and possible recommendation to Council on an application submitted by the Gregory Blue, owner of parcel 404-26-032, requesting a Zoning Map Change, project # 20120238, to go from R1-10 (Residential) to RS (Residential and Services) for approximately 1.37 acres located at 671 S. 4th St. (Continued from December 6, 2012 meeting)**

(NOTE: Since this issue pertains to property owned by Vice Chairperson Blue, he announced that he was recusing himself, and stepped down from his seat of office.)

On a motion by Hisrich, seconded by Hough, the Commission unanimously recommended that Council approve a Zoning Map Change for parcel 404-26-032 to go from R1-10 (Residential Single Family) to RS (Residential & Services) to bring the property into compliance with the current Planning & Zoning Ordinances; parcel is approximately 1.37 acres located at 671 S. 4th Street, Camp Verde, Arizona.

STAFF PRESENTATION

Asst. Planner Jenna Owens reviewed the background of the subject property, Sunland RV Park, now owned by Gregory Blue, who purchased the property with the intent of providing long term and affordable housing. Pursuant to the current Planning & Zoning Ordinance, the existing R1-10 zoning does not allow for Recreational Vehicle Parks. Mr. Blue would like to bring the property into compliance and make improvements; by rezoning to the RS District, Recreational Vehicle Parks would be allowed, with a Use Permit. Following approval of the Zoning Map Change, an application for a Use Permit will be submitted to set stipulations for the use of the property.

The applicant and staff have completed the required notifications to Agencies and adjacent property owners. The required public meeting was held on October 18, 2012, in order for the property owners to express their concerns and comments, none of which were directly related to the Zoning Map Change; those comments were noted in the staff report that was included in the agenda packet.

There was no further Commission discussion.

(NOTE: Following the action taken, Vice Chairperson Blue returned to his seat on the Commission at 6:41 p.m.)

8. **Public Hearing, Discussion and possible recommendation to Council on a Use Permit application submitted by Mr. Adam Brixius of Clear Blue Services, agent for GL & SF Green Revocable Trust, owners of Rancho Verde RV Park. This Use Permit application, if approved by the Town Council, will replace the current Use Permit to allow for the addition of a Wireless Tower at the Rancho Verde RV Park. The property is located on parcel 403-19-013V at 1488 W. Horseshoe Bend.**

On a motion by Hough, seconded by Blue, the Commission voted unanimously to table this item indefinitely, up to a three-month period.

Community Development Director Jenkins announced that the agent for the Rancho Verde RV Park has requested a postponement of this item for an indefinite period, up to three months, to be rescheduled at a convenient time. The applicant is requesting the additional time in order to further educate the public on the proposed addition of a Wireless Tower at the Park, and to address any concerns prior to further consideration by the Commission or the Council.

9. **Public Hearing, Discussion and possible recommendation to Council on an application submitted by Mr. Adam Brixius and/or Mr. Andy Livingston, of Clear Blue Services, agents for AT&T Mobility, for a Use Permit to place a 90' Wireless Tower on property owned by GL & SF Green Revocable Trust, owners of Rancho Verde RV Park. The property is located on parcel 403-19-013V at 1488 W. Horseshoe Bend.**

On a motion by Hough, seconded by Blue, the Commission voted unanimously to table this item indefinitely, up to a three-month period.

10. Call to the Public for Items not on the Agenda

There was no public input.

11. Commission Informational Reports:

Commissioner Hisrich congratulated Chairperson Norton on his election, predicting that he will do a wonderful job in that capacity.

Commissioner Hough welcomed new Commissioner Gordon, but commented on the possibility of a short term since Gordon had pulled a packet to run for Town Council.

Commissioner Gordon said that he was pleased to serve, and to be able to give back to the community.

12. Staff

Jenkins gave a comprehensive update on the issue of contracting for services in connection with abatement of nuisances ranging from unsightly properties with trash and overgrown weeds, to properties with dangerous buildings. He pointed out that improving properties in the Town is a crucial factor in helping to promote economic development, and commented on the excellent job being done by the Code Enforcement officers. Jenkins detailed the problems with abandoned properties and the difficulty of working with the lending institutions and banks trying to determine ownership, and the subsequent imposition of liens on the properties in order to recover the costs and expenses incurred by the Town in making the necessary corrections. Jenkins added that the contractors selected will be signing the contracts shortly.

13. Adjournment

On a motion by Hough, seconded by Hisrich, the meeting was adjourned at 7:04 p.m.

Chip Norton, Chairman

Planning & Zoning

CERTIFICATION

I hereby certify that the foregoing Minutes are a true and accurate accounting of the actions of the Planning & Zoning Commission of the Town of Camp Verde during the Regular Session of the Planning & Zoning Commission of the Town of Camp Verde, Arizona, held on the 3rd day of January 2013. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this _____ day of _____, 2013.

Margaret Harper, Recording Secretary



Agenda Item Submission Form – Section I

Meeting Date: February 7, 2013 Planning & Zoning Commission

- Consent Agenda Recommendation Executive Session Requested
- Presentation Only Action/Presentation

Requesting Department: Community Development

Staff Resource/Contact Person: Michael Jenkins

Agenda Title (be exact): Public Hearing, Discussion and possible recommendation to Council on a Use Permit application submitted by Mr. Adam Brixius of Clear Blue Services, agent for GL & SF Green Revocable Trust, owners of Rancho Verde RV Park. This Use Permit application, if approved by the Town Council, will replace the current Use Permit to allow for the addition of a Wireless Tower at the Rancho Verde RV Park. The property is located on parcel 403-19-013V at 1488 W. Horseshoe Bend.

List Attached Documents: (Rancho Verde RV Park)

Applicant's application submittal (Use Permit for Rio Verde RV Park)

- Use Permit Application
- Directions to Property
- Yavapai County Assessor's Office Parcel Information
- Letter of Authorization, authorizing Adam Brixius from Clear Blue Services to act as the property owner's Agent.
- Letter of Intent.
- SITE PLAN

Staff's Power Point attachments

- Attachment no. 1: Land Use Map
- Attachment no. 2: Zoning Map
- Attachment no. 3: Resolution 97-07

Estimated Presentation Time: 20 minutes (Staff & Applicant)

Estimated Discussion Time: 20 minutes

Reviews Completed by: Michael Jenkins (Community Development Director), Jenna Owens (Assistant Planner)

Department Head: **Town Attorney Comments:**

Background Information:

On September 24, 1997, the Town Council approved the current Use Permit for the Rancho Verde RV Park per Resolution 97-07 with no time limit established. Now, the current owner is requesting a new Use Permit as required by Section 601, item C.1.e. The ordinance states as follows:

"The Use Permit is valid and operable only for the specific use as granted and subject to any specified time limit. No use may be modified, changed, altered or increased in intensity, in any manner that that conflicts with the Use Permit and / or required conditions of approval, without approval of a new Use Permit."

The change and modification to the current Use Permit is the requested addition of a **Wireless Communication Facility** (Wireless Cell Tower) at the location as proposed on the newly submitted Site Plan.

Staff has reviewed the newly submitted Site Plan for compliance with the Planning and Zoning Ordinance RV Park standards and has found that all requirements have been met per Section 306.C of the ordinance.

Neighborhood Meeting: As required, a neighborhood meeting was held by the applicant on December 19, 2012 in rooms 206-207 of the Town Campus Buildings. (Attached: Affidavit of the Neighborhood Meeting, Sign in Sheet & Questions and Answers).

Rancho Verde RV Park Use Permit

Agencies were notified, the responses are as follows:

Town of Camp Verde Building Official – No Comments

Yavapai County Environmental Services – The Environmental Unit has no concerns with this Use Permit proposal due to a recent review.

Yavapai County Flood – No Objections

Town of Camp Verde Town Engineer – No Comments

Camp Verde Water System – We currently have a six inch (6") main that is paralleling Horseshoe Bend on the west side of the road. We currently serve this parcel. We have no objection to the approval of this request for a permit.

Camp Verde Fire District – Plans are Approved.

Recommended Action (Motion): A motion to recommend denial or approval, to the Town Council, of a Use Permit submitted by Mr. Adam Brixius of Clear Blue Services, agent for GL & SF Green Revocable Trust, owners of Rancho Verde RV Park. This Use Permit, if approved by the Town Council, will replace the current Use Permit to allow for the addition of a Wireless Tower at the Rancho Verde RV Park. The property is located on parcel 403-19-013V at 1488 W. Horseshoe Bend.

- ***Note: The Planning and Zoning Commission has the option of setting a time limit on this Use Permit. Staff is recommending that this Use Permit be granted in perpetuity due to the previous years of operation of the Park with no reported violations.***



Land Use Application Form

1. Application is made for:

- | | | |
|---|------------------------------------|------------------------|
| Zoning Map Change | Use Permit | General Plan Amendment |
| Conceptual Plan Review | Preliminary Plat | Final Plat |
| PUD Zoning | Variance | Sign |
| Street Abandonment | Minor Land Division | Wireless Tower |
| Appeal | Verification of Non-Conforming Use | Utility Exemption |
| Site Plan Compatibility Review (Commercial) | | |

Other: _____

2. Project Name: Rancho Verde RV Park

Please print or type legibly

3. Contact information: (a list of additional contacts may be attached)

Owner Name: George L. Green

Applicant Name: Clear Blue Services, Adam Brixius

Address: P.O. Box 1078
Arcroyd Grande, CA 93421

Address: 11011 S. 48th St. Phoenix, AZ 85044

Phone: _____

Phone: 602-426-9500

E-mail: _____

E-Mail: adambrixius@clearblueservices.com

4. Property Description:

Address or Location: 1488 W. Horseshoe Bend Camp Verde, AZ 86322

Existing Zoning: RCU-2A + USE Permit Existing Use: RV Park

Proposed Zoning: RCU-2A + Use Permit Proposed Use: RV Park + Wireless Communications

5. Purpose: (describe intent of this application in 1-2 sentences)

Forty (40) RV Sites, One (1) mobile home and a two bedroom house with attached office. Plus, the ability to allow wireless communications.

6. Certification:

I certify that I am the lawful owner of the parcel(s) of land affected by this application and hereby consent to this action

Owner: ABG Date: 10/30/12 AND

I certify that the information and attachments I have submitted are true and correct to the best of my knowledge. In filing this application, I am acting with the knowledge and consent of the property owner(s). I understand that all materials and fees required by the Town of Camp Verde must be submitted prior to having this application processed.

Applicant: ABG Date: 10/30/12



Directions to Property

Assessor's Parcel Number 403-19-013V

Applicants Name Adam Brixius, Clear Blue Services, Project Manager

Property Address 1488 W. Horseshoe Bend Drive Camp Verde, AZ 86322

Directions To Property:

From: W. State Route 260, Exit east onto Park Verde
Road, Head North on Central Ln, East on Horseshoe
Bend Drive.

Property Entrance on right side of road.

Affidavit

I Adam Bixius owner/agent of parcel 403-19-013V have notified neighbors within 1000' of parcel 403-19-013V, by sending letters on 11/30/12 to notify them of the neighborhood meeting that I conducted on the 19th day of DECEMBER 2012.

