

**Planning and Zoning Commission**  
**Staff Review Board Agenda**  
**Meeting of January 8, 2019-3:00 PM to 4:00 PM**  
Board of Supervisors Meeting Room

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**Study Session Agenda**  
**Meeting of January 8, 2019-4:00 PM**  
Board of Supervisors Meeting Room  
County Administrative Center  
219 East Cherry Avenue  
Flagstaff, Arizona

**The following applications are scheduled for a public hearing on Wednesday, January 29, 2019. At the Study Session, Commissioners will briefly discuss these cases:**

1. Case No. ZC-19-009: A request for a Zone Change from RR-4 (Rural Residential, 4-acre minimum parcel size) Zone to RR-2 (Rural Residential, 2-acre minimum parcel size) Zone on four parcels totaling 36.9 acres. The properties are located at 101 E Moonrise Valley, 412 E Moonrise Valley, 4363 N Quintana and 155 E Moonrise Valley in Lockett Ranches and are also identified as Assessor's Parcel Number 110-12-004C, 110-12-004G, 110-12-004H and 110-12-004J.  
Property Owner/Applicant: John Howley, Flagstaff, Arizona  
Property Owner: Craig Steele, Flagstaff, Arizona  
Property Owner: Darius Moezzi and Marissa Huxford, Flagstaff, Arizona  
Property Owner: Kirsten Family Trust, Flagstaff, Arizona
2. Case No. ZC-19-010: A request for a Zone Change from the OS (Open Space) Zone to the G (General, 10-acre minimum parcel size) Zone on a 121-acre area that is contained within five parcels. The total area of the five parcels is 201.55 acres. The subject properties are located 11.5 miles southeast of Blue Ridge and are identified as Assessor's Parcel Numbers 403-21-014, 403-21-015, 403-21-016, 403-21-017 and 403-21-018.  
Property Owner: Forest Lake Ranches of Mogollon Rim, LLC, Gilbert, Arizona  
Applicant: Iplan Consulting, Gilbert, Arizona  
Representative: Greg Davis, Gilbert, Arizona  
County Supervisor District: 4 (Jim Parks)
3. Case No. CUP-19-049: A request for a Conditional Use Permit renewal (of CUP-08-011) for a 58-foot, 1-inch wireless telecommunications facility proposed to be extended to 66 feet, 3 inches on a 2.1-acre parcel in the CH-10,000 (Commercial Heavy, 10,000 sq. ft. minimum parcel size) Zone. The property is located at 6761 E Deer Farm Road on the north side of Interstate 40 approximately ½ mile west of the Pittman Valley interchange and is also identified as Assessor's Parcel Number 203-14-003F.  
Property Owner: Randy and Patricia George, Williams, Arizona  
Applicant: Crown Castle, Phoenix, Arizona

Representative: Todd Daoust of Commscapes, LLC, Phoenix, Arizona  
County Supervisor District: 3 (Matt Ryan)

**Pending review at this Study Session, the following applications may be eligible for Administrative Renewal by the Community Development Director:**

1. Case No. CUP-19-048: A request for a Conditional Use Permit renewal (of CUP-14-039) for a commercial water fill station and related facilities on a 14.35-acre parcel in the G (General, 10-acre minimum parcel size) Zone. The property is located at 7887 E. Old Route 66 approximately ½ mile east of the Pittman Valley interchange and is also identified as Assessor's Parcel Number 203-17-001.  
Property Owner/Applicant: Louie and Ann Serna Family Trust DTD 8-1-16

Community Development Department Update

1. The Doney Park/Timberline/Fernwood Area Plan update kick-off meeting will be held on January 9<sup>th</sup>, 2020. Supervisors Archuleta and Parks are selecting committee members and giving some recommendations to guide the update.
2. The updated Zoning Ordinance is now effective as of December 11<sup>th</sup>, 2019 – it's working great!
3. The 2020 Long Range Planning work plan includes a Zoning Ordinance update to create a Utility Scale Renewable Energy section with performance standards – similar to the Wireless Communication Tower (cell tower) section.

Board of Supervisors Update

On January 14<sup>th</sup>, 2020 the Board will hold a public hearing on the ZC-19-008 – Pine Valley Resort change of zoning regulations in the PC zone for a campground, RV and Manufactured Home community. The Chevelon Butte Wind Energy project was not appealed to the Board.

Commission and Staff Roundtable

Planning and Zoning Commission Bylaws discussion. Proposed bylaws update would include allowing only applicants to arrange ahead of time to attend Public Hearings via teleconference – recommended by the CAO. An option would be to allow citizens to arrange ahead of time with the Chair and Secretary, based on hardship, to attend Public Hearings via teleconference – not recommended by the CAO.

**Coconino County  
Planning and Zoning Commission  
Agenda**

**Meeting of January 8, 2019–5:30 PM**  
Board of Supervisors' Meeting Room  
County Administrative Center  
219 East Cherry Avenue  
Flagstaff, Arizona

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the Planning and Zoning Commission and to the general public that, at this regular meeting, the Planning and Zoning Commission may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the Commission's attorneys on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A) (3). Items may be taken out of the order listed below at the call of the Chair.

**I. PLEDGE OF ALLEGIANCE**

**II. APPROVAL OF MINUTES**

December 4, 2019

**III. PUBLIC HEARINGS**

1. Case No. ZC-19-007 and SUB-19-003: A request for a Zone Change from RR-5 (Rural Residential, 5-acre minimum parcel size) Zone to RR-2 (Rural Residential, 2-acre minimum parcel size) Zone on a 5.28 acre parcel, and an Amended Final Plat of the Fort Valley Pines Unit 1 subdivision to allow dividing the subject property to create two lots. The property is located at 5837 Rudd Tank Road in Fort Valley and is also identified as Assessor's Parcel Number 300-42-001R.  
Property Owner/Applicant: Renee Turza-Chlebek, Willowbrook, Illinois  
Representative: Dana Kjellgren, Sedona, Arizona  
County Supervisor District: 1 (Art Babbott)
2. Case No. CUP-19-048: A request for a Conditional Use Permit for a 154-foot wireless telecommunications facility on an 8.82-acre parcel in the G (General, 10-acre minimum parcel size) Zone. The property is located at 100 Toonerville Road on the south side of Interstate 40 approximately one-half mile west of the Twin Arrows exit and is also identified as Assessor's Parcel Number 303-38-002B.  
Property Owner: Darla Jurrens, Mars, Iowa  
Applicant: Sun State Towers, Gilbert, Arizona  
Representative: Michelle Lamoureux

**IV. CALL TO PUBLIC FOR ITEMS NOT ON THE AGENDA**

**V. CONTINUATION OF STUDY SESSION IF NEEDED**

**Coconino County Planning and Zoning Commission  
Meeting of December 4, 2019  
Board of Supervisors' Meeting Room  
County Administrative Center  
219 East Cherry  
Flagstaff, Arizona**

**Members Present**

Madame Chair Ontiveros  
Don Walters – Vice-Chair  
Sat Best  
Ray Mayer  
John Ruggles  
Tyanna Burton  
Jim Clifford  
Mary Williams

**Members Absent**

**Staff Present**

Jason Christelman, Director  
Jess McNeely, AICP, Assistant Director  
Bob Short, Principal Planner  
Zach Schwartz, Sr. Planner  
Melissa Shaw, AICP, Long Range Planner  
Brian Furuya, County Attorney  
Aaron Lumpkin, County Attorney  
Marty Hernandez, Recording Secretary

Chair Ontiveros called the meeting to order at 5:30PM. She noted procedures to the audience.

**I. PLEDGE OF ALLEGIANCE**

**II. APPROVAL OF MINUTES**

**MOTION:** Commissioner Ruggles made the motion to approve the minutes from October 30, 2019.

**SECOND:** Commissioner Williams seconded.

**DISCUSSION:** N/A

**VOTE:** The vote was unanimous.

Chair Ontiveros asked for a motion to enter into executive session at 5:40pm.

**MOTION:** Commissioner Walters made a motion that the Commission enter into executive session.

**SECOND:** Commissioner Ruggles seconded.

**VOTE:** The vote passed unanimously.

The Commissioners and Staff went into executive session in a conference room upstairs.

**MOTION:** Commission Walters made a motion to resume the public session.

**SECOND:** Commissioner Burton seconded.

**VOTE:** The vote passed unanimously.

The hearing resumed at 6:00pm.

### **III. PUBLIC HEARINGS**

1. Case No. ZC-19-006: A request for a Zone Change from G (General, 10-acre minimum parcel size) Zone to M-2-6,000 (Heavy Industrial, 6,000 sq. ft. minimum parcel size) Zone on a 64.62-acre parcel. The parcel is located approximately ½ mile south of the Newman Park exit on Interstate 17 and is also identified as Assessor's Parcel Number 400-13-001.

Property Owner/Applicant: Morrison Brothers Windmill Ranch, LLC,  
Gilbert, AZ

Representative: Gregory Bamford, Gilbert, AZ

County Supervisor District: 3 (Matt Ryan)

**STAFF:** Mr. Short stated that the applicant has asked for a continuance to an unspecified date.

**APPLICANT:** Greg Bamford, was not present.

**PUBLIC:** No one from the public spoke.

**COMMISSION:**

**MOTION:** Commissioner Ruggles made a motion to approve the continuance indefinitely.

**SECOND:** Commissioner Williams seconded.

**DISCUSSION:** There was no discussion from the Commission

**VOTE:** The motion passed unanimously.

2. Case No. CUP-19-043: A request for a Conditional Use Permit for a memorial conservation forest (cemetery) on five parcels totaling 160 acres in the G (General, 10-acre minimum parcel size) Zone. The property is located approximately 2.5 miles east of US Highway 180 on N Hart Prairie Road. It is also identified as Assessor's Parcel Numbers 300-25-001, 300-25-002, 300-28-001A, 300-29-001A, 300-29-001B.

Property Owner: Kniazze Trust Agreement DTD 5-11-99, Phoenix,  
Arizona

Applicant: Better Place Forest, San Francisco, California

Representative: Scott Roycroft, San Francisco, California

County Supervisor District: 1 (Art Babbott)

**STAFF:** Ms. Shaw stated that the applicant has asked for a continuance until February 26, 2020. She stated that if the additional information became available in time, they may be able to move the hearing to January 29, 2020.

**APPLICANT:** Scott Roycroft did not speak on the matter.

**PUBLIC:** There were no public comments.

**COMMISSION:**

**MOTION:** Commissioner Burton made the motion to approve the continuance.

**SECOND:** Commissioner Ruggles seconded.

**DISCUSSION:** There was no discussion from the Commission.

**VOTE:** The motion passed unanimously.

3. Case No. CUP-19-044: A request for a Conditional Use Permit for a 197-foot, 8-inch meteorological tower on a 1.32-acre portion of an 11,507-acre parcel in the G (General, 10-acre minimum parcel size) Zone. The property is located approximately 10.5 miles northeast of Highway 180 and is also identified as a two-acre portion of Assessor's Parcel Number 302-20-001.

Property Owner: Babbitt Ranches, LLC, Flagstaff, Arizona

Applicant: RWE Renewables Americas, LLC, Austin, Texas

Representative: Morgan Schwenn, Austin, Texas

County Supervisor District: 1 (Art Babbott)

**STAFF:** Mr. Short gave a PowerPoint presentation and summarized the staff report. Mr. Short recognized Jordan Prouty, an intern with Planning and Zoning, that did much of the research for the report.

**APPLICANT:** Morgan Schwenn, 701 Brazos Street, Austin, Texas, thanked everyone for working with her. She agreed with conditions in the staff report.

**PUBLIC:** No one from the public spoke.

**COMMISSION:** All Commissioners could make the findings.

**MOTION:** Commissioner Burton made a motion to approve CUP-19-044.

**SECOND:** Commissioner Williams seconded.

**DISCUSSION:** There was no discussion from the Commission.

**VOTE:** The motion passed unanimously.

4. Case No. ZC-19-008 and DRO-19-004: A request for a Change of Zoning Regulations with the approval of a Master Development Plan and Design Review to allow for the development of a 289-space park for manufactured homes, RVs, and RV storage; 31 cabins or tents; and resort facilities on a 30-acre parcel in the PC (Planned Community) Zone. The parcel is located on Forest Road 171 approximately ¼ mile north of Brannigan Park Road in Bellemont and is also identified as Assessor's Parcel Number 203-40-001.

Property Owner/Applicant: Pine Valley Resort, LLC, Scottsdale, Arizona

Representative: Brad Dixon of Shepherd-Westnitzer, Inc, Flagstaff,  
Arizona  
County Supervisor District: 3 (Matt Ryan)

**STAFF:** Mr. Schwartz gave a Power Point presentation and summarized the staff report. He noted a typo on condition #7 and recommended that the Commission modify the motion to correct the number of spaces from 239 to 289. Mr. Schwartz also noted that the first sentence of Condition 7a could be stricken in order to allow manufactured homes in spaces smaller than 40' in width based on additional discussion with the Chief of the Ponderosa Fire District after the staff report had been finalized.