I posted parcel 403-19-013V with meeting date and time on the 4th day of DECEMBER 2012.

I Adam Bixius owner/agent of parcel 403-19-013V have provided a summary of Neighborhood meeting I conducted to the Planning & Zoning Department of Camp Verde within 15 days attesting to the issues and concerns discussed at the Neighborhood Meeting held on the 19th day of DECEMBER 2012.

Summary

Statement: No questions were ask about the R.V. Park. it was explained that this use permit was needed because the use of the property was intensifying.

If Summary statement is too long, attach a copy.

State of Arizona}

County of Yavapai}

AB
Signature of Document Signer No. 1

ADD
Signature of Document Signer No. 2

Subscribed and sworn to (or affirmed) before me this 20th day of DECEMBER 2012.



Sarah Livingston
Signature of Notary

Letter of Intent – YA73

REQUEST: Use Permit

PROPOSAL: RV Park with a Wireless Communications Facility – forty (40) RV sites, one (1) mobile home and a two bedroom house with attached office.

LOCATION: 1488 W. Horseshoe Bend Camp Verde, AZ 86322

SIZE: 5.18ac

APPLICANT: Clear Blue Services, 11011 South 48th Street, Phoenix, AZ 85044 Suite 210

CONTACT PERSON : Adam Brixius, Phone: 602-426-9500, Email: adambrixius@clearblueservices.com

REQUEST

Clear Blue Services on behalf of George L. Green and Sigrid Green, Trustees of the G.L. and S.F. Green Revocable Trust is requesting a new perpetual Use Permit to replace the existing perpetual Use Permit for the Rancho Verde RV Park. The proposal is to replace the existing Use Permit with one that will permit the use of both an RV Park as well as a Wireless Communications Facility (WCF) on the same parcel. A separate Use Permit for the specific WCF is requested under a separate application. The RV Park / WCF permit application is intended to provide recreation and wireless communication opportunities to this region in Camp Verde. Rancho Verde RV Park has been a successful operation with no violations since the original Use Permit was approved September 24, 1997, resolution No. PZ 97-07.

DESCRIPTION OF PROPOSAL

The proposed Use Permit is for 40 RV sites, one mobile home, one two-bedroom house with attached office, and a Wireless Communications Facility. With the exception of the WCF; all of the proposed uses were included with the approval of the current Use Permit. Because the current Use Permit under which the RV park presently operates has a perpetual life span, we request that the new Use Permit be granted with no expiration as well. It is understood that the separate WCF Use Permit request submitted concurrently with this application will not have a perpetual status.

RELATIONSHIP TO SURROUNDING PROPERTIES

The subject parcel has an RR zoning designation with an approved Use Permit. The property's current use is a RV Park. The surrounding properties to the north, south, and east have zoning designations of RR and PUD to the west.

LOCATION AND ACCESSIBILITY/CIRCULATION SYSTEM

Ingress and egress will be from West Horseshoe Bend Drive road on the southwestern portion of the parcel. There are two driveways off Horseshoe Bend providing direct access to the mobile home and home/office and a third drive off Horseshoe Bend provides direct access to all RV Park Sites. There is a gated access on the northern end of the property providing access to sites on the lower portion of the property along the east.

HOURS OF OPERATION

Rancho Verde RV Park will operate 24 hours a day, seven days a week 365 days a year.

PARK UTILITIES

Water:

Water service is provided by the Camp Verde Water System (private water company) with service to each RV site, tent camping site, workshop, laundry/showers, mobile home and office. The main water service is via a 2" piping system with back flow preventer.

Waste Water Processing:

The park is not connected to a city sewer system. The park waste water is processed in seven septic tanks. The upper level of the RV Park is serviced by four 1,850 gallon septic tanks. The lower RV park spaces are serviced by one 2,000 gallon septic tank. The office and two-bedroom house is serviced by one 1,500 gallon septic tank. The mobile home is serviced by one 1,200 gallon septic tank. The park does not provide RV dump station services to the general public. Waste water processing is only for tenants of the park.

Electric Provider:

Electric service to the park is provided by APS through a 600 Amp service center for the RV sites and laundry/toilet and shower facility. The two bedroom home office has a 150 amp service center and separate meter. The mobile home has a 100 amp service center with a separate meter. The three irrigation pumps have a 200 amp three phase service center and separate meter.

There are a total of 40 RV sites and two tent camping sites in the park. 36 of the RV sites have 100 amp power pedestals providing 50 amp, 30 amp and 20 amp outlets. A RV will only connect to only one of the outlets. All of the outlets are 120 volt AC. Four of the RV sites have 30 amp service only.

Telephone:

Telephone service in the park is provided by CenturyLink. Copper wire is buried and there is service to the office, mobile home and 12 of the RV sites. There is a telephone outlet box adjacent to the proposed facility equipment shelter. The hard wired telephone is only used by a few of the long term tenants. The telephone wiring from the pole to the sites is park owned and not maintained by the telephone utility.

The park has cable service to the office, mobile home, and to the laundry/storage building. The cable service is for internet Wi-Fi service to the RV sites via an antenna located on the laundry building. There are no individual RV sites with direct cable (wired) provisions.

NOISE, LIGHT, NUISANCES

The park has two dusk to dawn pole mounted street lights maintained by the APS electric utility. There is outdoor lighting at the laundry/ shower building. One light is located on the north end of the center RV site row and the other light is at the SE corner of the laundry / shower building. There are no excessive noises or nuisances.

NEIGHBORHOOD IMPACT

Rancho Verde RV Park is a valued asset to the Town of Camp Verde. With no violations since it has been in operation it provides numerous people an opportunity to live, vacation, or relax.

WIRELESS COMMUNICATIONS

In today's society Wireless Communications are as much of a needed service as traditional utilities such as electric power and land-line telephone. AT&T has recognized a significant gap in coverage in the area around the Rancho Verde RV Park. The approval of this Use Permit will allow AT&T to close this coverage gap with a single co-locatable WCF. The Rancho Verde RV Park location is the least obtrusive location and covers the most area. This WCF site will benefit consumers by lower pricing on competing technologies, benefit businesses with more access to technology, and most importantly provides coverage to everyone with a wireless device in the case of an emergency.

Letter of Authorization

Date:

TO WHOM IT MAY CONCERN:

This letter will serve as authorization for Adam Brixius, to act as an agent on behalf of George L. Green and Sigrid Green, Trustees of the G.L. and S.F. Green Revocable Trust, under Agreement dated September 21, 1987, including, but not limited to, power of attorney for the purpose of obtaining a Use Permit, for a RV Park with a Wireless Communications Facility and a Use Permit for a Wireless Tower in cooperation with Camp Verde, Development Services Department.

Located on Assessor Parcel Number: 403-19-013V

Landowner Signature: George L. Green Date: 08/31/2012

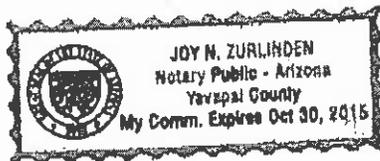
State of Arizona

ss

County of Yavapai

On this 31 day of August, 2012 before me, the undersigned Notary Public, personally appeared George L. Green who executed the foregoing instrument for the purpose therein contained.