Commissioner Ruggles asked about the amount of glass and the amount of light trespass from the building. Staff responded that the light trespass issue from inside the recreation building would not be a major concern for this case because of the distance from any observatory or other private property. Commissioner Walters asked about the entrance and Volunteer Wash as they relate to the floodplain. Mr. Schwartz noted that the applicant would divert any potential 25-year flood event through a constructed drainage across the frontage of the property. Water from a 25-year flood event would be directed through culverts under both the main entrance and the emergency access and these areas would not be affected by a 25-year flood event. Staff also noted that Floodplain Development Permits would be required by the Engineering Division whenever development was proposed in the floodplain in order to ensure safety.

Commissioner Best asked whether the applicant had contacted the United States Forest Service (USFS) regarding planned recreational connections for the development. Staff noted that the applicant had reached out to the Forest Service about the access points without a response. Because of this, staff had included a flexible condition (Condition 3) to ensure access points were in substantial compliance with the masterplan and with the requirements of the Forest Service.

Commissioner Best noted the tree line on the western portion of the property and expressed concerns over fire safety and thinning on that end of the property. Mr. Schwartz noted that the applicant had met with the fire chief of the Ponderosa Fire Department, and they had established conditions to mitigate fire and safety concerns.

**APPLICANT:** Brad Dixon, 110 W Dale Ave., Flagstaff, AZ, applicant's representative and engineer, and Scott Roberts, applicant, 8350 E Raintree Road Suite 220, Scottsdale, AZ were prepared to take the Commission's questions.

Commissioner Walters asked for Mr. Dixon to explain how the development will deal with floodplain issues, specifically a 100-year event.

Mr. Dixon explained that the property was approved for CUP a year ago for mobile home park and most of the floodplain issues had been addressed at that time. That project had a variance approved for the culverts for the 25-year event and peaking for the 100-year event. They had modified the approved drainage plan by proposing a channel for this project and this had been discussed with the Engineering Division.

Commissioner Walters asked how will guests and renters exit the development during the 100-year event. He had concerns about whether ingress/egress would be blocked. Mr. Dixon explained the emergency exit will be usable during the 100-year event. He explained that Brannigan Park Road has culverts that will continue to function during



100-year events and continue to provide access to the freeway. Chief Antonides of the Ponderosa Fire District said 6-8" depth over the exit is acceptable.

Commission Best asked about wildfire mitigation. He specifically wanted to know if the applicant had worked with the Forest Service on thinning on and near the property.

Mr. Dixon responded that no thinning had been discussed but sites would have separation distances and fire hydrants.

Chair Ontiveros asked the Commission if there were any more questions regarding the Zone Change. There were none. Chair Ontiveros asked if the Commission had questions regarding the Design Review Overlay.

Mr. Ruggles asked the applicant what the hours of operation for the recreation center would be.

Mr. Dixon responded that they should shut down at 8pm unless there was a party.

Mr. Ruggles asked if the applicant had considered light spilling out from the recreation center's vast amount of window area. He asked what the applicant would be amenable to in addressing this issue.

Mr. Dixon explained that they had not, but they would be willing to use a combination of screens and/or films to reduce any light trespass issues.

Mr. Roberts stated that he does not want this project to be a beacon of light on the hill. He stated that he wants customers to connect with the outdoor experience, which would surely be a draw for customers in the first place. He noted that he would work with his engineers to control the amount of light spilling out from the inside of the recreation center to the outside.

Mr. Ruggles discussed a few means of reducing light trespass from inside the building and understood the applicant was amenable to mitigating the issue.

Chair Ontiveros asked if the applicant had read and agreed with the staff report and conditions of approval. Mr. Dixon and Mr. Roberts stated that they had read and agreed with the staff report and conditions.

**PUBLIC:** There were no comments from the public.

**COMMISSION:** All members of the Commission were able to make the required Findings of Fact.

**MOTION:** Commissioner Williams made a motion to approve the Zone Change with modifications to Condition 7 to note 289 units instead of 239 and to strike the first sentence of Condition 7a.

**SECOND:** Commissioner Clifford seconded the Motion.

**VOTE:** The Commission unanimously voted to approve the case as stated in the motion.

#### **DESIGN REVIEW OVERLAY FINAL DISCUSSION:**

Commissioner Ruggles asked to strike the first sentence in Condition 3 and replace with "All exterior lighting shall be in conformance with Zoning Ordinance Section 4.3, Zone 2, luminaires shall be narrow spectrum amber LEDs, in accordance with the Bellemont Area Plan. Recreation Center window screening is to be incorporated and be lowered at astronomical sunset."

Commission Williams asked if it needed to state exactly what should be used inside but Commissioner Ruggles said the characteristic of the screening it should take care of

whatever they use inside. The code does not deal with interior lighting. It is a good will compromise on both sides.

Mr. Robert was asked to return to the podium. He stated he not expert on lighting and his architect not present. He and the architect will have to look at options and costs.

Commissioner Ruggles asked if he was willing to work with staff to come up with a means to limit the light trespass with the approval of the Community Development Director. Mr. Roberts stated most definitely.

Commissioner Ruggles modified his motion to strike the last sentence in Condition # 3 and to add “Interior light trespass shall be controlled in a manner to be approved by the director of Community Development.

**Motion:** Commissioner Ruggles made motion to approve DRO-19-004 with changes to Condition #3 by striking the first sentence and replacing with “All exterior lighting shall be in conformance with Zoning Ordinance Section 4.3, Zone 2, and shall be in accordance with the Bellemont Area Plan. Luminaires shall be narrow spectrum amber LED. Recreation Center interior light trespass shall be controlled in a manner to be approved by the director of Community Development”.

**Seconded:** Commission Burton seconded the motion.

**Vote:** The motion passed unanimously.

5. Case No. CUP-19-041: A request for a Conditional Use Permit for a wind farm (utility installation) with 156 wind turbines, six permanent meteorological towers, two collector substations, an operations and maintenance building and laydown yard, and approximately nine miles of Gen-Tie line on ten parcels totaling 24,463 acres and 13,514 acres of State Trust Land for a total of 37,977 acres. The subject properties are located in the G (General, 10-acre minimum parcel size) Zone approximately 25 miles southwest of Winslow, Arizona on State Route 99 in the Chevelon Butte area between Clear Creek and Chevelon Canyon. The properties are also identified as Assessor’s Parcel Numbers 407-03-001B, 407-03-004A, 407-04-001B, 407-04-002A, 407-06-002C, 407-06-002D, 407-06-002E, 407-06-002F, 407-06-003B and 407-06-006 along with several sections of State Trust Land.

Property Owner: Chevelon Butte LLLP, Winslow, Arizona

Property Owner: O’Haco Cattle Company, Winslow, Arizona

Property Owner: Borracho Bros LLC, Chino Valley, Arizona

Property Owner: Arizona Department of State Lands, Phoenix, Arizona

Applicant: Chevelon Butte RE, LLC, Salt Lake City, Utah

Representative: Terrance Unrein

County Supervisor District: 4 (Jim Parks)

Chair Ontiveros noted that a packet of email exchanges had been handed out earlier. Time was given for the Commissioners to review this email.

**STAFF:** Mr. McNeely gave a Power Point presentation and summarized the staff report. Commissioner Walters asked about the process for determining the decommission amount for each tower. Mr. McNeely stated the costs are calculated by Professional Engineers. Commissioner Best wanted to know more about the mitigation of wildlife. What did we learn from Perrin Ranch Wind Farm? What would the process be? How are we going to balance our wildlife and renewable energy?

Mr. McNeely invited Hannah Griscom from the Arizona Game and Fish Department (AGFD) to explain this issue. Ms. Griscom indicated the process has been very involved, and they have tried to learn from Perrin Ranch. One example of this is the conditions that require setbacks from important topographical features including Chevelon Butte and Clear Creek Butte to mitigate impacts to birds and eagles. The language used in this condition is important. Surveys will continue for another year, so we do not have a total picture. Once the data is compiled, we will have a better idea of the risks.

Commissioner Best asked if the group will have the authority to require mitigation, minimization, and avoidance to make decisions on this.

Hannah stated this condition has the framework to work collaboratively and work effectively with the energy group.

Commissioner Best asked if she has seen an increase or decline in the species at Perrin. Hannah stated she does not have the population data to know if there has been a significant impact. The agency does the best they can to see what species are impacted. Perrin Ranch was only required to complete surveys for three years and to check back in ten years. She stated we could do a more frequent check in for Chevelon.

Chair Ontiveros asked what a reasonable check in period would be.

Commissioner Clifford asked Hannah if she had been on the site for the surveys.

Ms. Griscom stated she had been on site and feels confident they found the nests that are there.

**APPLICANT:** Terrence Unrein, 2180 S. 1300 East, Salt Lake City, UT, wanted to provide more information about the benefits of this project. He had a PowerPoint presentation as well. Mr. Unrein explained more about the company and other projects they have completed. This will be the largest windfarm in Arizona. The existing transmission line coming from Joseph City is slated to be removed in the coming years. This makes the windfarm an ideal program. This has been a long-term project to put together. His company has exceeded the requirements of County's Zoning Ordinance and Comprehensive Plan.

Mr. Unrein talked about the outreach to citizens to discuss the project and address comments and concerns. There was a five-mile mailing radius for noticing, a public meeting, and newspaper advertisements. S-Power has continued to send out mailings to keep the community updated. He said there has been no negative feedback.

Three main concerns are property values, visual impacts, and wildlife. The project is remote and therefore should not have any impact on property values as studies have shown. Visual impacts are mitigated by placing projects as remotely as possible.

Jill Grahams, SWCA Consulting, indicated she worked with her staff to prepare the simulation of the visualization model of the windfarm. She indicated it was difficult to find an open view of the project from public roads, and the closest residence is about eight miles away. Ms. Grahams explained the process and the detail that goes into producing the simulations.

Mr. Unrein wanted the commissioners to understand that citizens usually do not have the programs and technology that SWCA has to prepare visual models.

Mr. Unrein has been working with state and federal wildlife agencies for over a year making sure all guidelines are met because Arizona takes its wildlife and natural resources very seriously. His company has exceeded all state and federal wildlife agency guidelines and recommendations. Their company is a leader in the United States for wildlife protection with windfarms. He reviewed all the benefits for the county, economic impacts, jobs, and etc. Wind farms have been providing clean cost and competitive energy for decades while using no water and eliminating CO2 emissions. This project would double wind energy in Arizona. Mr. Unrein stated how the O'Haco family has owned the property for over a century, and they could continue to cattle ranch for as long as they desired while providing a revenue stream. Large lease payments are also made to the Arizona State Trust Land which goes to benefit Arizona especially the education system. There would be an economic uplift to Arizona by creating jobs and revenue for the county. His company tries to put long term investments in the communities. They have gone above and beyond what any federal agency asked, and they try to do the right thing for any community.

Commissioner Walters questioned the total cost of this project and how long it would take to pay back. Mr. Unrein stated it roughly cost 750 million dollars. While the financial information is confidential, no one from their finance department was there to speak on it.

Commissioner Walters asked about the efficiency of turbines. Mr. Unrein stated the turbines are 7-10% more efficient than the ones installed in 2012. Operating life, for these turbines is 25 plus years and the company will have technicians in the area to provide maintenance and upkeep.

Commissioner Williams asked if you can see the stacks in Joseph City? Mr. Unrein stated no.

Commissioner Best asked how the height of the turbines are determined? Mr. Unrein stated based on research, height is determined based on wind resource and meteorological conditions.

Commissioner Best asked how many acres are bladed for this project? Mr. Unrein stated 300-400 acres between Coconino and Navajo counties.

Commissioner Best commented that there is still frustration with Perrin Windfarm eight years later we do not have information of the wildlife impacts.

At 8:50pm Madame Chair Ontiveros called for a 20-minute break and to be reconvened at 9:10pm.

Allen Grover, SWCA Environmental Consultants, 114 N San Francisco St. Flagstaff, AZ, stated the eagle nest on site count is accurate. He has done this for 13 years in different states. The strategy is to fly slow and be very thorough in the survey. They found 68

potential eagle nest structures. Mr. Grover stated there is always the uncertainty in these projects. There is always bird and bat fatalities in these projects. Pre and post level construction surveys are not always focused on the questions. Generally, studies are done on small birds.

Commissioner Best wondered what Mr. Grover would think if no birds were found post construction. Did they leave because of the project or where they killed?

Mr. Grover stated golden eagles are very hard to study and very tricky to correlate impacts from a wind project. For eagles, we have a one-year study and there is a relative concentration in the canyon. Generally, we need to understand risks and use strategy to come up with best management practices. In a project area, avoidance or buffers in areas that attract the birds (canyons, butte, water features) is part of best practices. We are able to predict eagle fatalities. From that predication, he can run a REA analysis and compensate for eagle fatalities by power pole retro fits. It is a typical measure for conservation.

Mr. Unrein stated his company is offering Coconino County and AGFD a seat at the table to help mitigate Condition #15e. Hopefully, Condition #15 will close the loop.

Mr. Grover worked on the Perrin wind farm. It was pre-wildlife guidance, and there are better ways to measure and work on wildlife management issues.

Chair Ontiveros asked what we learned from Perrin that we are implementing on this project, so we do not repeat the problems.

Mr. Grover stated they now have better models to work with.

Chair Ontiveros asked if there was any data showing mortality of birds with height of turbines, and if so, are these species on the property.

Mr. Grover stated this is generally unknown, especially for small birds. There is a higher mortality for birds the higher the turbine. Some bats are attracted to turbines.