In witness whereof, I hereby set my hand and official seal

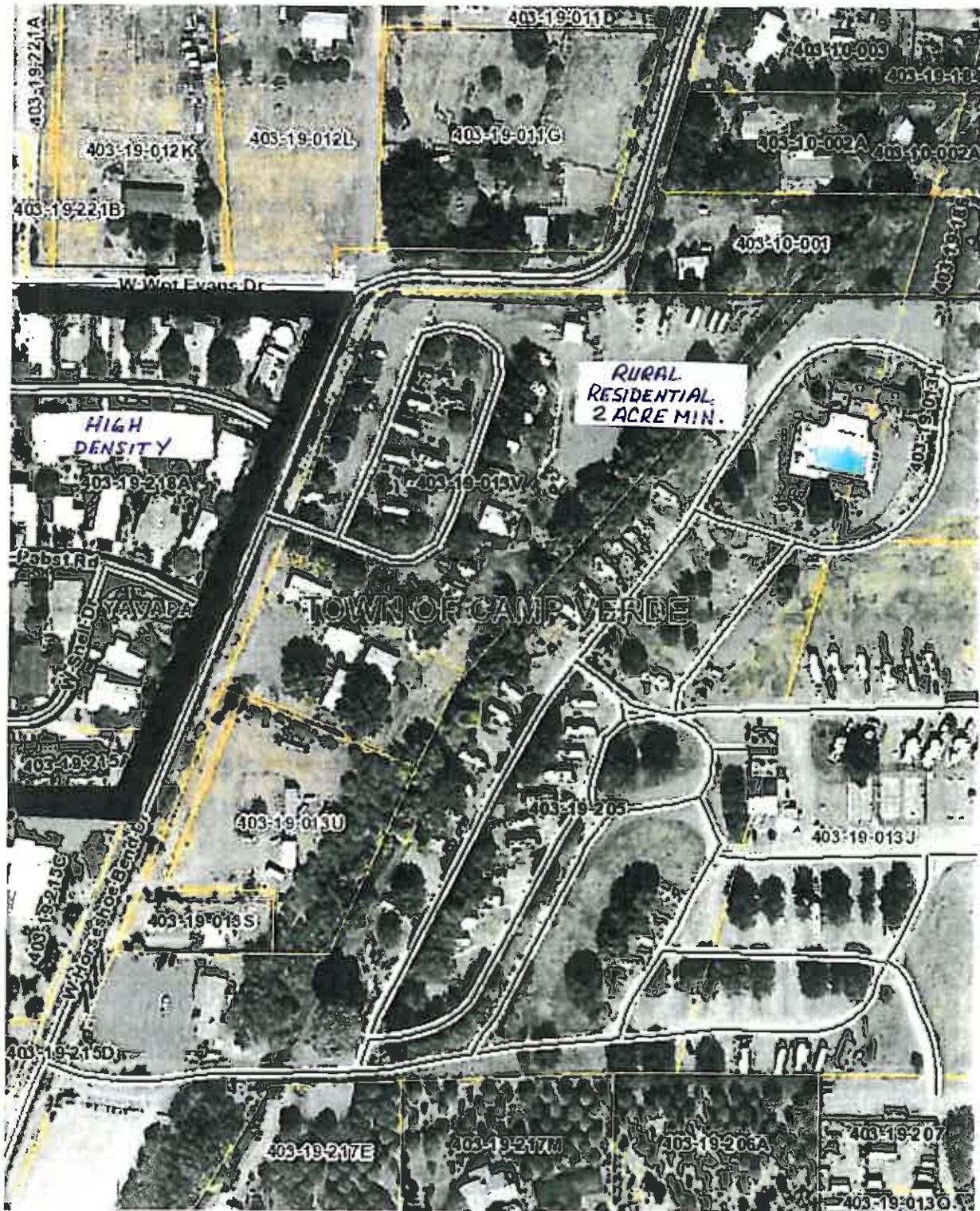


Joy M. Zur Linden
Notary Public

Oct 30, 2015
Date Commission Expires

Land Use Map

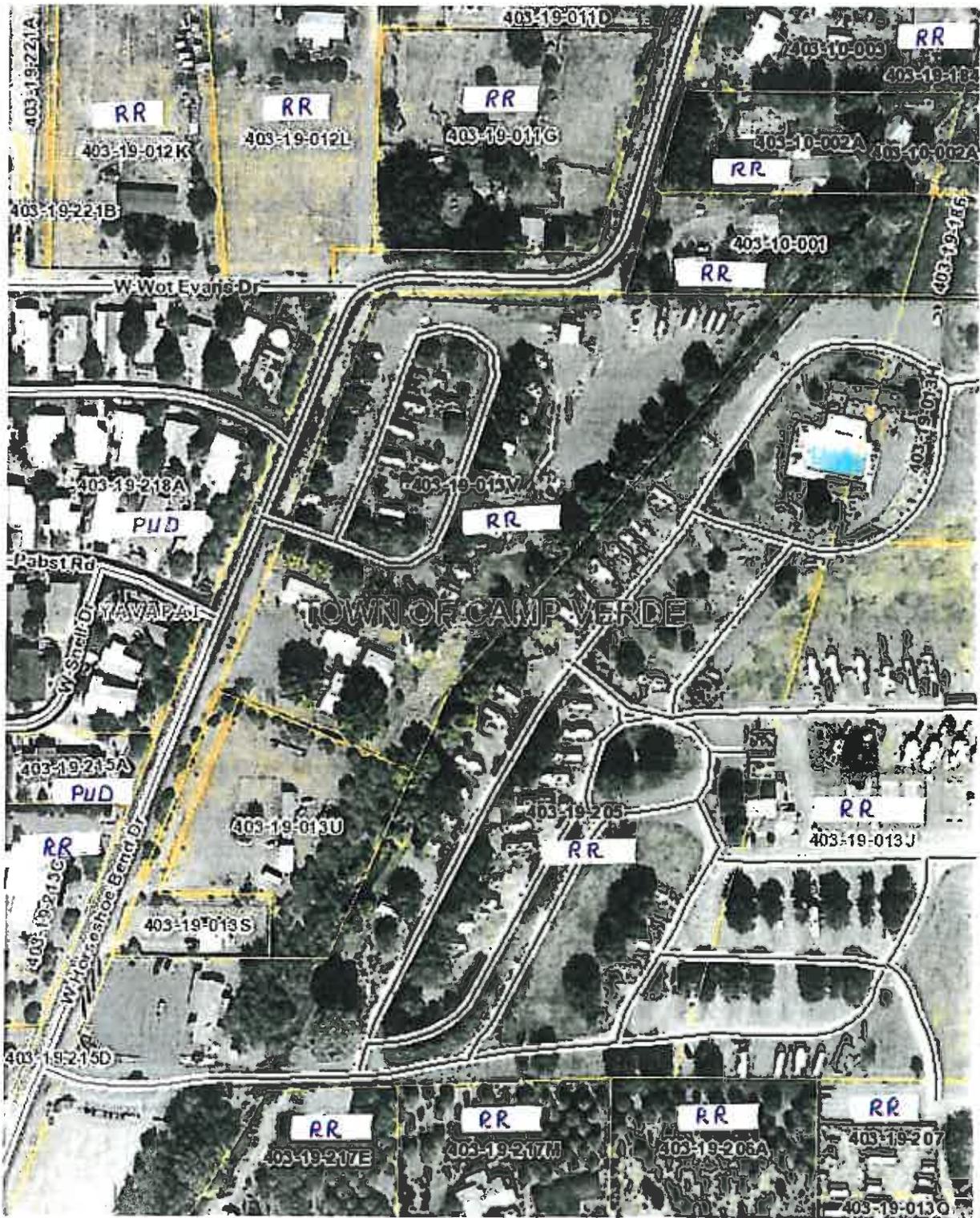
Attachment no. 1



Disclaimer: Map and parcel information is believed to be accurate but accuracy is not guaranteed. No portion of the information should be considered to be, or used as, a legal document. The information is provided subject to the express condition that the user knowingly waives any and all claims for damages against Yavapai County that may arise from the use of this data.

Map printed on 12/15/2012

Zoning Map



Disclaimer: Map and parcel information is believed to be accurate but accuracy is not guaranteed. No portion of the information should be considered to be, or used as, a legal document. The information is provided subject to the express condition that the user knowingly waives any and all claims for damages against Yavapai County that may arise from the use of this data.

Map printed on: 12.18.2012

RESOLUTION NO. PZ 97-07

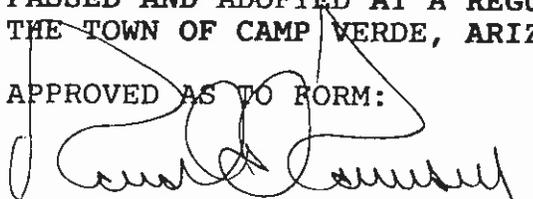
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CAMP VERDE, ARIZONA APPROVING USE PERMIT 97-05 FOR DEVELOPMENT OF A RECREATIONAL VEHICLE PARK ON TAX PARCEL 403-19-013 LOCATED 1488 WEST HORSESHOE BEND WITH THE ZONING OF RCU-2A.

The Town Council of the Town of Camp Verde hereby resolves as follows:

- I. The Town Council hereby finds as follows:
 - A. A request for a Use Permit(97-05) was filed by Arthur and Charlene Ferguson, property owners, for the purpose of constructing a recreational vehicle park on their property, a 5.18 acre parcel, Tax Parcel 403=19-013.
 - B. The request was reviewed by the Planning Commission on September 4, 1997, and the Town Council on September 24, 1997 in public hearings that were advertised and posted according to state law.
 - C. The proposed Use Permit will not consitute a threat to the health, safety, welfare or convenience to the general public and should be approved.
 - D. The Use Permit(97-05) is approved, based upon the following findings:
 - 1. The Use Permit will not injure the public health, safety, welfare or convenience.
- II. The Town Council of the Town of Camp Verde hereby approves Use Permit 97-05 for the purpose of constructing a recreational vehicle park on Tax Parcel 403-19-013.

PASSED AND ADOPTED AT A REGULAR SESSION OF THE TOWN COUNCIL OF THE TOWN OF CAMP VERDE, ARIZONA ON SEPTEMBER 24, 1997.

APPROVED AS TO FORM:

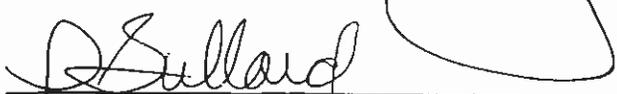


Ronald Ramsey
Town Attorney



Carter Rogers
Mayor

WITNESS:



Dane Bullard
Town Clerk

NB



Agenda Item Submission Form – Section I

Meeting Date: February 7, 2013 Planning & Zoning Commission

Consent Agenda Recommendation Executive Session Requested

Presentation Only Action/Presentation

Requesting Department: Community Development

Staff Resource/Contact Person: Michael Jenkins

Agenda Title (be exact): Public Hearing, Discussion and possible recommendation to Council on an application submitted by Mr. Adam Brixius and/or Mr. Andy Livingston, of Clear Blue Services, agents for AT &T Mobility, for a Use Permit to place a 90 foot Wireless Tower on property owned by GL & SF Green Revocable Trust, owners of Rancho Verde RV Park. The property is located on parcel 403-19-013V at 1488 W. Horseshoe Bend.

List Attached Documents: (AT&T Tower YA73)

Applicant's application submittal and Part Eight (Wireless Communication Facility Regulations)

- Use Permit Application
- Directions to Property
- Yavapai County Assessor's Office Parcel Information
- Surveyor's Horizontal – Vertical location certification
- Letter of Authorization, authorizing Adam Brixius from Clear Blue Services to act as the property owner's Agent.
- Part Eight (Wireless Communication Facility Regulations), Town of Camp Verde Planning & Zoning Ordinance.

Applicant's Proposed Tower YA73 information packet

- Letter of Intent – YA73
- Alternative Site Analysis
- Search Ring Analysis
- Appendix (AT&T Proposed and Existing WCF's, RF frequency propagation maps, Photo simulations, Fall Zone letter, Federal Communication Commission license, Federal Communication Commission (E9-1-1), Surrounding Tower Locations, Search Ring and AT&T certification of compliance).

Staff's Enhanced Power Point attachments

Attachment no. 1: Section 332(c) (7) of the Federal Telecommunications Act of 1996.

Attachment no. 2: Staff enhanced signal promulgation map.

Attachment no. 3: Elevation Contour Map.

Attachment no. 4: Wireless Tower & Street Yard Proximity Map also depicting roof top densities.

Attachment no. 5: Surrounding Zoning (Wireless Tower)

Attachment no. 6 & 7: Proposed Tower Site photos.

Attachment no. 8: Aerial showing projected 20 ft. fall zone at proposed Tower Site.

Estimated Presentation Time: 30 minutes (Staff & Applicant)

Estimated Discussion Time: 30 minutes

Reviews Completed by: Michael Jenkins (Community Development Director), Jenna Owens (Assistant Planner)

Department Head: ***Town Attorney Comments:***

Background Information:

TOWN OF CAMP VERDE WIRELESS COMMUNICATION FACILITY REGULATIONS, OVERVIEW

Telecommunications Act of 1996 – and other Town Ordinances pertinent inclusions.

- Under Part Eight (Wireless Communication Facility Regulations) of the Town of Camp Verde, the Purpose and Intent of the Ordinance is as follows:

“The purpose of this Ordinance is to provide for the development of wireless communications services throughout the Town of Camp Verde while protecting the public health, safety, welfare, and property of the citizens and to ensure the community's remarkable scenic, wildlife, historic and cultural qualities.”

- The Telecommunications Act of 1996 prohibits laws or ordinances by states, counties or municipalities that prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.
- Also, the Telecommunications Act of 1996, Section 332 (c)(7) (attachment no. 1) preempts local decisions premised directly or indirectly on the environmental effects of radio frequency (RF) emissions, assuming that the provider is in compliance with the Commissions RF rules. (This preemption rule applies to State and Local authority zoning and land use decisions).
- **Height restrictions:** Per Section 301, B,1 of the Planning & Zoning Ordinance: “The district height limitations for buildings are not applicable to spires, cupolas, chimneys, flues, vents, poles, beacons or

towers;..... Any such structure must be so located on a lot that its length (in case of collapse) would be contained within the bounds of the lot unless based on safety engineering data that demonstrates the proposed structure would satisfy this requirement." (STAFF REVIEW) Staff reviewed the Fall Zone letter that is included in the applicant's packet under the Appendix, page 8. This letter, being prepared by an Arizona Registered Structural Engineer, states that " The Mono-Pine structure proposed for the subject site will be designed for a "fall zone" radius limited to 20'." The provided applicants Site Plan shows a separation set back distance from the closest property line to the Tower of being 32' 7" and shows that there is no imminent fall danger to on-site structures. The equipment masonry wall enclosure is setback from the North property line by 25.58'. The RCU-2A or now known as the RR-zoning district has a required exterior side set back of 30 feet. The applicant has shown on the proposed Site Plan a setback for the proposed Tower of 32' 7". The proposed Front and Rear Yard setbacks are also in compliance with the Dimensional Standards for the zoning district.