Madame Chair Ontiveros asked what species of bats we have on this site.

Mr. Grover went through some species that are in the area.

Commissioner Williams asked if the Hopis take eagles from this area for their ceremonies.

Ms. Griscom with AGFD stated that she has not seen a lot of the data yet mostly because it is not finished. AGFD does give permits to Hopis and some Navajos to take young eagles for ceremonies.

Madame Chair asked if this might adversely affect the population of eagles between the permitted takes and the wind farm.

Ms. Griscom stated if there were more wind farms in this area, then yes it would impact the eagle population.

Commissioner Best read a statement from the wind facility company and asked Ms. Griscom if it was strong enough to protect the eagle population. She indicated her ability to answer to that question would stem from how intently the agency is looking for eagles that were killed. Ms. Griscom stated eagle nesting is very unpredictable and makes it difficult to track.

Commissioner Best indicated he does not want unintended consequences for the future. He wants wording that stands. Ms. Griscom stated the word "concurrency" is essential in the condition. The agency has worked very hard on the conditions and it is still early in the project.

Chair Ontiveros asked Ms. Griscom if she agrees with conditions and she did.

Chair Ontiveros wanted the wording in Condition #15d changed to “as determined by AGFD”.

Commissioner Best wanted the wording in Condition #15e changed to “Draft wildlife adaptive management mitigation and periodic survey plans will be prepared and reviewed prior to operation of the wind facility...”

Ms. Griscom stated the plan will have details to include how often surveys will occur.

Mr. Unrein thought the US Fish and Wildlife Service should not be brought into County business in a conditional use permit by naming them in a condition.

Commissioner Best wanted to make sure there is authority in the condition for the future.

Chair Ontiveros asked if the applicant had read the staff report and agreed with it.

Mr. Unrein agreed with the conditions but had two points to talk about. He wanted clarification on Condition #5. Mr. McNeely stated this was for public infrastructure, not their internal driveways, in this case Highway 99. Commissioner Best wanted the wording changed from “improvements” to “repairs”.

On Condition #18, a five-year permit would be a fatal flaw to this project. Mr. Unrein wanted a 25-year permit from the start of the commercial operation year. Madame Chair Ontiveros noted Perrin was given a 30-year permit and felt like the same should be afforded to this project.

Commissioner Best stated Condition #10 should have the wording “and operation” to the end of the sentence for the noxious weed control.

Mr. Unrein wanted to review Condition #15e and why we are calling out one component.

Commissioner Best wants the data produced to show if wildlife populations are static, getting better, or being reduced. He also wants Game and Fish to specify the time frames.

Chair Ontiveros wanted Condition #15e clarified. Commissioner Best stated the plan will be reviewed prior to construction but the plan included ongoing periodic surveys.

Mr. Unrein wanted to let everyone know that AGFD wrote Condition #15 a-e.

**PUBLIC:** Karen Wassuck, 1726 N. Navajo Dr, Flagstaff, currently works at the National Energy Lab, and also oversees the permitting process for energy. She supports the project. This project preserves open space, brings revenue to our county while contributing to our renewal energy resources.

Kim O’Haco McReynolds, 1328 E. Oak, Winslow, supports the renewable energy project. The family supports the project on their ranch, which helps preserve their land and sustains their cattle ranching. She commended the people of S-Power for their professionalism and stated the family was proud to partner with them.

**COMMISSION:** Commissioner Ruggles addressed the emails regarding the public comments. The emails stated concerns about property prices dropping and the height of the turbines impacting visual views. Data shows that wind farms have not affected property values.

Commissioner Walter said he started out with a negative view. He stated there was a lot of grid capacity that needed to be used, he liked the company’s approach, liked that the technology has improved and feels it is good for the ranching family.

Commissioner Williams liked that we are moving toward clean energy. We seem to always be waiting for clean energy, and now is the time to do it and make a move forward.

Commissioner Mayer thought the ranch was beautiful. He thought it was sad to have this on a ranch, but he would rather see this than a smokestack and we must move toward clean energy.

Commissioner Clifford thought it was a good project especially if it helps the ranchers keep the ranch running.

Commissioner Best worried about costs and wildlife but felt we must move toward clean energy. He thought solar would have less of an impact on wildlife.

Commissioner Burton said it was definitely a tradeoff, but if that is what it takes to keep power and ranches going, she could make the findings.

Chair Ontiveros had read through everything. She thought it was a tradeoff as well, but her main concern was for the wildlife. She believes the company has proven to be a good steward of wildlife. She also feels that the family has researched this and feels it is right for them. The main concerns revolved around wildlife (eagle and bat populations), but questions were also answered satisfactorily to move forward with a motion to approve.

**MOTION:** Commissioner Best made the motion to approve with modifications to read: Condition #5 *“bond for repairs to existing roadway improvements”*, Condition #10 *“and operation”* after construction, Condition #15d *“(as determined by AGFD)”*, Condition #15e *“Draft wildlife adaptive management and mitigation plans will be prepared and reviewed prior to operation of the wind facility, which plans shall include a requirement to perform a periodic wildlife survey at such times and intervals as determined by AGFD during the operation and life of the project. Review and concurrence by AGFD is required before these plans are implemented. The plan may include turbine cut-in speed alterations when necessary.”*

**SECOND:** Commissioner Williams seconded.

**DISCUSSION:** NA

**VOTE:** The motion passed unanimously.

#### **IV. CALL TO PUBLIC FOR ITEMS NOT ON THE AGENDA**

No one from the public spoke.

Madame Chair Ontiveros adjourned the hearing at 10:37 PM.

#### **V. CONTINUATION OF STUDY SESSION IF NEEDED**

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Chairperson, Coconino County  
Planning and Zoning Commission

**ATTEST:**

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Secretary, Coconino County  
Planning and Zoning Commission



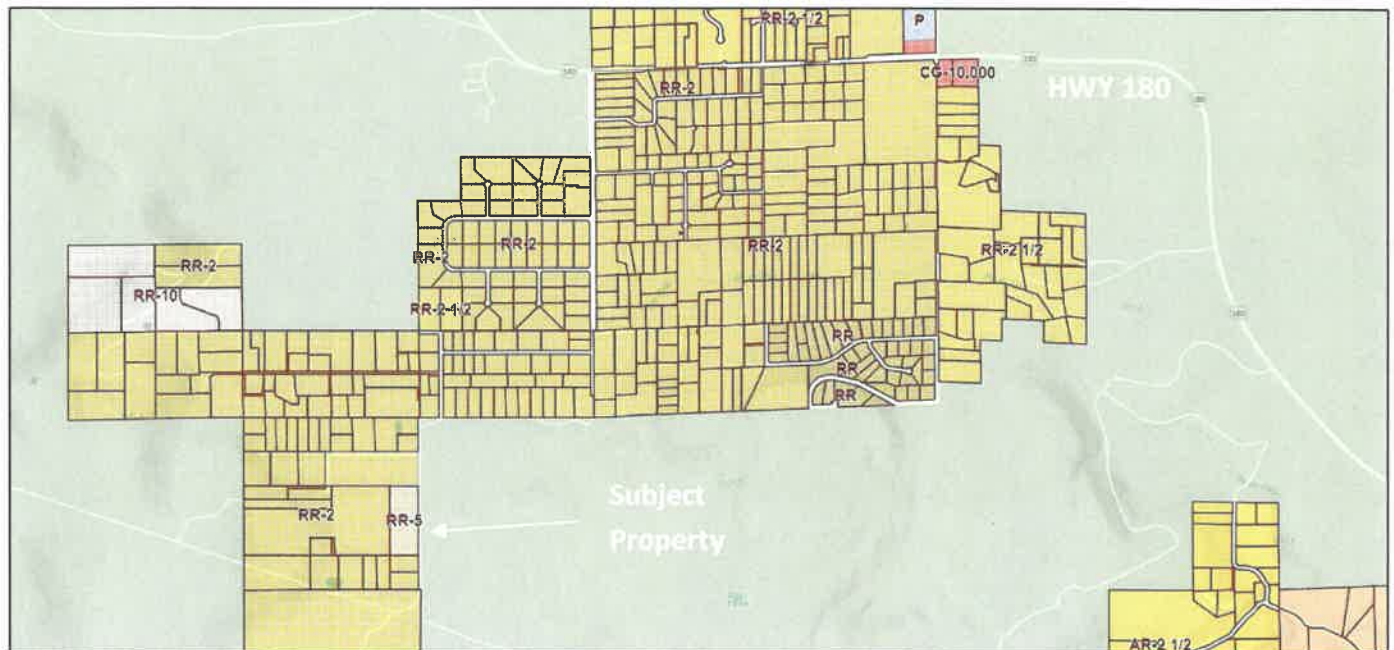
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Jay Christelman, Director

**Date:** December 20, 2019  
**To:** Planning and Zoning Commission  
**From:** Department of Community Development  
**Subject:** Public Hearing and consideration of Case No. ZC-19-007 and SUB-19-003

## Executive Summary

**Location:** 5837 Rudd Tank Road in the Fort Valley Area, also known as Fort Valley Pines Unit 1, Lot 2 and Assessor's Parcel Number 300-42-001R



**Vicinity Map**

**Current Zoning:** RR-5 (Rural Residential, 5-acre parcel size minimum)

**Requested Zoning:** RR-2 (Rural Residential, 2-acre parcel size minimum)

**Subdivision Plat Amendment:** Amending Fort Valley Pines, Unit 1 Subdivision Plat

**Parcel Size:** Approximately 5.28 acres

**Existing Uses:** N/A- Vacant

**Supervisor District:** 1 (Art Babbott)

**Owner/Applicant:** Renee Turza-Chlebek- Willowbrook, IL

**Project Engineer/Surveyor:** James Folkers of Woodson Engineering- Flagstaff, AZ

**Summary of requested Zone Change/Plat Amendment:**

The applicant requests a plat amendment of Lot 2 to allow for the property to be split into two lots at 3 acres and 2.28 acres as shown on the applicant's survey drawing for two homesites. Because the current zoning of the property is for a 4 acre minimum parcel size, the applicant simultaneously requests a Zone Change still within the Rural Residential Zone, but at a 2 acre parcel size minimum, consistent with most of the surrounding properties.

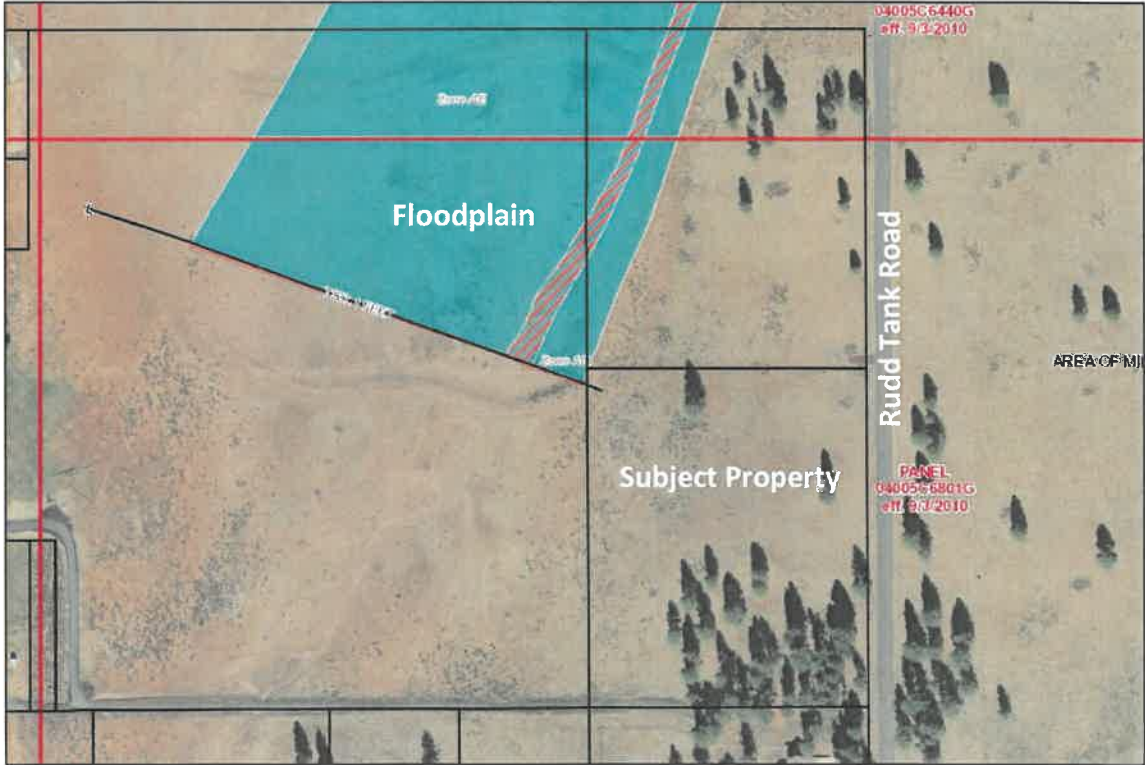
**Staff recommendation:**

If the Planning and Zoning Commission can make the Zoning Ordinance required Findings of Fact, staff recommends approval of ZC-19-007 and SUB-19-003 subject to the conditions listed below.