- Under Part Eight, Section 802.7.c: "It is required that a Tower Facility must be located no closer than 5,000 feet to residential areas."
- Under Part Eight, Section 802.10.a: "All other locations must be exhausted before a wireless communications facility applies for location in a residential zone."
- Under Part Eight, Section 806.2: **(Performance Criteria)** "The order of preference for wireless communication facilities is, from most preferred to least preferred:" (As Follows :)
 - a. Concealed Sites.
 - b. Collocation on an existing Town property.
 - c. Collocation on an existing facility, tower, or electrical utility pole.
 - d. New sites located on public lands at least 5000' from private land.
 - e. New concealed or attached antenna sites located on/at public or quasi-public facilities.
 - f. New Towers /facilities under 99'.
 - g. New Towers/facilities 100' to 199'.
 - h. New Towers/facilities 200' and over.

Concealed (stealth) is defined in Section 801 as follows: An antenna with a support structure that screens or camouflages the presence of antennas and/or towers from public view, in a manner appropriate to the site's context and surrounding environment. Examples of concealed antennas include but are not limited to manmade trees, clock towers, flagpoles that do not exceed ten feet above the maximum building height, light structures, steeples, water tanks, and architectural façade and parapet features. The applicant's proposed mono-pine is a concealed (stealth) Tower.

(STAFF REVIEW) Per the prior 3 bullet points above, staff has reviewed the applicant's submittal package with the following evaluations:

- Per the applicants submittal, (2) other locations were reviewed by AT&T as possible locations for the Wireless Tower as follows:

1472 W. Horseshoe Bend Drive: This property is located adjacent to and south of the primary selected property.

Water Tower located at the Camp Verde Water System Office on 6th street.

It appears evident that the intent of placing the Wireless Tower Facility at the proposed parcel located at 1488 W. Horseshoe Bend is to provide residential service to the area as well as providing coverage along a portion of I-17, which lies only a ½ mile to the East.

- Prior to accepting the application for the Wireless Tower Facility, Staff invited Mr. Steve Burroughs from the Public Works Department to meet with the applicants. It was brought forward at that time that the Tower might be placed at the Town's Street Yard (with Council approval) located off of Industrial Drive (Map Attached). The Street Yard is an industrially zoned property with a secured fenced site. Additionally, the Town's Wireless Tower Facility Ordinance, under Part Eight, Section 802.2.b states that "Wireless communications facilities located on property owned, leased or controlled by the Town of Camp Verde pursuant to agreement of or approved by the Town of Camp Verde shall be a permitted use in all zoning districts, except residential districts, with a zoning clearance." This means that AT&T could place a tower at the Street Yard with Council approval, a building permit and a zoning clearance.

A signal propagation map has been requested from the applicant showing signal rates from the street yard location to the surrounding area. Per the applicant's letter of intent, items 3 & 4, it is explained that due to customer coverage and 9-1-1 reliability, wireless towers are intended to be located at their most effective location. All in all, the intent of the Wireless Communication Facilities Ordinance is to allow specific tower locations that are most effective to reduce the proliferation of such towers with the added help of collocation requirements.

Under the applicant's Alternative Site Analysis (Performance Criteria) it is stated that the proposed site meets the Ordinances most preferred rating of a Concealed Site. Staff agrees with this interpretation. Staff also agrees that the Proposed Tower has a median preferred rating since it is less than 99' in height.

Staff Conclusion:

Per Section 802.10.a, The Ordinance states clearly that "All other locations must be exhausted before a wireless communication facility applies for location in a Residential Zone." Staff has evaluated the information that has been presented by the applicant. The applicant provided site promulgation maps showing the effects of coverage with and without the proposed wireless tower. In order to better evaluate the effect of the proposed wireless tower, staff created an enhanced promulgation (Signal Coverage) map (Attachment no. 2) with added features such as the Town Boundary, Town street yard and a red circle that shows the improved signal area from the proposed tower.

Following the intent of the Wireless Tower Facilities Ordinance, it was hoped that the proposed tower could be located outside of a residential zoning district. It would appear that the proposed tower location is in the best location for the most effective coverage. Also, attached is a copy of the zoning district map for the proposed tower location area and as can be seen, commercially or industrially zoned property is situated so that locating the tower in those areas would either bring the proposed tower too close to or too far away from an existing tower for effective coverage. Again, the intent of the ordinance is not only to discourage the location of a wireless tower in a residential district but, also to allow for wireless tower locations in an area that is the most effective for coverage and keeping the number of required wireless towers to a minimum.

Neighborhood Meeting: As required, a neighborhood meeting was held by the applicant on December 19, 2012 in rooms 206-207 of the Town Campus Buildings.

One letter in opposition received 1/28/2013 from Ms. Sharon Lara. (In the Wireless Tower packet after the Neighborhood Meeting information)

AT&T Wireless Tower Use Permit

Agencies were notified, the responses are as follows:

Town of Camp Verde Building Official – In regard to a Tower, if approved, design and calculation would have to be completed by a structural engineer registered in the State of Arizona with their wet seal stamp provided on all plans and calculations. Work and construction would have to be done by a properly licensed contractor and any need special inspections would be the responsibility of the owner. The design of the tower would have to be such that any catastrophic failure would be contained within the property boundaries.

Yavapai County Flood – No Objections

Town of Camp Verde Town Engineer – No Comments

Camp Verde Fire District – Plans are Approved. The final installation and construction must be in accordance with the code.

Recommended Action (Motion): Motion to recommend approval /denial to Council on an application submitted by Mr. Adam Brixius and/or Mr. Andy Livingston, of Clear Blue Services, agents for AT &T Mobility, for a Use Permit to place a 90 foot Wireless Tower on property owned by GL & SF Green Revocable Trust, owners of Rancho Verde RV Park. Per Part 8, Section 806. 1.d., this Use Permit is good for ten (10) years with Town Council review in five (5) years. The property is located on parcel 403-19-013V at 1488 W. Horseshoe Bend.

The following conditions of approval are as follows:

1. *Per Part 8, Section 802 (General Provisions), item 2.d of the Planning & Zoning Ordinance, it states: "Proposed antenna facilities, including concealed antennas shall be designed to accommodate not only equipment for the applicants 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"*
2. *Per Part 8, Section 802, item 12 of the Planning & Zoning Ordinance it states: "Camp Verde Fire Department and Camp Verde Marshal's Office shall have access to the exterior and interior via keys or other method in case of emergency."*
3. *Per Part 8, Section 810 (Reclamation Plan) the applicant will be required to make all Reclamation Plan Submittals to the Community Development Department with the building permit plans after the Use Permit has been approved.*

(3. Continued)

The Community Development Department will Review the Reclamation Plan Submittal and once approved, the Department will set up the Financial Assurances based on the approved cost estimate. The applicant will add an amount equal to 8% of the Cost Estimate yearly to Financial Assurances until the Reclamation Plan is completed.

Staff is requesting that the Town Council allow for a one time Financial Assurance to be determined by staff and established prior to the Building Permit being issued for the Tower structure.



Land Use Application Form

1. Application is made for:

Use Permit

Wireless Tower

2. Project Name: YA73 Rancho Verde

Please print or type legibly

3. Contact information: (a list of additional contacts may be attached)

Owner Name: George L. Green

Applicant Name: Clear Blue Services

Address PO. Box 1078 Arroyo Grande
CA 93421

Address: 11011 S. 48th St Suite 210

Phone: _____

Phone: Phoenix, AZ 85044
602-426-9500

E-mail: _____

E-Mail: adambrixius@clearblueservices.com

4. Property Description:

Address or Location: 1488 W. Horseshoe Bend Camp Verde, AZ 86322

Existing Zoning RCU-2A + Use Permit

Existing Use: RV Park

Proposed Zoning: RCU-2A + (2) Use Permits

Proposed Use: RV Park + Wireless Communications

5. Purpose: (describe intent of this application in 1-2 sentences)

To locate a Wireless Communications Facility w/ 90' monopine tree and State Approved Shelter, surrounded by block wall.

6. Certification:

I certify that I am the lawful owner of the parcel(s) of land affected by this application and hereby consent to this action

Owner [Signature]

Date 9/17/2012 AND

I certify that the information and attachments I have submitted are true and correct to the best of my knowledge. In filing this application, I am acting with the knowledge and consent of the property owner(s). I understand that all materials and fees required by the Town of Camp Verde must be submitted prior to having this application processed.

Applicant [Signature]

Date 9/17/2012



Directions to Property

Assessor's Parcel Number 403-19-013V

Applicants Name Adam Brixius, Clear Blue Services, Project Manager

Property Address 1488 W. Horseshoe Bend Drive Camp Verde AZ 86322

Directions To Property: From W. State Route 260

Exit east onto Park Verde Road, Head North on
Central Ln, East on Horseshoe Bend Drive. Property
entrance on right side of road Rancho Verde.

Follow interior loop road to northern end of Parcel.
Proposed Site location is on grass Pad just
west of storage shed adjacent to rear fence.

Affidavit

I Adam Brixius owner/agent of parcel 403-19-013V have notified neighbors within 1000' of parcel 403-19-013V, by sending letters on 11/30/12 to notify them of the neighborhood meeting that I conducted on the 19th day of DECEMBER 2012.

I posted parcel 403-19-013V with meeting date and time on the 4th day of DECEMBER 2012.

I Adam Brixius owner/agent of parcel 403-19-013V have provided a summary of Neighborhood meeting I conducted to the Planning & Zoning Department of Camp Verde within 15 days attesting to the issues and concerns discussed at the Neighborhood Meeting held on the 19th day of DECEMBER 2012.

Summary

Statement: Two citizens attended and one was a representative of property and the other was a reporter. In an informal setting details of the project were discussed and both citizens seemed to look forward to this project.

If Summary statement is too long, attach a copy.

State of Arizona}

County of Yavapai}

AB

Signature of Document Signer No. 1

AB

Signature of Document Signer No. 2

Subscribed and sworn to (or affirmed) before me this 20th day of DECEMBER 2012.



Sarah Livingston
Signature of Notary

Sharon Lara
1500 W. Horseshoe Bend Dr.
Camp Verde, AZ 86322

RECEIVED
JAN 23 2013

BY: 

January 23, 2013

Town of Camp Verde
Jenna Owens, Asst. Planner
Planning & Zoning Comm.
473 S. Main St.
Camp Verde, AZ 86322

To Whom This May Concern:

Re: Use Permit for Rancho Verde RV Park

403-19-013V Rancho Verde RV Park property

Project nos. 201 203 19 and 201 203 20

Please be advised that I vehemently oppose the placement of a wireless tower on the above-named property. As a property owner within 1000 feet of the project, I strongly believe that the tower is dangerous to the health of my family, in addition to the value of my property.

I had a very close cousin in Columbus, Ohio, who recently passed away as a result of cancer of the blood. Her oncologist told her that had there been no wireless

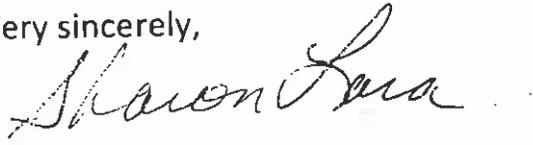
tower adjacent to her home, she would not have experienced death at the young age of 55.