# Background Information:

## Surrounding Land Uses:

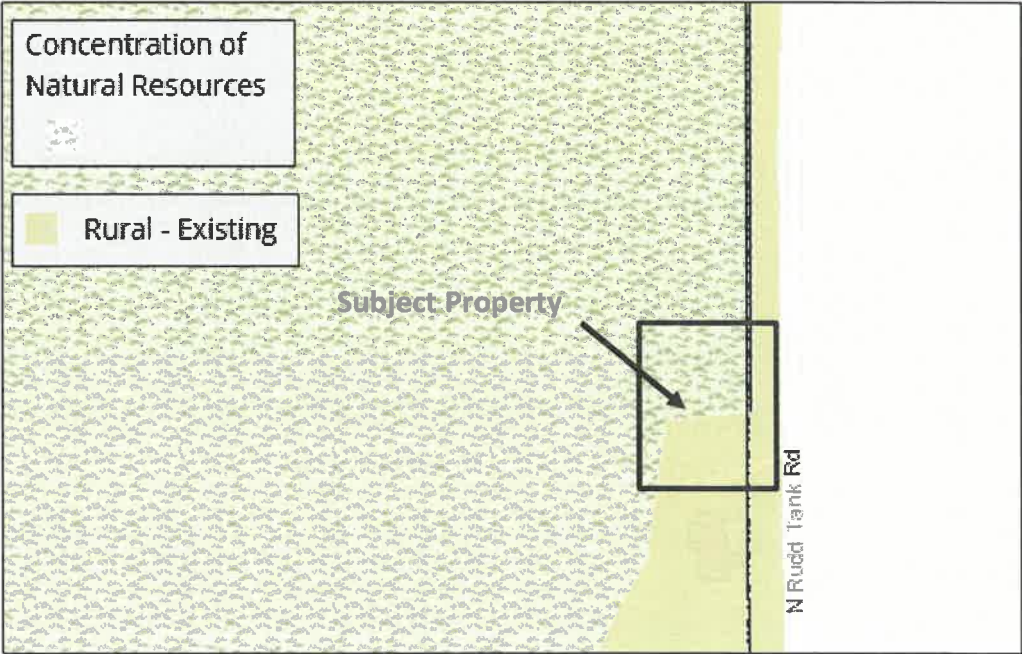
Surrounding Land Uses/Zoning		
	Land Use	Zoning
North	Vacant	RR-5
South	Single Family Residential	RR-2
East	National Forest	N/A
West	Single Family Residential	RR-2
Natural Features		
Topography	The parcel is primarily level.	
Natural Features	Mature Ponderosa Pine at the southeast corner	



Aerial Photo



Photo of subject property



Regional Plan Map

**Long Range Plan Analysis:**

<b>Conformity to the Comprehensive Plan</b>
<ul style="list-style-type: none"> <li>The County encourages and supports property owners in the development of platted subdivisions rather than lot splits and seeks to update the Subdivision Ordinance to help incentivize design that is consistent with the Comprehensive Plan and area plans. -Land Use and Growth Policy 7</li> </ul>
<b>Conformity to the Flagstaff Regional Plan</b>
<p><b>Future Land Use Designation- Rural Existing with Concentration of Natural Resources</b></p> <ul style="list-style-type: none"> <li>Density of this designation is 1 house per 1 to 10 acres</li> <li>Regional Plan designations are somewhat moveable, as there are no particularly notable natural resources on the subject property, but there is a wash just to the east.</li> </ul>
<b>Conformity to the Fort Valley Area Plan</b>
<ul style="list-style-type: none"> <li>Consider zoning changes that would result in increased density of lots only if there are significant, clear benefits to the planning area and the changes are supported by area residents. -Residential Use Policy 1</li> <li>Require public utilities be located, operated, and maintained in a manner that will not degrade environmental quality or aesthetics. -Utilities Policy 1</li> <li>Require underground electric and communication lines in all new subdivisions with parcel size of 5 acres or less and strongly recommend for subdivisions with lot sizes greater than 5 acres. -Utilities Policy 6</li> </ul>

**Proposed Zone Change and Subdivision Plat Amendment**

The applicant requests a Zone Change to allow the subject property to have a 2-acre minimum parcel size and simultaneously allow the applicant to amend the subdivision plat and split the subject property into two lots. Staff has attached the original plat of Fort Valley Pines Unit One for reference.

The applicant’s development plan shows a new lot line drawn approximately 227’ north of the current southern boundary with the northernmost lot at approximately 3 acres and the southernmost lot at approximately 2.28 acres in size for two homesites.

**Utilities**

The original plat for Fort Valley Pines Unit 1 was a Schedule C subdivision and because of the lot sizes did not require a water or wastewater system. There is enough room on each proposed lot to construct individual systems. Similarly, this request would not be required to have community systems and each lot would have enough room for individual systems. Consistent

with the Area Plan policies as noted above and original plat for Fort Valley Pines, staff has conditioned that utilities shall be located underground.

## Fire District

The property is within the Summit Fire District and both lots would continue to be in that district.

## Road/Access

The proposed two lots would have access off Rudd Tank Road to the east. The road is County Maintained with asphalt to approximately 550' south of the subject property, close to where the road ends at FSR 9008P. The existing Fort Valley Pines Unit 1 subdivision plat includes a 1' nonvehicular access easement along Coyote Pass to the south that would prevent owners from using that road as an access for driveways.

## Findings of Staff

### Findings of fact required to approve a Zone Change:

1. That the change is consistent with the goals, objectives and policies of the Comprehensive Plan and this Ordinance.
2. That the change is not detrimental to public health, safety, comfort, convenience and welfare.
3. That the change will not adversely affect the established character of the surrounding neighborhood nor be detrimental to adjacent properties.

### Staff recommends the following Findings of Fact:

1. The proposed Zone Change is consistent with the Flagstaff Regional Plan's density designation and Comprehensive Plan policy. The Fort Valley Highway 180 Scenic Corridor Area Plan has a policy stating that zone changes to increased density should provide 'clear benefits to the planning area and the changes are supported by area residents.' This zone change could be considered consistent with the Area Plan as it would provide the benefit of consistent zoning with most surrounding properties, the property to the north would retain the 5 acre minimum parcel size. As documented in the citizen participation plan, this request is not opposed by area residents.
2. The proposed Zone Change is not detrimental to public health, safety, comfort, convenience, and welfare, as it meets the Flagstaff Regional Plan density designation.

1. The change would not adversely affect the established character of the surrounding neighborhood, which is predominately in the zone that is requested.

### **Findings of fact required to approve a Subdivision:**

- a) That the proposed subdivision conforms to the goals, objectives and policies of the Coconino County Comprehensive Plan and its amendments.
- b) That the design of the proposed subdivision will not cause damage to environmental features and will not present serious public health problems.
- c) That the site of the proposed subdivision is physically suitable for the proposed type and density of development.
- d) That the proposed subdivision is consistent with provisions and intent of zoning regulations applicable to the property.
- e) That the proposed subdivision conforms with the standards set forth in this Ordinance and those outlined in the County Engineering Design and Construction Manual.

- a) As noted in the Zone Change Findings of Fact above, this request could be considered consistent with the Fort Valley Highway 180 Scenic Corridor Area Plan as it would provide the benefit of consistent zoning with most surrounding properties and it was not opposed by area residents.
- b) The creation of one additional lot within the Fort Valley Pines subdivision is not anticipated to create any damage to environmental features or cause any public health problems.
- c) The site of the proposed subdivision is physically suitable for the proposed additional lot.
- d) The proposed additional lot would be consistent with provisions and intents of the Zoning Ordinance.
- e) The subdivision does meet the requirements of the Subdivision Ordinance and County Engineering Design and Construction Manual.

### **Public Participation**

The applicant held a Citizen Participation Plan meeting on September 17, 2019 at 6pm. Neighboring property owners within 1,000 feet of the subject property were invited to the meeting. Five neighboring property owners attended. The applicant also notified the officers the Fort Valley Neighborhood association of the request in August 2018 with no objections. No concerns were noted to the applicant and staff has not received any public feedback.

## Recommendations

If the Planning and Zoning Commission can make the required Findings of Fact, staff recommends approval of case number ZC-19-007 with the following conditions:

1. Development of the lots substantially conform to the applicant's submitted development plan. Any substantial modifications shall require additional review by the Planning and Zoning Commission.

If the Planning and Zoning Commission can make the require Findings of Fact, staff recommends approval of case number SUB-19-003.

1. The Amended Final Plat shall be limited to 2 lots created from the original Fort Valley Pines Unit 2, Lot 2 as shown on the applicant's submitted drawings. Any future amendments shall require processes as described in the Coconino County Subdivision Ordinance.
2. All utilities shall be located underground.

Respectfully submitted,



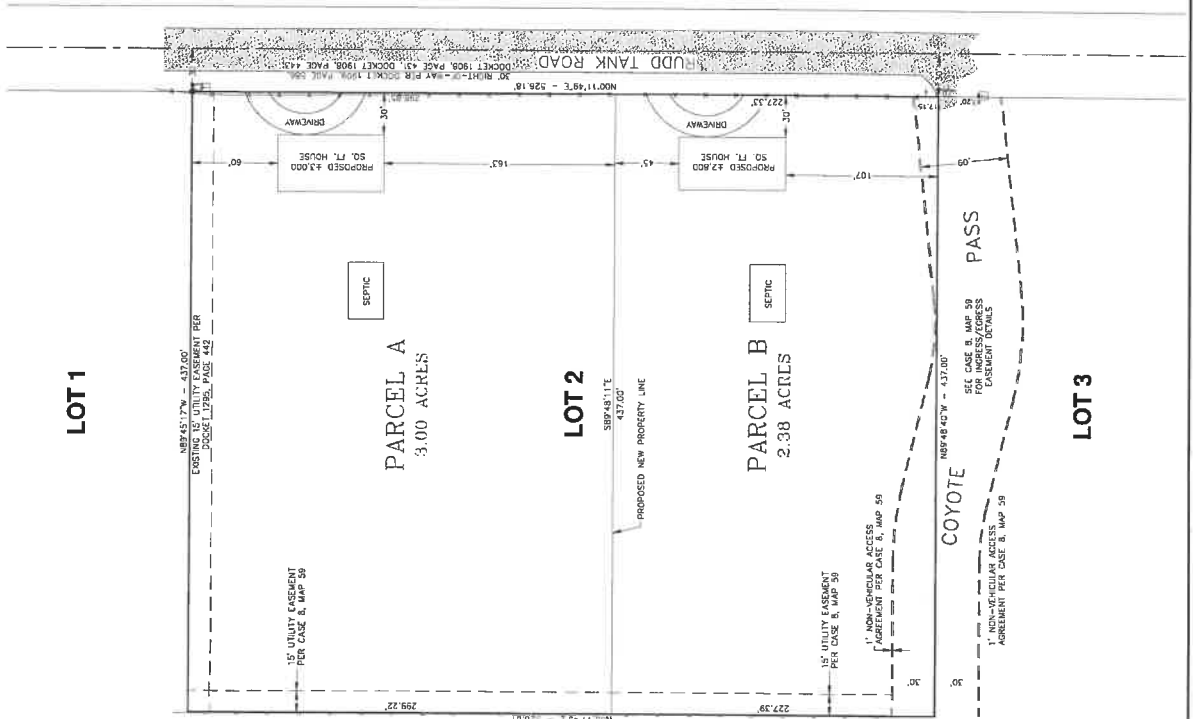
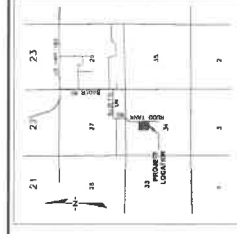
Jess McNeely, AICP, Assistant Director  
Prepared by Zach Schwartz, Senior Planner

Attachments: Final Plat of Fort Valley Pines Unit 1

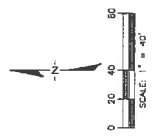


# PROPOSED SITE PLAN

LOT 2, FORT VALLEY PINES UNIT ONE, CASE 8, MAP 59, SITUATED IN THE NW ¼ OF SECTION 34, TOWNSHIP 22 NORTH, RANGE 6 EAST, GILA AND SALT RIVER MERIDIAN, COCONINO COUNTY, ARIZONA



PRELIMINARY  
FOR CONSIDERATION  
ONLY



- LEGEND**
- ASPHALT DRIVE AND ELECTRIC LINE
  - PAVED DRIVE
  - BARBED WIRE FENCE
  - CONCRETE MONUMENT
  - WOOD MONUMENT
  - TELEPHONE RISER
  - ELECTRIC TRANSFORMER
  - SEAL POST
  - FOUND RIGHT-OF-WAY MONUMENT AS NOTED
  - FOUND REBAR AS NOTED
  - FOUND MONUMENT AS NOTED
  - FOUND 1/2" REBAR WITH CAP MARKED 'S 18630'
  - FOUND NAIL AS NOTED
  - MEASURED DATA
  - RECORDED DATA

## Citizen Participation Plan

Applicant Name: **ReneeTurza-Chlebek**

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Mailing Address: **7803 Clarendon Hills Road, Willowbrook, IL 60527**

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Phone: **(773) 858-1201**

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E-mail: **reneeturza@yahoo.com**

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Property Address or Parcel Number(s): **5837 Rudd Tank Road, APN 300-42-001R**

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Brief Description of Conditional Use Permit and/or Zone Change:

**Applicant seeks a zone change to RR-2 (Rural Residential, 2-acre minimum) from RR-5 (Rural Residential 5-acre minimum) so that she and her father can each build a residence on the property. She will also apply for a subdivision plat amendment to permit the division of the existing parcel into two lots.**

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1. Which residents, property owners, interested parties and public and private agencies may be affected by the application? (This may consist of the area of notification mailing list, which can be attached to this Plan.) List the notification radius in feet or miles as identified by Community Development staff.

**Please see attached list of property owners identified by Community Development staff.**

---

2. How will those interested in and potentially affected by an application be notified that an application has been made?

**Applicant sent each owner on the list a letter notifying them of her intent to apply for a zone change and inviting them to a neighborhood meeting to discuss the proposed zone change and subdivision plat amendment. The letter was based upon the County's neighborhood meeting invitation template, was reviewed by Community Development staff before mailing, and included a copy of the draft site plan.**

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3. How will those interested and potentially affected parties be informed of the substance of the zone change, amendment, or development proposed by the application?

**On August 30, 2019, Applicant sent each owner on the list a letter notifying them of her intent to apply for a zone change and inviting them to a neighborhood meeting on September 17, 2019 to discuss the proposed zone change and subdivision plat amendment. The letter was based upon the County's neighborhood meeting invitation template, was reviewed and approved by County Development staff before mailing, and included a copy of the draft site plan.**

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4. How will those interested and affected parties be provided an opportunity to discuss the applicant's proposal with the applicant and express any concerns, issues, or problems they may have with the proposal in advance of the public hearing?

**On September 17, 2019, at 6:00 PM, at the subject property, Applicant's representatives, James Folkers and Dana Kjellgren, held a neighborhood meeting in compliance with County requirements to permit interested and affected parties to discuss Applicant's proposal and express any concerns or problems they may have with the proposal.**

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5. What is the applicant's schedule for completion of the citizen participation plan?

**Applicant held a neighborhood meeting on September 17, 2019. Applicant will complete the Citizen Participation Report and provide it to Community Development Staff on or before October 18, 2019.**

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6. How will the applicant keep the County Community Development Department informed on the status of citizen participation efforts?

**Applicant will provide the required Citizen Participation Report to Community Development staff in compliance with County requirements. Community Development staff can also contact the Applicant directly, as well as her attorney, Dana Kjellgren, or her engineer, James Folkers, for any updates or other information they may require.**

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# Citizen Participation Plan and Report

Applicant Name: Renee Turza-Chlebek

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Mailing Address: 7803 Clarendon Hills Road, Willowbrook, IL 60527

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Phone: (773) 858-1201

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E-mail: reneeturza@yahoo.com

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Property Address or Parcel Number(s): 5837 Rudd Tank Road, APN 300-42-001R

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## Brief Description of Conditional Use Permit and/or Zone Change:

Zone change from RR-5 (Rural Residential - 5 acre minimum) back to RR-2 (Rural Residential - 2-acre minimum) with the intention of splitting the lot into 2 parcels.

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1. Please list the dates and locations of all meetings where citizens were invited to discuss the applicant’s proposal:

September 17, 2019, 6:00 PM at 5837 Rudd Rank Road.

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2. Please attach and note the content, dates mailed, and numbers of mailings, including Community Meeting letter(s), other meeting notices, newsletters and other publications (if applicable):

Applicant mailed 2 sets of letters to neighbors within the notification radius as identified by Community Development staff. The first was dated August 30, 2019, notifying neighbors of the planned neighborhood meeting on Tuesday, September 16, 2019, at 6:00 PM. The second was dated September 10, 2019, which was sent to correct the meeting date information to September 17, 2019, at 6:00 PM. Copies of both letters are attached to this report.

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3. List the notification radius in feet or miles as identified by Community Development staff, and any other entities (and their locations) notified outside of that radius:

1,000 feet

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**4. Please list the number of people that participated in the process (that commented) and the total number of people/entities notified:**

Five neighboring property owners participated in the process; one of those participants owns 2 of the 9 properties within the notification radius. The owners of 9 properties were notified of the meeting and the substance of Applicant's proposed zone change and subdivision applications. Copies of the sign-in sheet and 1 email received by the Applicant are attached.

**5. Please list the substance of (or attach) the concerns, issues, and problems raised per citizen input:**

None of the participants expressed concerns, issues, or problems in connection with Applicant's proposed zone change and subdivision applications. Applicant's attorney, Dana Kjellgren, also contacted officers of the Fort Valley Neighborhood Association in August 2018 to discuss Applicant's proposed zone change application. A copy of the exchange of emails is attached. In the telephone conversation referred to on August 25, 2018, the FVNA representatives indicated that they had no objections to the proposed zone change application as described, i.e. a change from RR-5 to RR-2, with no change in the residential nature of the property.

**6. How did the applicant address the concerns, issues and problems that were expressed during the process? How will the applicant keep the Community Development Department informed on the status of Citizen Participation efforts?**

No concerns, issues, or problems were expressed to Applicant or her representatives in response to the letter notifying neighbors of the neighborhood meeting or at the meeting itself on September 17, 2019. Applicant will contact Community Development staff if she receives any additional input from neighbors regarding her proposed zone change and subdivision applications.

**7. Please list any concerns, issues and problems the applicant is unwilling or unable to address, and why:**

As indicated above, Applicant has not received any indication of concerns, issues or problems from the neighbors within the notification radius in connection with her proposed zone change and subdivision applications.

7803 Clarendon Hills Road  
Willowbrook, IL 60527

DONALD D. BREE RVCBL LIVING TRUST DTD 10-3-03  
PO BOX 188  
SANTA YSABEL, CA 92070

August 30, 2019

Dear Neighbor,

I am the owner of a 5.28-acre parcel located at 5837 Rudd Tank Road (parcel #300-42-001R) in the Fort Valley area. I recently met with Coconino County Planning staff to discuss a proposal for land use on this parcel. I will be requesting a zone change from the current 5-acre minimum rural residential zone to a 2-acre minimum rural residential zone as part of this project. Staff directed me to notify all property owners within 1,000 feet of this property.

I will be requesting a zone change because my father and I would each like to build a residence on the land. This requires that the property be zoned for 2-acre minimum lots like most of the parcels around this property so that two lots can be created.

As required by the Coconino County Zoning Ordinance, I will be holding a Neighborhood Community Meeting at:

**5837 Rudd Tank Road, Flagstaff, AZ on Tuesday, September 16<sup>th</sup>, 2019 at 6 PM**

I have attached a basic site plan of the project. If you cannot attend the meeting, please call me at (773) 858-1201 or send your comments to me at [reneeTurza@yahoo.com](mailto:reneeTurza@yahoo.com).

If I decide to move forward with a formal application for a zone change, my project will become a case at a public hearing of the Planning and Zoning Commission. You will be notified of the date and time of the public hearing if I apply. The Planning and Zoning Commission meets in the First Floor Meeting Room at the Coconino County Administration Building, 219 East Cherry Avenue in Flagstaff, Arizona. The Coconino County Community Development Department can be contacted at 928-679-8850 if you have questions about the public hearing process.

Sincerely,

**Renee Turza-Chlebek**

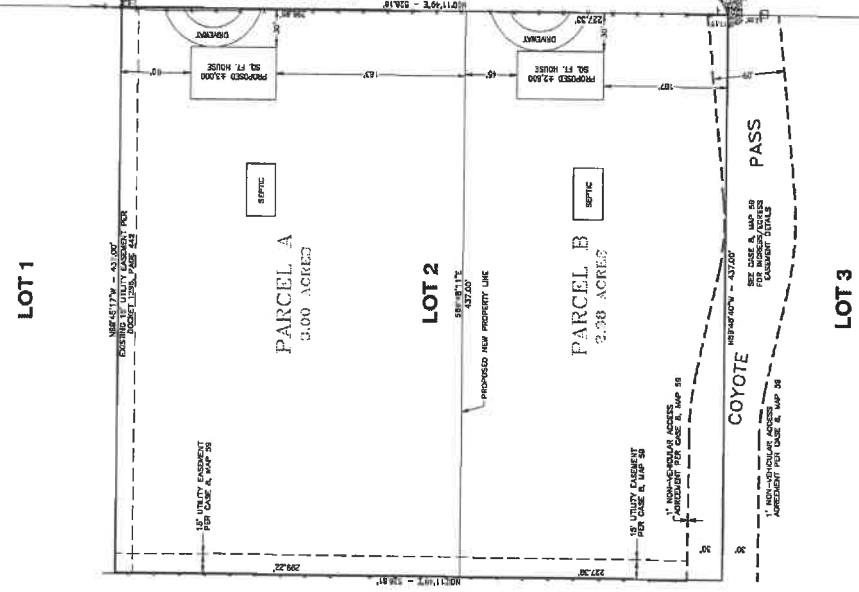
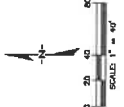
Renee Turza-Chlebek

**PROPOSED SITE PLAN**

LOT 2, FORT VALLEY PINES UNIT ONE, CASE 8, MAP 58, SITUATED IN THE NW 1/4 OF SECTION 34, TOWNSHIP 22 NORTH, RANGE 75 EAST, GILA AND SALT RIVER MERIDIAN, COCONINO COUNTY, ARIZONA

**LEGEND**

	ANIMAL AND ELECTRIC LINE
	FENCE AND UTILITY LINE
	STREET
	WATER LINE
	ELECTRIC TRANSFORMER
	SECTION CORNER AS NOTED
	FOUND REMNANT OF MONUMENT AS NOTED
	FOUND MONUMENT AS NOTED
	FOUND WELL WITH CAP MARKED AS NOTED
	FOUND WELL WITH CAP MARKED AS SHADDED
	MEASURED DATA



VICINITY MAP  
COCONINO COUNTY, ARIZONA (NOT TO SCALE)



SHEET 1 OF 1

**Fwd: 5837 Rudd Tank Road**

renee turza <reneeturza@yahoo.com>

Wed 9/4/2019 11:39 AM

To: Dana Kjellgren <kjellgren@kslawflag.com>

Sent from my iPhone

Begin forwarded message:

**From:** <spzoo@cox.net>

**Date:** September 4, 2019 at 1:17:34 PM CDT

**To:** <reneeturza@yahoo.com>

**Subject: 5837 Rudd Tank Road**

Renee –

This is John Pons. My wife and I own the home at 9200 Coyote Pass in Flagstaff. I received your letter dated August 30, 2019. I will not be able to attend the neighborhood meeting on September 16<sup>th</sup>. I don't have a problem with you creating two lots as depicted on the basic site plan you attached with your letter.

Thank you.

John.



# Re: Rezoning land in Fort Valley

**Fort Valley Neighborhood Association <fortvalleyassoc@gmail.com>**

Fri 8/17/2018 6:22 PM

To: Dana Kjellgren <kjellgren@kslawflag.com>;

Thank you. I am looking forward to our conversation.

Cindy

On Fri, Aug 17, 2018 at 6:15 PM, Dana Kjellgren <kjellgren@kslawflag.com> wrote:

I would be happy to call you.

Dana H. Kjellgren  
Kjellgren & Speed, PLC  
Sent via mobile device

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**From:** Fort Valley Neighborhood Association <fortvalleyassoc@gmail.com>

**Sent:** Friday, August 17, 2018 4:02:57 PM

**To:** Dana Kjellgren

**Subject:** Re: Rezoning land in Fort Valley

Dear Ms. Kjellgren,

Thank you for the reply. I look forward to talking with you. I want to be clear on the plan. Do you want me to call you or will you call me?

Cindy Duskocil  
928-774-0806

On Fri, Aug 17, 2018 at 2:25 PM, Dana Kjellgren <kjellgren@kslawflag.com> wrote:

Dear Ms. Duskocil,

Thank you for replying to my letter. In response to your questions:

1. Jay Christelman, Community Development Department Director, informed me of the FVNA's concerns.
2. I understand that the FVNA has concerns with issues of water adequacy, wastewater systems, and maintaining the rural character of the area.
3. My client and her family would like to build one residence per parcel.
4. The only change my client seeks is with regard to the lot size permitted by the zoning, i.e. a change from Rural Residential 5-acre minimum to Rural Residential 2-acre minimum, like the zoning of the lots adjacent to her property on one side.

Yes, I am available Friday, August 24 at 5:00 for a phone conversation about this matter. Please let me know if there is any additional information we can provide before that call.

Thank you.

Dana H. Kjellgren  
Kjellgren & Speed, PLC  
P.O. Box 607  
Flagstaff, AZ 86002  
(928) 433-3737

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**From:** Fort Valley Neighborhood Association <[fortvalleyassoc@gmail.com](mailto:fortvalleyassoc@gmail.com)>  
**Sent:** Friday, August 17, 2018 12:50:49 PM  
**To:** Dana Kjellgren  
**Subject:** Rezoning land in Fort Valley

Dear Ms. Kjellgren,

I received a letter from you on August 15, 2018, asking to have a conversation with us about rezoning land at 5837 N. Rudd Tank Road, in Fort Valley. I have a few questions I would like to have answered prior to any conversation. They are as follows:

1. Who told you we have concerns about the rezoning?
2. Did they tell you what the concerns are?
3. Will your client build only one house on each 2 acre parcel?
4. Does your client plan on changing the rural-residential zoning?