RECEIVED
JAN 28 2013

Therefore, you may enter my strong opposition to this project.

BY: 

Very sincerely,



Sharon Lara



Parcel ID 403-19-013V
Check Digit 6
Owner GREEN GL & SF REVOCABLE TRUST
Owner's Mailing Address PO BOX 1078
 ARROYO GRANDE, CA 934211078
Secondary Owner GREEN GEORGE L & SIGRID TTEES
Recorded Date 2006-05-01
Last Transfer Doc Docket 4411
Last Transfer Doc Page 823
Physical Address 1488 W Horseshoe Bend
Incorporated Area Town of Camp Verde

Assessor Acres 5.18
School District Camp Verde Unified SD #28
Improvements (8)
Type: Single Family Residential
Floor area: 1031
Effective/constructed: 1960
Type: Recreational Vehicle Parks
Floor area: 41
Effective/constructed: 1999
Type: Residential Yard Improvements
Floor area: 1
Effective/constructed: 2000
Type: Office Building
Floor area: 196
Effective/constructed: 2004
Type: Commercial Yard Improvements
Floor area: 1
Effective/constructed: 1999
Type: Mobile Home Yard Improvements
Floor area: 1
Effective/constructed: 1995
Type: Shed - Equipment
Floor area: 576
Effective/constructed: 2000
Type: Laundromat
Floor area: 576
Effective/constructed: 1999

Subdivision N/A
Subdivision Type N/A
Fire District Camp Verde FD
County Zoning Violation No Zoning Violation

Assessment

Letter of Authorization

Date: 10/19/12

TO: Town of Camp Verde Planning & Development

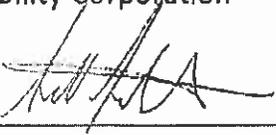
RE: AT&T Site: YA73

To Whom it May Concern:

This letter will serve as authorization for Adam Brixius and/or Andy Livingston of Clear Blue Services to act as an agent on behalf of AT&T Mobility for the purpose of obtaining zoning approval, building permit, and any other entitlements necessary for construction of a Wireless Telecommunication Facility in cooperation with the Town of Camp Verde Planning and Development Department.

Assessor Parcel Number: 403-19-013V

New Cingular Wireless PCS, LLC,
a Delaware limited liability company
By: AT&T Mobility Corporation

Signature:  Date: 10/22/12

Title: Senior Site Acquisition Manager



December 3, 2012

Mike Jenkins, AICP
Community Development Director
Town of Camp Verde
Community Development
473 S. Main St., Suite 108
Camp Verde, AZ 86322

Re: AT&T: YA73 Rancho Verde

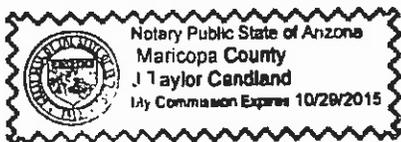
Dear Mr. Jenkins:

As you know, New Cingular Wireless PCS, LLC ("AT&T") has applied to the Town of Camp Verde to obtain the necessary land use entitlements to construct a wireless telecommunications facility (the "Communication Facility") in the area of 1488 W. Horseshoe Bend Dr, Camp Verde, AZ 86322 (the "Premises"). This letter shall confirm that AT&T shall comply with all federal, state and local laws, orders, rules and regulations, including, without limitation, Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) rules and regulations, applicable to Tenant's construction and use of the Communication Facility.

New Cingular Wireless PCS, LLC,
a Delaware limited liability company

By: Bechtel Corporation
Its: Turnkey Manager

By: Beth Davison
Print Name: Beth Davison
Its: Site Acquisition Coordinator



STATE OF ARIZONA)
) ss:
COUNTY OF MARICOPA)

On the 3rd day of December, 2012, before me personally appeared Beth Davison and acknowledged under oath that she is the Site Acquisition Coordinator of Bechtel Corporation representing AT&T Mobility Corporation, the Manager of New Cingular Wireless PCS, LLC, the Tenant named in the attached instrument, and as such was authorized to execute this instrument on behalf of the Tenant.

[Signature]
Notary Public

My Commission Expires: 10/29/2015



1A Certification

August 17, 2012

AT&T Wireless
20830 N. Tatum Blvd Suite 400
Phoenix, Arizona 85050

Site No.: YA73-AA
Site Name: RANCHO VERDE
Address: 1488 W. HORSESHOE BEND
CAMPE VERDE, AZ 86322

On JULY 24, 2012, we performed a survey on the above-referenced site and submit the following data:

Elevations:

Ground Elevation	3129.30' NAVD88
Height of PROPOSED MONOPINE	90.00' AGL
Elevation at Top of Structure	3219.30' NAVD88

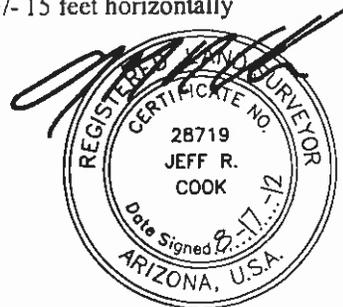
Geodetic Coordinates: NAD83 LATITUDE 34° 36' 07.25" NORTH
LONGITUDE 111° 52' 57.69" WEST

Arizona Central Coordinate System

The vertical and horizontal positions shown are based on a field survey and are expressed in feet.
The positive tolerances are +/- 3 feet vertically and +/- 15 feet horizontally

Submitted by:

Jeff R. Cook, R.L.S.
Western Geomatics Services



EXPIRES: 3/31/2013

Letter of Authorization

Date:

TO WHOM IT MAY CONCERN:

This letter will serve as authorization for Adam Brixius, to act as an agent on behalf of George L. Green and Sigrid Green, Trustees of the G.L. and S.F. Green Revocable Trust, under Agreement dated September 21, 1987, including, but not limited to, power of attorney for the purpose of obtaining a Use Permit, for a RV Park with a Wireless Communications Facility and a Use Permit for a Wireless Tower in cooperation with Camp Verde, Development Services Department.

Located on Assessor Parcel Number: 403-19-013V

Landowner Signature: George L. Green Date: 08/31/2012

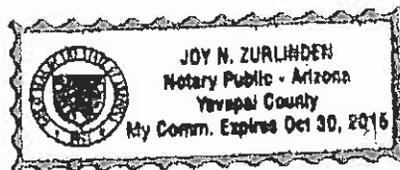
State of Arizona

ss

County of Yavapai

On this 31 day of August 2012 before me, the undersigned Notary Public, personally appeared George L. Green who executed the foregoing instrument for the purpose therein contained.

In witness whereof, I hereby set my hand and official seal



Joy N. Zurlinden
Notary Public

Oct 30, 2015
Date Commission Expires



Planning & Zoning Ordinances And Subdivision Regulations

PART EIGHT. WIRELESS COMMUNICATION FACILITY REGULATIONS

SECTION 800 - ADMINISTRATION

1. Purpose & Intent:

The purpose of this ordinance is to provide for the development of wireless communication services throughout the Town of Camp Verde while protecting the public health, safety, welfare, and property of the citizens and to ensure the community's remarkable scenic, wildlife, historic and cultural qualities.

2. Conformance with Applicable Ordinances:

This Ordinance shall be an addendum to the Camp Verde Zoning Ordinance. All wireless communications facilities shall conform to this Ordinance except those used solely for transmission and receipt by a single user and not otherwise restricted within that zoning district, including but not limited to amateur radio and devices necessary for the use of a subscription to a commercial wireless provider service.

In accordance to the Telecommunications Act of 1996, no legal statute or regulation, or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.

SECTION 801 - DEFINITIONS

As used in this section, the following terms shall have the following meanings:

- 1. Alternative tower structure:** vertical components not generally designed for use as antenna support structures including but not limited to structures such as church steeples, ballpark light poles and water towers.

- a. Priority will be given, after a complete and correct application, fee and all required documentation and information is filed, to applicants who collocate on Town facilities.
- b. Wireless communications facilities located on property owned, leased, or controlled by The Town of Camp Verde pursuant to agreement of or approved by The Town of Camp Verde shall be a permitted use in all zoning districts, except residential districts, with a zoning clearance.
- c. An applicant who certifies in writing that the tower constructed will be suitable for collocating multiple providers of varying wireless technologies and, as a condition of zoning, executes a written agreement (collocation agreement) with The Town of Camp Verde on a form approved by the Town Attorney, consenting to application of the terms of this provision, shall, unless waived by the applicant, receive preferential treatment for a final approval or rejection of its application after a complete and correct application, fee and all required documentation and information is filed.
- 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.
- e. Collocation Agreement: The collocation agreement shall provide for at least the following:
 - 1) The applicant shall accept for collocation any FCC licensed wireless communication provider (additional user) using any compatible technology on commercially reasonable terms considering all of the factors a reasonable tower leasing company would deem relevant in entering into such an agreement;
 - 2) Any additional user seeking collocation shall submit specifications for its equipment and use (request to the applicant and applicant shall, within 30 days thereafter, respond to such party in writing, furnishing all technical requirements which must be resolved before collocation.
 - 3) The applicant and the additional user shall, thereafter in good faith, attempt to resolve any technical or business terms. If, after 30 days from the response, the additional user may submit in writing a request for arbitration to applicant and the American Arbitration Association which shall designate a person knowledgeable in collocation of wireless communication carriers, to act as arbitrator and decide all issues between the parties. Such arbitration shall be held within 30 days of the request for arbitration. Upon the written agreement of both parties, a different procedure for binding dispute resolution may be used. The result of the arbitration or other resolution method agreed to by the parties shall be binding.
 - 4) If the arbitrator certifies in writing to the Town of Camp Verde that the applicant has failed to comply with the decision of the arbitrator within 15 days of its issuance by the arbitrator, the use permit or administrative approval for the wireless communication facility in question shall be terminated and the wireless communications facility shall be removed within 30 days of the date of the arbitrator's certification, failing which, The Town of Camp Verde shall have all of the remedies available to it for elimination of a use in violation of the zoning code;

- 5) The additional party, upon submitting the request shall become a third party beneficiary to the collocation agreement.
- 6) The Town of Camp Verde shall not be a party to any contract between the applicant and the additional party and shall not be a required party and shall not be made a party to any dispute or arbitration and applicant shall indemnify, defend and hold The Town of Camp Verde harmless from any cost, including reasonable attorney fees associated with such matters.
- 7) A lease or other agreement containing the business terms proposed by the applicant for collocation shall be attached as an exhibit to the collocation agreement.

3. Height Limitations

Collocations on towers or structures are allowed on a 15' height increase above the standard height restrictions for the second, third, and fourth collocations.

4. Lot Size

For purposes of determining whether the installation of a tower or antenna complies with district development regulations, even though the antennas or towers may be located on a separately leased portion of the lot, the density district requirements of the entire overall lot shall control requirements, including but not limited to setbacks, lot coverage percentages, and other such requirements.

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.

6. Principal or Accessory Use

Antennas and towers may be considered either principal or accessory uses to the principal use of the property.

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.
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.

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.

10. Zoning Districts

- a. All other locations must be exhausted before a wireless communication facility applies for location in a residential zone.
 - b. Except as provided in this section, all buildings and use processes and requirements, including height restrictions, applicable in the zoning district shall apply to wireless communication facilities.
11. Above ground equipment shall be enclosed by concrete masonry unit walls with landscaped screening, if located within 1,000 feet of existing residences.
 12. Camp Verde Fire Department and Camp Verde Marshal's Office shall have access to the exterior and interior via keys or other method in case of emergency.

SECTION 803 - MODIFICATIONS

No existing wireless telecommunications facility may be changed or modified except as follows:

1. The change or modification is required by a change in user or technology.
2. The change is required for the collocation of additional carriers on the existing structure.
3. The change does not increase the height of the tallest component above the height approved in the use permit, administrative approval, or in the case of a pre-existing facility, its then current height.
4. At the conclusion of the change or modification, the facility complies with all requirements of the Town of Camp Verde Community Development Department.
5. An explanation is submitted to the Planning and Building Director stating why the modification is necessary, and an updated Provider's Communication Plan, including any proposed changes in the service areas, antennae, towers, and policy direction is provided.

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 areas.

SECTION 805 - PROVIDERS COMMUNICATION PLAN

1. Each wireless communication provider shall provide a plan of its facilities within the Town's area of interest to the Town of Camp Verde prior to any application for the installation of a wireless communication facility. The plan shall cover the entire Town extending five (5) miles beyond the Town border. The plan shall include the following.
 - a. All of the provider's existing wireless communication facilities, by size, type and their coverage areas.
 - b. All presently anticipated future service areas, anticipated deployment date, and types of wireless communication facilities and heights desired for each of the service areas.
 - c. The various types of wireless communication facilities used by the provider to furnish service and when they are used. This includes drawings providing the sizes and shapes of the antennae and equipment as well as written materials describing their application.
 - d. The provider's policy direction for the mitigation and/or reduction of existing and proposed towers to avoid the proliferation of such facilities.
 - e. The provider's policy direction on the mitigation and/or reduction of the negative visual impact created by existing towers, including any proposals to conceal or disguise such facilities designed to be architecturally and/or environmentally compatible with their surroundings.
 - f. The provider's policy direction on collocation of antennae on their own facilities, on facilities from other provider's, or on other structures that provide the verticality required to this Section.
 - g. Designation of an agent of the provider who is authorized to receive communications and notices pursuant to this Section.

SECTION 806 - APPLICATION SUBMITTAL AND REVIEW

1. General

The following provisions shall govern the issuance of permits for towers or antennas:

- a. If the wireless communication facility is not a permitted use, then an administrative approval or a use permit shall be required for the construction.

- 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.
- c. Fees for applications under this section are listed in Section K under Fee Schedule.
- d. All use permit or administrative review approvals for new wireless communication facilities shall be granted for a maximum period of ten (10) years with Council review after five (5) years. The applicant/structure owner shall be responsible for initiating an administrative renewal and possible extension of the approved wireless facility and shall demonstrate that changes in technology, that are economically feasible, have not eliminated the need for the facility as approved. Applications for collocation on existing structures shall be set for a period of time so that the expiration date for the collocation expires simultaneously with the structure. If an extension is denied by the Planning and Zoning Department, the applicant may appeal the decision to the Planning and Zoning Commission and the Town Council by applying for a use permit.
- e. In granting approval of an application, The Town of Camp Verde may impose conditions to the extent that such conditions carry out the purposes of this section.
- f. Any information of an engineering nature that the applicant submits shall be certified by an Arizona licensed professional engineer.
- g. The Community Development Director is authorized to employ on behalf of the Town Council, an independent technical expert to review any technical materials submitted including, but not limited to, those required under this section and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required. The applicant shall pay all the costs of said review.
- h. Prior to applying for a new facility, including collocation, the applicant shall meet with community groups and interested individuals who reside or own property within one thousand (1000) feet of the proposed site to explain the proposed project. The purpose of these meetings are to inform and educate the community on wireless communications and the restrictions placed on The Town of Camp Verde by the Federal Telecommunications Act of 1996, as well as to solicit suggestions from these groups about the applicant's proposal and impact mitigation measures. Applicant shall make a concerted effort to incorporate the community suggestions for impact mitigation generated by the meetings and describe the efforts in the application. Applicant shall be prepared to discuss information including but not limited to, technical aspects, visual aspects, including alternative sites and designs. Applicant shall provide detailed meeting minutes, copy of all materials delivered or received, and documentation of who attended the meetings from the community organization.

2. Performance Criteria:

The order of preferences for wireless communication facilities is, from most preferred to least preferred:

- a. Concealed sites.
- b. Collocation on an existing Town property.
- c. Collocation on an existing facility, tower, or electrical utility pole.
- d. New sites located on public lands at least 5000' from private land.

- e. New concealed or attached antenna sites located on/at public or quasi-public facilities.
- f. New towers/facilities under 99'.
- g. New towers/facilities 100' to 199'.
- h. New towers/facilities 200' and over.

New facilities shall use the most preferred facility type where technically feasible, even if it results in an increase in the number of facilities, or a higher cost. A lesser preferred facility type may be permitted only if the applicant presents substantial evidence to show that it will have less of a visual impact than the use of more preferred facilities.

3. Characteristics

The following characteristics are deemed consistent with the purposes of this section and will be afforded favorable weight in considering the application:

- a. Sites located on an existing Town property.
- b. Existing structures will be preferred over new structures.
- c. New structures that are camouflaged to blend into the location.
- d. Wireless communication facilities that cannot be readily observed from adjacent streets.
- e. Structure heights that do not exceed the height limitations for that zoning district. When heights may exceed an adjacent district's height restrictions, the owner of that adjacent jurisdiction will be notified of the application by the Town.
- f. Collocation of all licensed carriers for The Town of Camp Verde on a single wireless communication facility in remote locations will have significant favorable weight in evaluating the application.
- g. The service provider's development plans which achieves the least obtrusive wireless communication facilities of all providers reasonably necessary for commercial coverage.
- h. Location in the least restrictive zoning district starting with Industrial.
- i. Suitability of the location for collocation of governmental public service wireless communication facilities.

SECTION 807 - ADMINISTRATIVE REVIEW APPLICATIONS

Applications for collocation of antennae on, and equipment at, an existing, permitted wireless communications facility, shall be subject to review by the Community Development Department staff and approval by the Planning Director. Applications to place antennae on top of, or attached to, an existing or replaced utility/power pole which does not extend the height of the existing pole by more than ten (10) feet shall also be evaluated by the Administrative Review process. A decision shall be rendered to approve or deny within 14 days of submittal of a complete application. If an Administrative Review application is denied by the Community Development Department, the applicant may then apply for a Use Permit.

1. Application Requirements:

- a. Completed hearing application submittal form, letter of authorization, and permission to enter property letter as contained in the application procedures information packet.
- b. An updated Provider's Communication Plan, including any proposed changes within the Town's area of interest, antennae, towers, and policy direction.
- c. Study on impact of emissions.
- d. Data on herbicides used on site.
- e. Photographs of the site prior to construction of the facility.
- f. Biological impact study.
- g. The zoning classification of the site.
- h. Plans showing elevation drawings of the exterior of each element of the proposed wireless communication facility including method of fencing, color, and regulations.
- i. Certification that the wireless communication facility, as represented in the application, will comply with all FAA, FCC and other applicable regulations.
- j. Copies of all wireless telecommunication licenses for all providers who will use the facility at the time of filing the application;
- k. Copy of signed, lease agreement with landowner.
- l. Semi-annual notification to the Town giving use status of the facility.
- m. Reclamation Plan as specified in this ordinance.

SECTION 808 - ADMINISTRATIVE REVIEW WITH COMMENT PERIOD APPLICATIONS

Applications for new wireless communication facilities that do not exceed ten (10) located at least 5,000 feet from the nearest privately owned land, would be subject to administrative review with a 21-day public comment period. Surrounding property owners and community organizations shall receive notice of the application. If an Administrative Review with Comment Period application is denied, the applicant may then apply for a Use Permit.

1. Application Requirements:

- a. All material associated with the submittal of an Administrative Review application as stated above.
- b. A mailing list of all property owners within 1,000 feet of the facility site, and pre-addressed envelopes affixed with first class postage to each property owner.
- c. A map showing the adjacent roadways and proposed means of legal access.
- d. RF propagation maps showing the coverage areas of the proposed site and how it interacts with the coverage areas of connecting sites.
- e. The setback distance between the proposed wireless communication facility, the nearest residential unit and/or the nearest residential zoned owned properties.
- f. Certification of whether the applicant is applying for collocation treatment, and how many carriers could be accommodated on the facility with adequate signal coverage.

- g. Certification that no Town Property or municipally owned site, or existing wireless facility reasonably meets the needs of the applicant, listing all such sites within five (5) miles of the proposed site and the reason each is not physically adequate for reasonable commercial coverage, or not economically feasible for location.
- h. A visual analysis, which may include photo simulations, field mock-ups, or other techniques, which identify the potential visual impacts of the proposed facility. Photo simulations shall be provided from the three closest residences within one half-mile of the proposed site and from the closest collector or arterial discretion, request additional photos from specific vantage points.
- i. Attendees list, minutes, and information obtained from required community meeting.

SECTION 809 - USE PERMIT APPLICATIONS – PUBLIC HEARING REQUIRED

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.

1. Application Requirements:

- a. All material associated with the submittal of an Administrative Review with Comment Period.
- b. A complete Use Permit application packet.
- c. A mailing list of all property owners within the distance required from the facility site, and pre-addressed envelopes affixed with first class postage to each property owner.

Notification required by tower height:

- 99 feet and under = 1,000 feet radius
 - 100 to 199 feet = 2,500 feet radius
 - 200 feet and above = 5,000 feet radius
- d. RF frequency propagation maps showing the coverage areas of the proposed site and how it interacts with the coverage areas of connecting sites. If the applicant is seeking collocation of multiple carriers, the RF propagation coverage maps should also include on a separate map, the coverage areas obtained from the lowest collocation point on the tower.
 - e. Certification that policing, fire departments, public safety, water and local governments having jurisdiction within five (5) miles of the site have been notified of the application.
 - f. The applicant shall submit a visual analysis of the potential impact to the proposed site, which will include photo simulations, field mockups, or other techniques that identify the potential visual impacts of the proposed facility. Photo simulations shall be provided from the five closest residences within two miles of the proposed site and from the closest collector or arterial street. The Community Development Director may at his/her discretion, request additional photos from specific vantage points.
 - g. A written narrative/explanation of why it is necessary that the proposed wireless communications facility be located in the proposed location, and why it will exceed the

maximum height allowance for the zoning district in which it is proposed. If the explanation is based on coverage maps, structural calculations, lease amounts, or any other information pertinent to the need for the structure or additional height, this information shall be included as appendices to the narrative.