I would appreciate these answers in writing. I would also like to have a phone conversation with you. Would Friday, August 24th at 5 pm, work for you?

Sincerely,

Cynthia Dorskocil, President  
Fort Valley Neighborhood Assoc.  
928-774-0806

Renee Turza-Chlebek  
Zone Change and Subdivision Applications  
5837 Rudd Tank Road  
Parcel No. 300-42-001R

### **Narrative for Zone Change and Subdivision Applications**

The Applicant is Renee Turza-Chlebek who owns a parcel located in the Fort Valley Pines Subdivision within the planning area of the Fort Valley Area Plan. The parcel is presently zoned Rural Residential, 5-acre minimum. Applicant seeks a zone change to Rural Residential, 2-acre minimum, to enable her to split the lot into two parcels so that she and her father may each construct a residence on the parcels.

**1. Applicant's requested zone change and subdivision change are consistent with the goals, objectives and policies of the Comprehensive Plan, the Fort Valley Area Plan and the County's Zoning Ordinance.**

The Fort Valley area is a highly desirable residential area because of its rural character and proximity to Flagstaff. As with the rest of the greater Flagstaff area, demand for housing is high in the area and supply is low. Approving the Applicant's zone change and subdivision applications would add an additional lot to help meet demand for residential housing in the area without changing the character of the surrounding area, which is zoned for more density (Rural Residential, 2-acre minimum) than Applicant's lot.

**2. The requested changes are in the interest of or will further the public health, safety, comfort, convenience and welfare.**

As noted above, the requested changes would add another residential parcel to help meet the demand for housing in the area. The proposed change would also add another lot to the property tax rolls of the County. By doing so, the change would provide additional funds to the County, the Public Health Service District, the Library District, the Flood Control District and the Summit Fire District for public health, safety and welfare costs without significantly increasing the burden on the County or the various districts for services to the properties.

**3. Applicant's requested changes will not adversely affect the established character of the surrounding neighborhood nor be detrimental to adjacent properties.**

Applicant's requested zone change and subdivision amendment are compatible with the surrounding properties in the Fort Valley Pines subdivision, the majority of which are zoned Rural Residential, 2-acre minimum. By email response or at the neighborhood meeting regarding Applicant's zone change and subdivision applications, six neighbors owning seven of the nine parcels within 1,000 feet of the property attended and expressed no reservations about Applicant's proposed applications. They noted that the change would be the same as the zoning of their parcels and that it would not have a negative effect upon the neighboring properties.

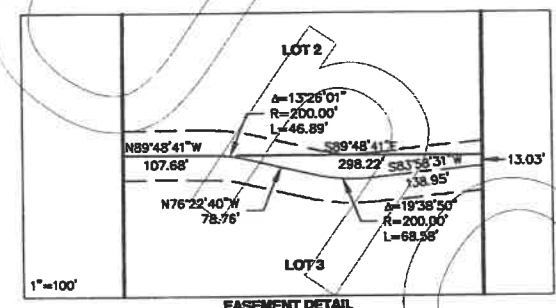
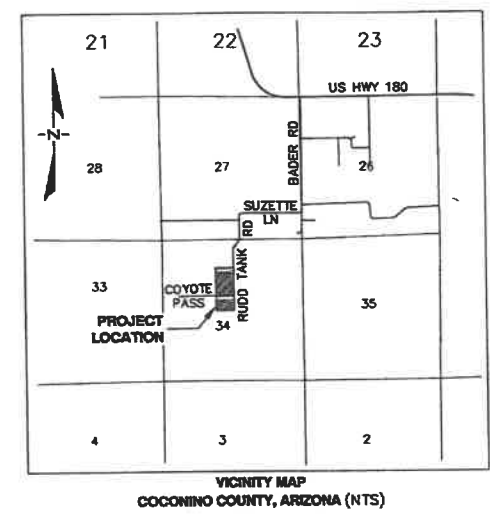
Applicant also reached out to the Fort Valley Neighborhood Association (FVNA), outside the 1,000-foot notification area, through her representative and addressed their questions about the proposed changes to their satisfaction. The FVNA officers were concerned primarily about

Renee Turza-Chlebek  
Zone Change and Subdivision Applications  
5837 Rudd Tank Road  
Parcel No. 300-42-001R

whether the use would be single-family residential and, thus, compatible with the area. They indicated that they would not oppose the applications as long as they were as described to them, i.e. for a single-family residence on each of two Rural Residential, 2-acre lots.

The proposed single-family residential use by Applicant and her father would not generate significant impacts on the neighborhood in terms of traffic, dust, lighting, noise, viewshed, public safety or other criteria. Access to the existing parcel is by a paved public way (Rudd Tank Road) which meets County standards and conforms with access requirements for the Summit Fire Department. The existing 5.28-acre parcel is not a heavily forested parcel, being largely meadow. Construction on the proposed parcels would not entail significant disruption of the natural environment since construction would take place within a small portion of the proposed 2.0- or 3.28-acre lots.

FINAL PLAT OF FORT VALLEY PINES UNIT ONE A SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 34 TOWNSHIP 22 NORTH, RANGE 6 EAST GILA AND SALT RIVER BASELINE AND MERIDIAN COCONINO COUNTY, ARIZONA



APPROVALS
Will L. Tol SECRETARY, COCONINO COUNTY PLANNING AND ZONING COMMISSION
COCONINO COUNTY ENGINEER
COCONINO COUNTY HEALTH AUTHORITY
CHAIR, COCONINO COUNTY BOARD OF SUPERVISORS
CLERK, COCONINO COUNTY BOARD OF SUPERVISORS

NOTES
ALL STREETS DEDICATED HEREON ARE PRIVATE, TO BE MAINTAINED BY THE PROPERTY OWNERS.
DIMENSIONS SHOWN ARE MEASURED (OR CALCULATED FROM MEASURED) EXCEPT THOSE DENOTED (R), WHICH ARE RECORD PER RESULTS OF SURVEY DRAWING BY ARIZONA ENGINEERING COMPANY, DATED 5/17/74 AND REVISED 3/15/77, RECORDED IN CASE 3, MAP 127, RECORDS OF COCONINO COUNTY, ARIZONA.

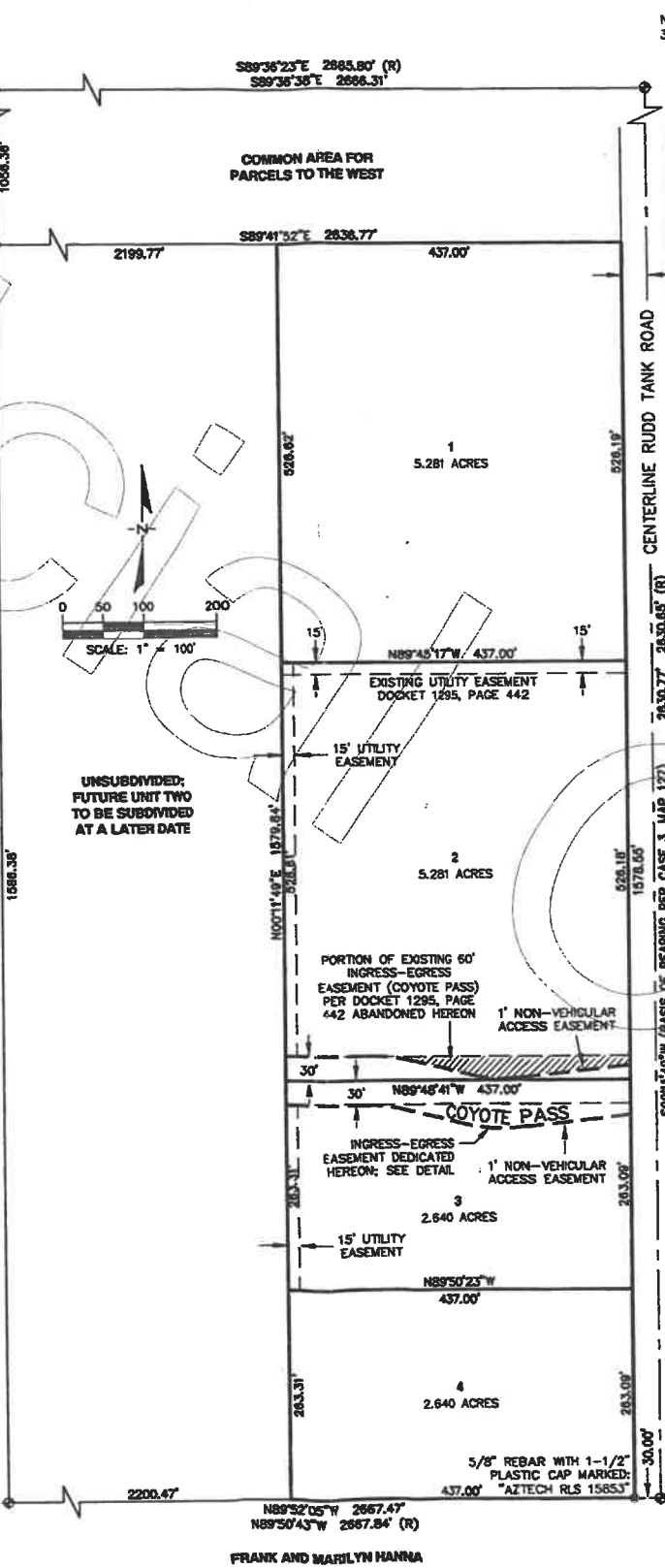
ALL ROADS AND STREETS ARE PRIVATELY OWNED AND MAINTAINED BY THE PROPERTY OWNERS.

NO WATER SYSTEM IS PROVIDED FOR THE SUBDIVISION AS OF THE DATE OF RECORDATION OF THIS MAP.

No. 3117842
RECORDED AT REQUEST OF
DATE 11-27-01



W 1/4 CORNER SEC 34
3" BRASS CAP MARKED:
RLS 4321
3334
ARENCO 1974



N 1/4 CORNER SEC 34
3" BRASS CAP MARKED:
T22N R3E
S27
1/4
S34
ARENCO 1974

OWNER/DEVELOPER OF THE PROPERTY SHOWN
HEREON AS FORT VALLEY PINES UNIT ONE
FORT VALLEY PINES, LLC, AN ARIZONA LIMITED LIABILITY COMPANY
9050 COYOTE PASS
FLAGSTAFF, AZ 86001

DEDICATION

STATE OF ARIZONA }
COUNTY OF COCONINO }
KNOW ALL MEN BY THESE PRESENTS:

THAT FORT VALLEY PINES, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HAS SUBDIVIDED UNDER THE NAME OF FORT VALLEY PINES UNIT ONE A SUBDIVISION OF A PORTION OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 22 NORTH, RANGE 6 EAST, GILA AND SALT RIVER BASELINE AND MERIDIAN, COCONINO COUNTY, ARIZONA, AS PLATTED HEREON.

FORT VALLEY PINES, LLC HEREBY PUBLISHES THIS PLAT, CONSISTING OF ONE SHEET, AS AND FOR THE PLAT OF FORT VALLEY PINES UNIT ONE, HEREBY DECLARES THAT THIS PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF ALL LOTS, STREETS, AND EASEMENTS; AND HEREBY STATES THAT EACH LOT AND STREET SHALL BE KNOWN BY THE NUMBER OR NAME GIVEN EACH RESPECTIVELY.

MAINTENANCE OF THE COYOTE PASS INGRESS AND EGRESS EASEMENT SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNERS OF THE PROPERTY SHOWN HEREON AS "UNSUBDIVIDED; FUTURE UNIT TWO", THEIR SUCCESSORS AND ASSIGNS.

BY: Jim L. Rozelle, Donna B. Rozelle
FORT VALLEY PINES, LLC

ACKNOWLEDGMENT

STATE OF ARIZONA }
COUNTY OF COCONINO }

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 28th DAY OF Nov, 2001 BY Jim L. Rozelle & Donna B. Rozelle A GENERAL PARTNER OF FORT VALLEY PINES, LLC, ON BEHALF THEREOF AS THE MANAGED PARTNER THEREOF.

MY COMMISSION EXPIRES 3/18/05

Melanie L. Richards
NOTARY PUBLIC



SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAT AND THE SURVEY ON WHICH IT IS BASED WERE PREPARED UNDER MY DIRECT SUPERVISION AND ARE, TO THE BEST OF MY KNOWLEDGE, AN ACCURATE REPRESENTATION THEREOF.