2. Standards:

In addition to any standards for consideration of use permit applications, the following shall be considered in determining whether to issue a use permit or administrative approval

- Height proposed
- Proximity to other uses
- Historic sites
- Landmarks
- Vehicle traffic routes
- Medical facilities
- Air routes
- Topographical features
- Utilities
- Access
- Suitability of alternative sites
- Visual impact

SECTION 810 - RECLAMATION PLAN

All applications must include a detailed reclamation plan. Implementation of the Reclamation Plan must begin within seven calendar days after the removal of the facility.

The reclamation plan must include:

- Conceptual drawing of what the site will look like after the reclamation plan is completed.
- Vegetation plan.
- Implementation plan.
- Completion schedule.
- Cost estimate.

Financial assurances equal to the cost estimate shall be posted by the applicant prior to the issuance of building permits. The applicant will add an amount equal to 8% of the cost estimate yearly to the financial assurance until the reclamation plan is completed.

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 owners' 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.

SECTION 812 - FEE SCHEDULE

Application fees for Wireless Communication Sites shall be as per the currently adopted fee schedule.

Applications to review/renew an existing approved facility –50% of original fee.

FCC Federal Communications Commission

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Wireless Telecommunications Bureau

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Federal Guidelines for Local and State Government Authority over the Siting of Personal Wireless Service Facilities

[Section 332\(c\)\(7\) of the Communications Act](#) preserves state and local authority over zoning and land use decisions for personal wireless service facilities, but sets forth specific limitations on that authority. Specifically, a state or local government may not unreasonably discriminate among providers of functionally equivalent services, may not regulate in a manner that prohibits or has the effect of prohibiting the provision of personal wireless services, must act on applications within a reasonable period of time, and must make any denial of an application in writing supported by substantial evidence in a written record. The statute also preempts local decisions premised directly or indirectly on the environmental effects of radio frequency (RF) emissions, assuming that the provider is in compliance with the Commission's RF rules.

Allegations that a state or local government has acted inconsistently with [Section 332\(c\)\(7\)](#) are to be resolved exclusively by the courts (with the exception of cases involving regulation based on the health effects of RF emissions, which can be resolved by the courts or the Commission). Thus, other than RF emissions cases, the Commission's role in [Section 332\(c\)\(7\)](#) issues is primarily one of information and facilitation.

Related Sites

[Antenna Structure Registration/FAA Issues](#)

[Nationwide Programmatic Agreement](#)

[Arbor Day Foundation](#)
 Tree Line USA Program recognizes utilities demonstrating practices that protect America's urban forests.

[Intergovernmental Advisory Committee](#)

[MB's NPRM](#)
 Concerning Preemption of Local Regulations on the Siting of Broadcast Facilities

[Public Buildings Service Antenna Program](#)

[Search AM Database](#)
 Determine Interference Potential from a New Cellular Tower Structure

[wow-com](#)
 The World of Wireless

[Return to Top](#)

Last reviewed/updated on 12/17/2010.

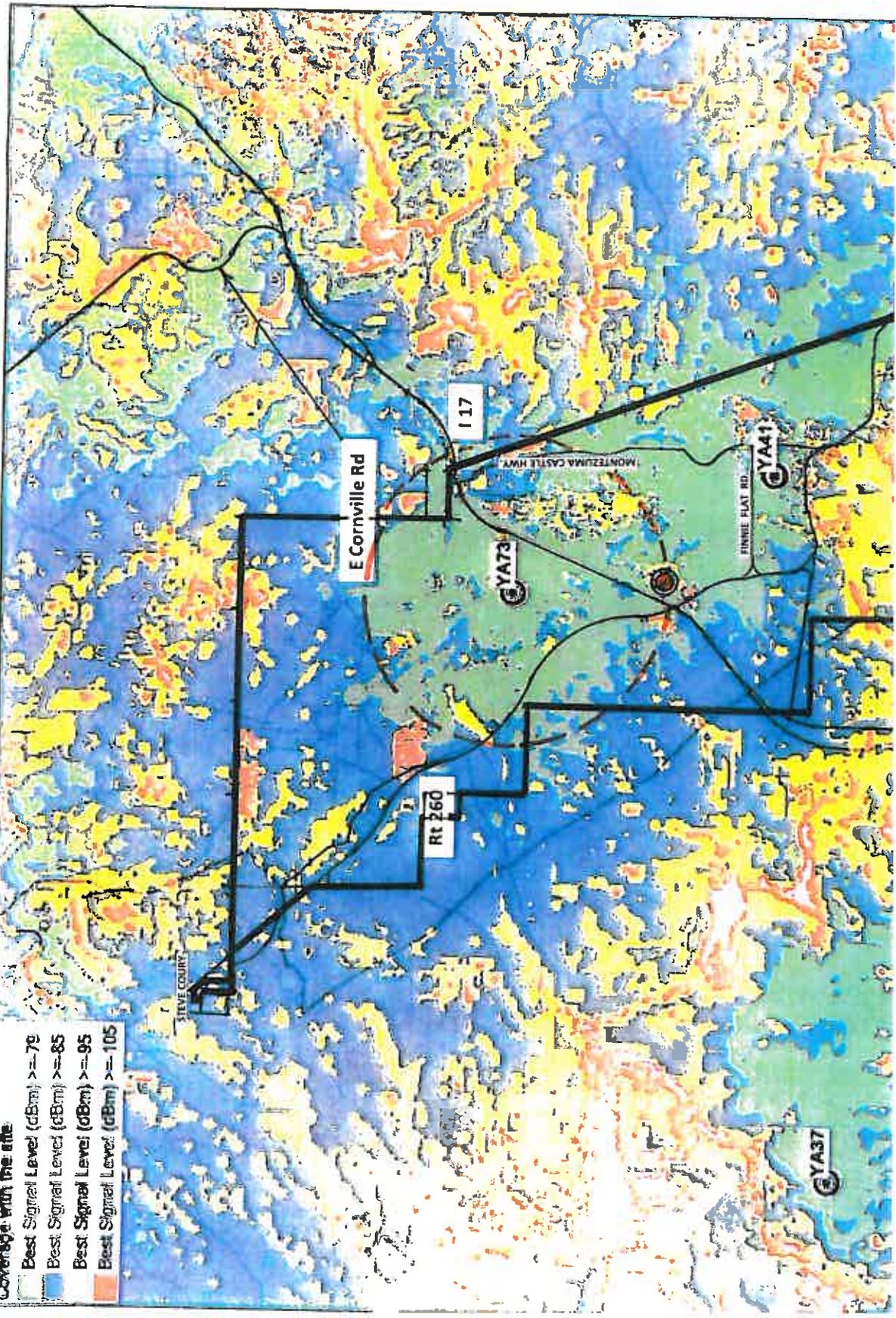
STAFF ENHANCED PROMULGATION MAP (Coverage with the site)

Attachment no. 2

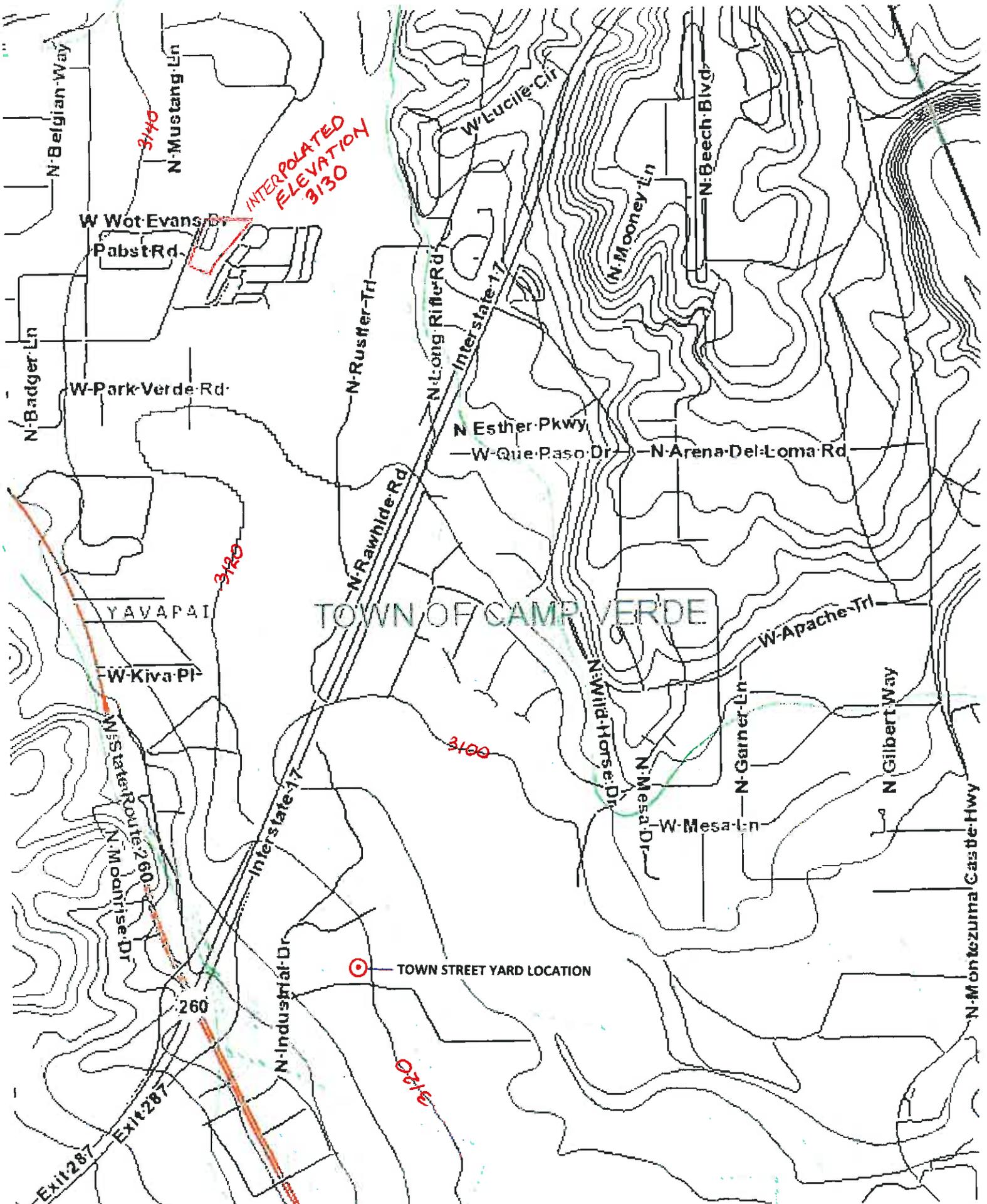
average with Site:

Coverage with the site

- Best Signal Level (dBm) ≥ -79
- Best Signal Level (dBm) ≥ -85
- Best Signal Level (dBm) ≥ -95
- Best Signal Level (dBm) ≥ -105