6/14/01
WOODSON ENGINEERING AND SURVEYING INC.
124 N. ELDEN ST., SUITE 100 • FLAGSTAFF, AZ 86001 • PHONE: (920) 773-4838 FAX: (920) 773-4848

100107

FINAL PLAT
FORT VALLEY PINES
UNIT 1

3117842

Jay Christelman, Director

**Date:** January 8, 2020

**To:** Planning and Zoning Commission

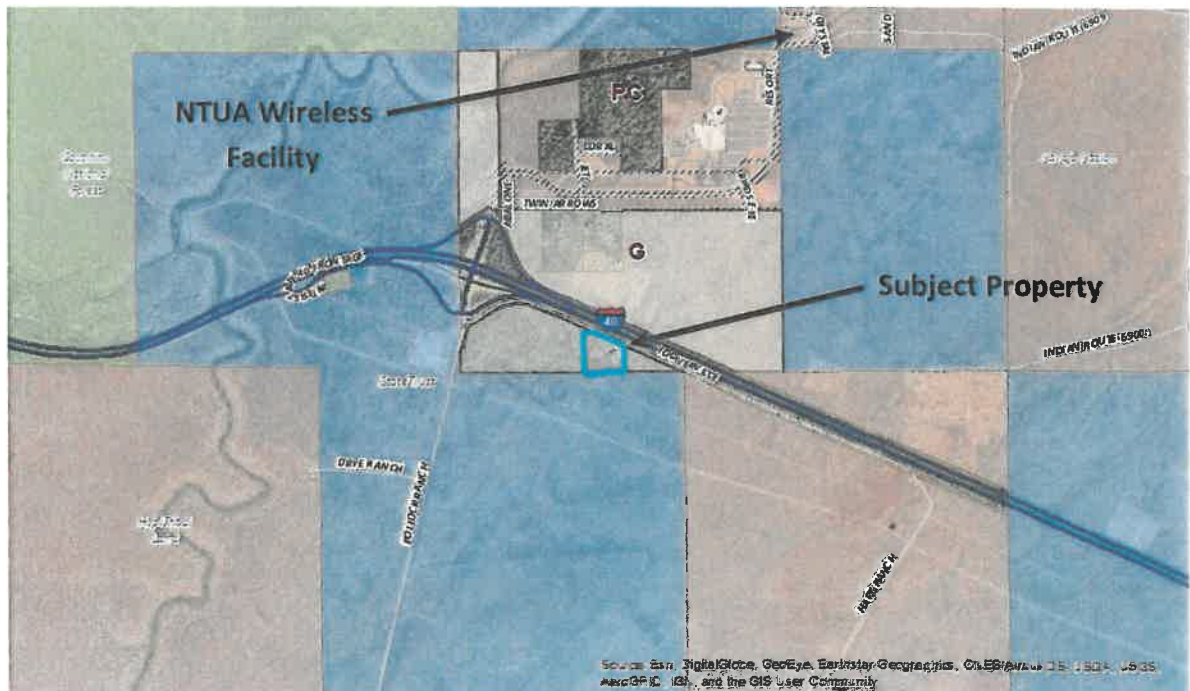
**From:** Department of Community Development

**Subject:** Public Hearing and consideration of Case Number CUP-19-048 for a 154-foot wireless telecommunications facility.

## Executive Summary

**Recommendation:** Staff has provided two options for the Commission: 1) Approval with the nine recommended conditions; or 2) Continue the hearing for 90-120 days to provide the opportunity for co-location on the Navajo Tribal Utility Authority (NTUA) tower.

**Location:** The parcel is located at 100 Toonerville Road and is also identified as Assessor's Parcel Number 303-38-002B



Vicinity Map

**Parcel Size:** 8.82 acres

**Current Zoning:** G (General, 10-acre minimum parcel size)

**Requested Conditional Use:** A 154-foot monopole wireless telecommunications facility.

**Supervisor District:** 4 (Jim Parks)

**Applicant:** Sun State Towers, LLC, Gilbert, Arizona

**Owner:** Darla Jurens, Le Mars, Iowa

**Summary:** The proposal is to install a wireless telecommunications facility with a monopole. The facility would provide improved coverage for the Twin Arrows area and Interstate 40 corridor. The applicant has provided an analysis to show a gap in coverage. An important consideration is the previous denial of this applicant's request for a wireless facility on this property based on the availability of the nearby Navajo Tribal Utility Authority (NTUA) tower for co-location. This previous request (CUP-16-006) was approved by the Commission in 2016 and was denied by the Board of Supervisors (BOS) on appeal. This denial was upheld by U.S. District Court. It has been two years since the U.S. District Court upheld the BOS denial, and co-location on the NTUA tower has not been accomplished. This prompted the applicant to re-apply for a new CUP for the wireless tower.

## Recommendations and Findings of Staff

### Findings of Fact required to approve a Conditional use permit:

- A. That the proposed location of the conditional use is in accord with the objectives of this Ordinance and the purpose of the zone in which the site is located.
- B. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- C. That the proposed conditional use will comply with each of the applicable provisions of this Ordinance, except for approved variances.
- D. That the proposed conditional use is consistent with and conforms to the goals, objectives and policies of the General Plan or Specific Plan for the area.

Staff recommends the following Findings:

- A. A wireless telecommunications facility is an allowed use in the General Zone with approval of a conditional use permit, and the applicant has demonstrated this is the least intrusive means of addressing the demonstrated significant coverage gap, and there is no other viable means of addressing this gap in coverage.
- B. The subject property contains 8.82 acres in an isolated location without nearby development. The tower would be a self-collapsing monopole located approximately 70 feet from the south property line ensuring it would remain on site in case of failure.
- C. The proposed conditional use will comply with the applicable provisions of this ordinance and complies with Section 3.9, Wireless Telecommunications Facilities as discussed below.
- D. The proposed Conditional Use is consistent with the Comprehensive Plan based on the policies cited below.

## Background Information

Surrounding Land Uses/Zoning		
	Land Use	Zoning
<b>On Site</b>	Vacant structure and mobile home	General
<b>North</b>	Toonerville Road and Interstate 40	None
<b>South</b>	State Trust Land	General
<b>East</b>	Vacant	General
<b>West</b>	Vacant	General





Aerial Photo

## Background

The subject property was created in 1972 and is legal non-conforming based on parcel size. The applicant originally applied for a telecommunications facility on this site in 2016 through CUP-16-006. This application was approved by the Commission after a series of hearings as described below and was denied by the Board of Supervisors (BOS) on appeal.

CUP-16-006 was first heard by the Planning and Zoning Commission on March 30, 2016 and was continued twice before it was approved on November 30, 2016. The most significant issue was the visual impacts of the tower that would be in the view corridor of the San Francisco Peaks along the Interstate 40 corridor. This placed the tower on the disfavored list as described in the *Compliance with the Zoning Ordinance* section below. The tower also received a low ranking on the preferred facilities list in the Zoning Ordinance based on the height of the tower and the zone where it is located.

Another consideration was the potential for the applicant to co-locate on the NTUA tower on Navajo Nation Trust Land near Twin Arrows Casino known as the NTUA tower. This tower is approximately one mile from the site of the proposed tower and ranked higher on the preferred list and was not a disfavored site. The applicant had originally indicated that NTUA was not willing to consider accommodating Verizon's equipment. However, staff received correspondence from NTUA prior to the first Commission hearing indicating the tower was available for co-location.

At the final Commission hearing on this case, the applicant presented coverage maps showing the proposed facility would provide better coverage than the NTUA tower along a two-mile section of Interstate 40 to the west of Twin Arrows. The applicant also indicated that the

process of securing a lease with NTUA would take over two years, which the applicant did not consider to be acceptable. The Commission approved the application based on this information from the applicant. Representatives from NTUA were not present at any of the Commission's hearings on this case.

NTUA appealed the Commission approval to the Board of Supervisors. In their appeal letter, the NTUA indicated their application process was 30-60 days. The Board of Supervisors heard this request on February 14, 2017 and continued the hearing to March 21, 2017. The Board's decision to continue the hearing included recommendations to the applicant and appellant to: standardize RF map legends, colors, styles and sizes; analyze technically feasible alternatives to close coverage gaps and indicate the time required to achieve those alternatives; and to confirm the time required for co-location on the NTUA tower. The NTUA materials provided to staff for the March 21, 2017 hearing indicate that co-location on the NTUA tower would provide desired coverage very similar to the applicant's proposed Toonerville tower. The NTUA materials also detailed an approximate 30-day approval for co-location from NTUA and a Navajo Nation lease and sublease timeline between one week and one month. The applicant's materials provided to staff for the March 21, 2017 hearing indicate that the Toonerville tower would provide better coverage than the NTUA tower. At the March 21, 2017 hearing, The BOS determined the NTUA Tower would address the applicant's coverage gap based on coverage maps provided by both NTUA and the applicant and denied the conditional use permit reversing the Commission's approval of the application.

The events after the BOS denial of the application have been described in a narrative submitted by the applicant outlining why Verizon has not been able to co-locate on the NTUA tower (*Exhibit 1*). In the narrative, the applicant indicates that after the BOS hearing a complaint for expedited review was filed in U.S. District Court. The court ruling issued on October 25, 2017 upheld the BOS decision to deny the case. The applicant then began negotiating a lease agreement with NTUA. After an initial negotiating period, the applicant states that NTUA did not respond to proposed lease modifications for more than a year. This prompted the applicant to begin discussions with staff about the application for a new CUP application. Section 5.7.B.13 provides for an applicant to apply for a new CUP one year after a previous application has been denied.

A narrative (*Exhibit 2*) has also been provided by the Navajo Nation Gaming Enterprise (NNGE) that is working in cooperation with NTUA on this issue along with an additional letter from NTUA also included in *Exhibit 2*. The narrative states that the Navajo Land Department that has the authority to issue telecom site leases did not initially inform NNGE that the portion of land where the tower is located would need to be relinquished to NTUA before NTUA could issue a lease to Verizon to co-locate on the tower. The NNGE narrative states that the requirement to relinquish the tower site to NTUA did not become an issue until the Verizon lease packet was submitted for approval to the Navajo Land Department after the hearing. This need to relinquish the site to NTUA appears to have led to the delay described by the applicant.

To address this issue, NNGE submitted a memorandum dated November 3, 2019 (*Exhibit 3*) to the Navajo Department of Justice (NNDOJ) with the legal argument that a sublease could be provided to NTUA in lieu of relinquishment of the tower site to NTUA. NNGE indicates NNDOJ has concurred with this opinion and provided a means forward to approve co-location through a sublease process. This process requires approval from the Navajo Nation Department of Economic Development, the Office of the Navajo and Hopi Indian Relocation (ONHIR), and NNDOJ. The need for approval from the ONHIR is because the Twin Arrows Casino site is land obtained and put into trust by the Navajo Nation as a result of the 1974 Navajo-Hopi Land Settlement Act as described in *Exhibit 2*. NNGE indicates this process could be completed in 2-3 months.

The applicant has also cited the issue of the cost of the lease and indicated NTUA's original lease was not commercially viable. It is important to note that approval of a conditional use permit may only be made based on the Findings of Fact. The County does not have a mechanism or criteria for determining whether a lease rate is commercially viable.

### **Previous Telecommunications Cases for this Site**

Prior to CUP-16-006, there were two previous conditional use permits associated with requests to locate wireless telecommunication towers on this site. The first request was CUP-98-52 that was approved by the Commission on October 27, 1998. The applicant failed to obtain a building permit for this tower within the required timeline, and the conditional use permit lapsed. A new request for a 190-foot tower was then submitted by a new applicant that had acquired the company owned by the previous applicant. This permit was also approved by the Commission through CUP-00-64 on October 24, 2000. This decision was appealed to the Board of Supervisors by a member of the Board, and the CUP was denied based on aesthetic considerations and the high visibility of the tower along the Interstate 40 corridor. The applicant appealed the Board's decision to Superior Court asking that the denial be set aside at least partially based on procedural issues. The Court upheld the Board's denial of the application.

### **Proposed Development**

The applicant has provided a narrative attached as *Exhibit 3*. The proposed tower would be a monopole 154 feet in height including the lighting rod on top of the tower as can be seen in the site plan and elevations attached as *Exhibit 5*. Due to changes in federal law and the Zoning Ordinance, the tower could be administratively approved for extensions of 10% of the tower height or for an extension to allow a 20-foot antenna separation. The elevations show Verizon antennas and a 107" microwave. Photo simulations of the tower attached as *Exhibit 6* have also been included showing the tower from a variety of locations along Interstate 40 and on the site. Equipment needed to support the facility would be contained in a building at the base of the

tower surrounded by an eight-foot fence. Comprehensive Plan policies and a discussion of compliance with the Zoning Ordinance is provided below.

**Comprehensive and Area Plans Analysis:**

<b>Compliance with the Comprehensive Plan</b>
Proposed Use: Wireless Telecommunications Tower
<b>Community Service Policy 7:</b> The County shall facilitate efforts to expand access and capacity of broadband and wireless telecommunications systems.
<b>Public Safety Policy 7:</b> The County encourages enhanced wireless infrastructure that supports public safety purposes.
<b>Community Character Policy 6:</b> Public and semipublic uses shall be approved at locations convenient to the population being served, provided that such locations are compatible and complimentary with surrounding neighborhoods.