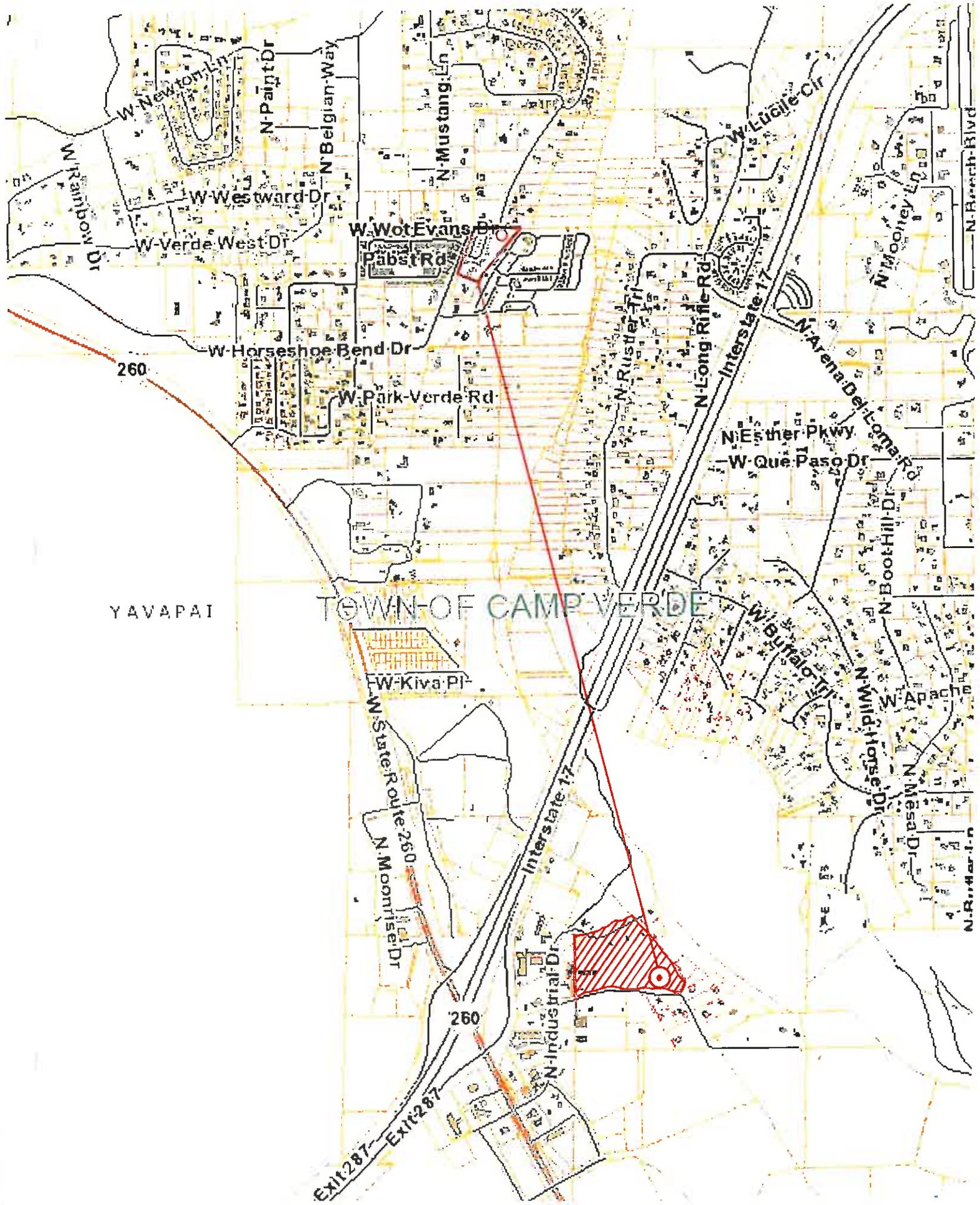


Elevation Contour Map



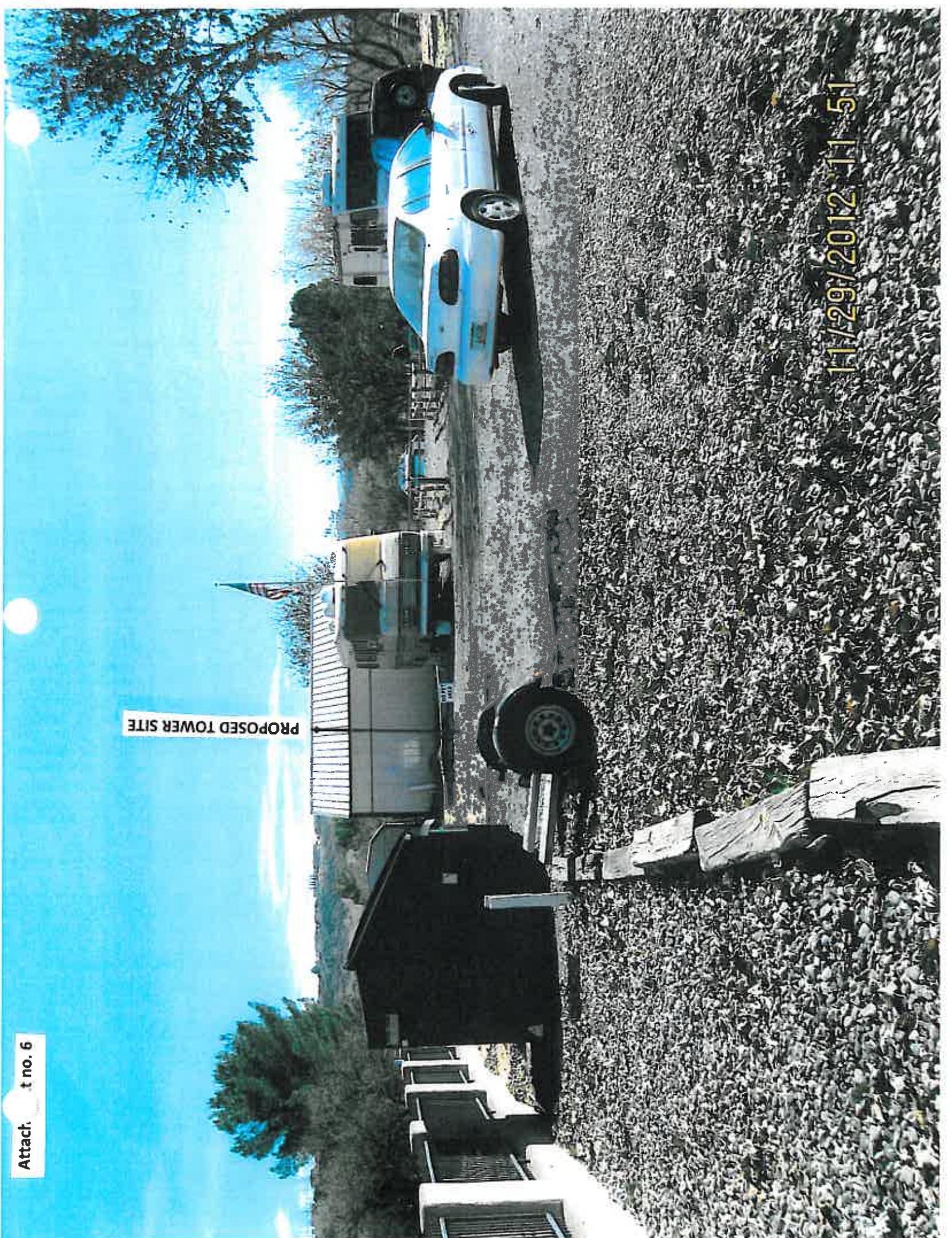
Wireless Tower & Street Yard Proximity

Attachment no. 4



PROPOSED TOWER SITE

11/29/2012 11:51

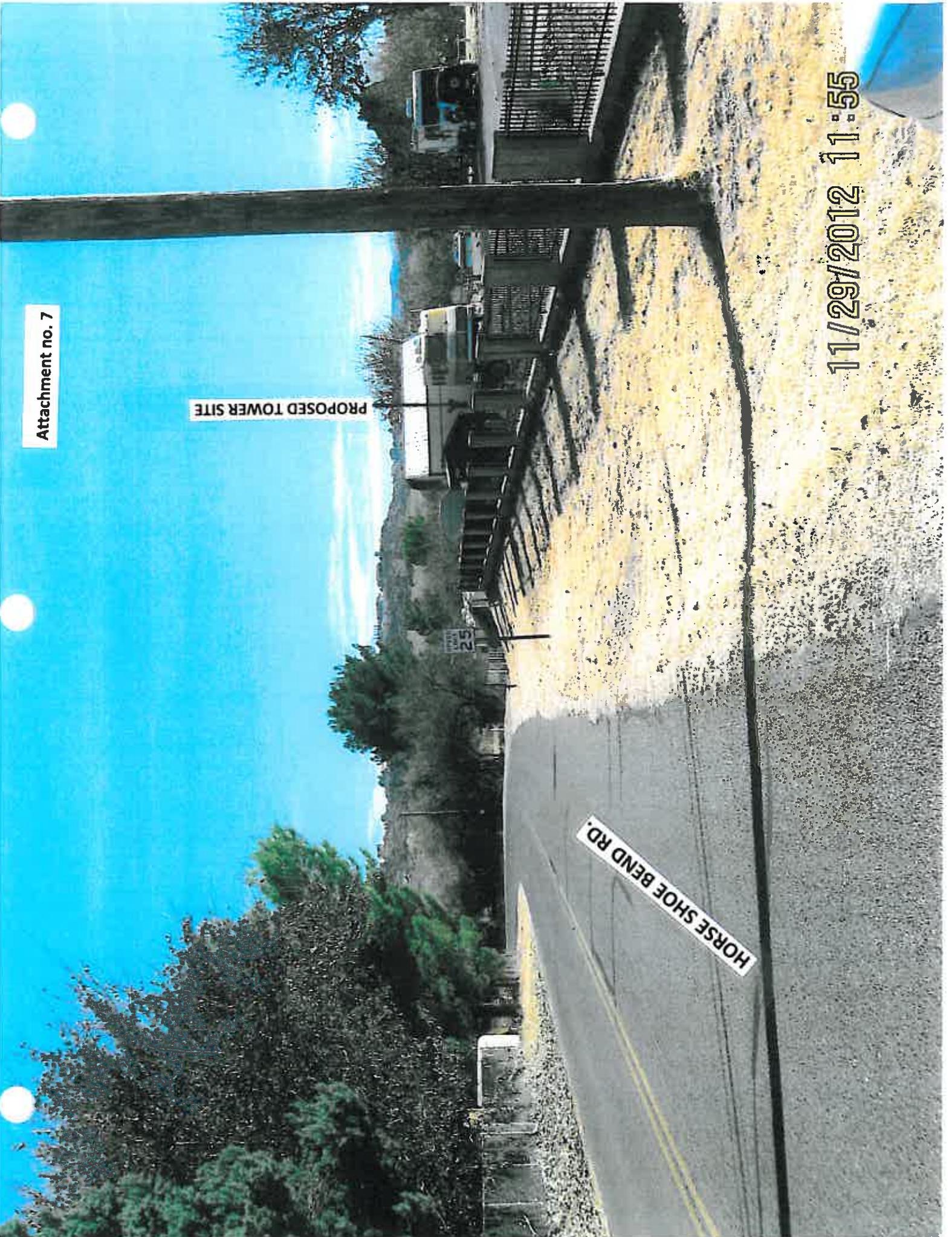


Attachment no. 7

PROPOSED TOWER SITE

HORSE SHOE BEND RD.

11/29/2012 11:55



Wireless Tower

Attachment no. 8