<b>Compliance with the Zoning Ordinance</b>
Wireless Telecommunications Facilities are allowed in the General Zone through approval of a conditional use permit (Table 2-6)
<b>Preferred Facilities:</b> The proposed development for this wireless communications project is identified under one criterion, No. viii, which is number 8 out of 10 where the highest number is the most preferred, so that it is ranked low on the preferred scale: <i>No. viii: New Towers/facilities 100'-199' in the G zone.</i>
<b>Disfavored Facilities:</b> Regarding the Disfavored Facilities criteria, the proposed project falls into Criteria B. The tower would be located within the view corridor of the San Francisco Peaks. <i>B. Sites within a visual corridor including in the view of the San Francisco Peaks.</i>
<b>Setbacks:</b> A setback of 105% the height of the tower is required from the tower to the property line to provide a sufficient fall zone. The tower is located 70 feet from the nearest property line, and the applicant will be required to provide a letter from a certified engineer indicating the tower in self-collapsing and will be retained on site in case of failure as conditioned below.
<b>Ground Equipment and Fencing:</b> The 50' x 50' lease area would contain 10' x 14' steel equipment platform supporting associated radio cabinetry. The ground equipment will be secured by an 8' fence.
<b>Lighting:</b> The applicant has indicated lighting will be limited to switch activated lights above the entry doors. The applicant will be required to obtain a Lighting Permit pursuant to Section 4.3 of the Zoning Ordinance that meets the Design Guidelines prior to installing any lighting on the site.
<b>Signs:</b> Signage will be limited to small non-illuminated warning and identification signs on the equipment and cabinets. These signs are exempt from the sign ordinance pursuant to Section

4.2.B (1). Should the applicant plan to install additional signage that is not exempt, a Sign Permit will be required pursuant to Section 4.2 of the Zoning Ordinance.

**Landscaping:**

Additional landscaping is not proposed as this site is not readily noticeable from Interstate 40 or Toonerville Road.



**The proposed site of the tower showing the San Francisco Peaks in the background**



The NTUA tower showing the microwaves used to provide data to the casino and hotel and the space available for cell antennas at the top of the tower

### **Gap in Coverage/Least Intrusive Means**

The applicant has provided a Site Justification attached as *Exhibit 7* that provides a comparison of the existing cell service to the estimated cell service that would be provided by the proposed tower clearly showing an increase in coverage in the local area and demonstrating a Gap in Coverage. An Alternative Site Review is included in the narrative in *Exhibit 3* that includes an analysis of nearby towers. The analysis of nearby towers does not include the NTUA tower as a viable option based on distance and the location of the tower on Navajo Nation Trust Land described as “sovereign land”. This is not consistent with the Board of Supervisors decision on March 21, 2017 denying CUP-16-006 based on a determination that co-location on the NTUA tower would sufficiently address the applicant’s demonstrated Gap in Coverage notwithstanding the inability of NTUA to allow co-location on this tower since that date.

### **Citizen Participation**

The applicant has submitted a Neighborhood Meeting Report attached as *Exhibit 8* indicating a neighborhood meeting was held at the Hampton Inn and Suites East located at 990 North Country Club Drive in Flagstaff, Arizona on October 23, 2019. Residents within one mile of the

site were noticed of the meeting. Darla Jurrens, the owner of the property was the only attendee. No other parties have contacted the applicant regarding the proposed tower.

## **Analysis**

In making a decision on this request, the Commission should first consider whether the requested Toonerville tower meets the required findings for a conditional use permit under the Zoning Ordinance. If the Commission can make those findings, the request should be approved. If the Board determines the wireless tower does not meet the Findings of Fact for a Conditional use permit, there are additional issues the Commission must consider before denying the application based on the Telecommunications Act of 1996. The Commission must first determine the applicant has demonstrated a “significant coverage gap” for the service provider. If the applicant has demonstrated a significant coverage gap and the Commission determines the proposed tower is the “least intrusive” means of addressing the significant coverage gap, the application must be approved. If the Commission determines the proposed wireless tower is not the least intrusive means, the application may be denied. Any means of addressing the coverage gap must be determined to be available and feasible. The Commission may continue the hearing if it is determined more time is needed to ensure the least intrusive requirement is being addressed.

The previous application for a wireless telecommunications facility on this site was denied on appeal to the Board of Supervisors on March 21, 2017 based on a determination the least intrusive means of addressing the coverage gap was to co-locate Verizon antennas on the NTUA tower. This determination was upheld in U.S. District Court by a court ruling issued on October 25, 2017. The process of co-locating on this tower has been delayed for two years since the court decision as described in the Background section of this staff report. Because of this delay, staff is providing two options for the Commission. The first option would be based on a determination the applicant has been unable to co-locate on the NTUA tower and meet the least intrusive means requirement because of the time delay. The second option would be to continue the hearing to provide additional time for this co-location to occur based on the availability of the NTUA tower for co-location, and the process the Navajo Nation Gaming Enterprise (NNGE) and the Navajo Nation Tribal Utility Authority (NTUA) have provided in the Background of this staff report.

## **Recommendation**

Staff recommends two options for the Commission:

1. Approve the requested conditional use permit based on the determination the Commission can make the Findings of Fact with the recommended conditions.
2. Continue the hearing for 90-120 days to provide additional time to complete a lease for co-location on the NTUA tower.

### **Recommended Conditions:**

1. The tower and associated equipment shall be built in substantial compliance with the site plan and elevations as submitted. Any substantial modifications or expansion shall require further review and approval by the Planning and Zoning Commission.
2. An access easement shall be established across the subject property sufficient to provide ingress and egress to the lease area. A waiver is hereby approved allowing for the use of aggregate in lieu of pavement for all driving and parking surfaces subject to the approval of the Engineering Division.
3. A waiver is hereby approved from the Landscape Ordinance Section 28 to allow the applicant to retain the existing vegetation on the site to satisfy the requirements of the Landscape Ordinance. A Landscape Plan shall be required to demonstrate how the applicant plans to retain existing vegetation and mitigate any invasive or noxious weeds on within the fenced lease area.
4. A waiver is hereby approved to allow construction of an eight-foot chain link fence around the lease area. A building permit shall be obtained prior to construction of the fence.
5. The tower shall be painted a color or constructed of a material that blends with the surrounding natural environment as approved by the Director of Community Development.
6. The Applicant shall obtain a Sign Permit pursuant to Section 4.3 and a Lighting Permit pursuant to Section 4.4, if applicable.
7. The applicant shall provide a letter from a certified engineer indicating the tower in self-collapsing and will be retained on site in case of failure.
8. The Applicant shall obtain all applicable permits from the Community Development Department, including permits from the divisions of Building and Engineering.



9. If the tower and associated equipment becomes obsolete, the applicant shall remove it within 60 days of termination of use.

Respectfully submitted,



Jess McNeely, AICP, Assistant Director  
Prepared by Bob Short, Principal Planner

**Attachments:**

- Exhibit 1: Applicant's Narrative of Events
- Exhibit 2: NNGE Narrative of Events dated 12/17/19 and Letter from NTUA dated 12/13/19
- Exhibit 3: NNGE Memorandum dated 10/03/19
- Exhibit 4: Applicant's Narrative
- Exhibit 5: Site Plan and Elevations
- Exhibit 6: Photo Simulations
- Exhibit 7: Site Justification
- Exhibit 8: Neighborhood Meeting Report

**Exhibit 1:**  
**Applicant's Narrative of Events**

## **RE: NTUA and Sun State Towers, LLC. Conditional Use Permit Application**

I am writing on behalf of Sun State Towers, LLC. regarding conditional use permit for a cellular communications facility near Toonerville, Arizona. On January 20, 2016, Sun State filed its original application for a Conditional Use Permit (“CUP”) for a wireless communication facility for the provision of wireless service to Verizon customers, CUP-2016-006 (the “Application”). Based on the research conducted by Verizon, there were no other feasible sites in the relevant geographic area except the facility near Toonerville which allowed Verizon to close the coverage gap. Hence, on November 30, 2016, the Coconino Planning and Zoning Commission approved the Conditional Use Permit. However, the Navajo Tribal Utility Authority (NTUA) appealed the decision with the hope that it would force Verizon to collocate on a NTUA site at a much higher rental rate. Sun State Towers asserted that the proposed NTUA site was not feasible because it would take too long to implement and was not available on commercially feasible terms, including excessive lease rates, a very short one-year termination provision, and a significant delay in approval and implementation. The Coconino County Board of Supervisors ultimately granted the appeal and denied the Conditional Use Permit. In response, Sun State Towers then filed a complaint for expedited review with the U.S. District Court. Much of the Board’s and the U.S. District Court’s decisions were based on representations from NTUA that NTUA had a site was feasible, NTUA’s proposed lease rates were negotiable, NTUA’s proposed termination provision was negotiable, and that the process for approval would take 30-60 days.

Following the receipt of the ruling from the U.S. District Court on October 25, 2017, Verizon immediately revisited negotiations with the NTUA regarding possible collocation on its Toonerville site. NTUA again insisted on lease rates of almost double the rates as the proposed site for which Sun State Towers was seeking a CUP. In addition, NTUA insisted on the unacceptable termination provision. Despite NTUA’s representations to the Board on these issues, NTUA ignored proposed lease modifications from Verizon for well over one year. This resulted in the NTUA ultimately, acknowledging that the two-year delay was caused by the fact that the NTUA did not have the ability to enter a lease with Verizon because the land was being leased by the Navajo Nation Gaming Enterprise (NNGE) Navajo Nation Business Site Lease. The NTUA would have to acquire the tower property from the Navajo Nation and the Navajo Nation would need the Navajo Nation Gaming Enterprise to relinquish the property to them.

Then after months of trying to get in contact with the NTUA to no avail, Sun State Towers contacted Coconino County to get information on the pre-application process. During which, it was brought to Sun State Towers attention that NTUA on June 12, 2019, sent a letter only to Mr. Bob Short (Coconino County) acknowledging misrepresentations to the board. The letter stated the following “NNGE is in the process of relinquishing the property to the Navajo Nation, and NTUA expects to have the Tower site Lease with the Navajo Nation within 90 days (by September 9th, 2019).” In addition, on June 20th, 2019, an email was sent to Ms. Michelle Lamoureux (Pinnacle Consulting), stating that the relinquishment of the property back to the nation was in process.

Due to the misrepresentations on behalf of NTUA, their failed efforts to acquire the property within a stated time period and the inability to negotiate a lease, Sun State Towers proceeded with a new application for CUP. The initial first step of the application process for a new CUP consisted of a pre-application meeting with Coconino County planners. Next, a neighborhood meeting must be held which

requires notification letters (approved by Coconino County planners) to be sent out to all parties within a one-mile radius. The mailing list which was provided by Rachel Davis of Coconino County included NTUA. The meeting was held on October 23<sup>rd</sup>, 2019 at the (Hampton Inn & Suites East, 990 North Country Club Drive, Flagstaff, AZ 86004). Despite notification of the meeting, NTUA failed to respond to the letter nor did a representative show up to the meeting held on October 23<sup>rd</sup> for the new CUP. Following the meeting and after 65 days from the proposed property relinquishment date stated in Mr. Broyles letter (September 9, 2019), an email was sent to Mr. Broyles on November 13, 2019 requesting a follow up on NTUA's efforts. Mr. Broyles responded on November 13, 2019, stating "I will reach out to NTUA Legal Department to obtain current status." Despite ample time to respond, the NTUA has failed to do so nor have they done things they represented to the Board and to the Court that they would do to make the NTUA site commercially feasible.

Thus, based on NTUA's misrepresentations and NTUA's failure to adequately relinquish the property to the Navajo Nation Land Department within 90 days making collocation impossible, Sun State Towers requests approval by the Planning and Zoning Commission for CUP approval to effectively close the gap in coverage on behalf of Verizon Wireless.

**Exhibit 2:  
NNGE Narrative of Events dated 12/17/19 and Letter from NTUA dated  
12/13/19**

## Short, Bob

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**From:** Grant R. Birtcher <GrantBirtcher@nngc.org>  
**Sent:** Tuesday, December 17, 2019 3:06 PM  
**To:** Short, Bob  
**Cc:** Brian D. Parrish; Mary West; Ray Etcitty  
**Subject:** Twin Arrows Telecom Tower  
**Attachments:** Memorandum re NTUA tower and NLD\_11\_04\_19.pdf

Good afternoon Mr. Short,

I am writing to inform you about the status of the Twin Arrows telecom tower. As you are aware, I was the attorney for NTUA opposing the building of the Toonerville tower site from Sun State Towers. Now I work for the Navajo Nation Gaming Enterprise (NNGE), and have been working with NTUA on the issue.

The hold up on obtaining a telecom lease with the Navajo Nation is the unique status of the land where the Twin Arrows tower is built, it is built on a Business Site Lease obtained by NNGE. This site is unique because it involves land obtained and put into trust by the Navajo Nation as a result of the 1974 Navajo-Hopi Land Settlement Act. This Act settled the dispute of land rights between the Navajo's and the Hopi's. A number of Navajo's and Hopi's were displaced and forced to move to their newly respective reservations. As a result of the Act the federal government established The Office of The Navajo and Hopi Indian Relocation (ONHIR) as oversight for the individuals effected from the relocation. The Navajo Nation utilized a portion of allotted acres established by the Act to establish the Twin Arrows Casino site with concurrence from ONHIR.

The Navajo Land Department has the authority to issue telecom site leases and has requested NNGE relinquish the portion of land where the tower is located in order to issue the lease. In order to do this NNGE will have to amend their Business Site Lease and that requires the approval of the Division of Economic Development Business Site Lease Committee. When I left NTUA, in July of 2018, this was the process recommended by the Navajo Land Department. While disputing the Toonerville site, the Navajo Land Department had represented to me that they could issue a telecom site lease without requiring relinquishment. Relinquishment was never an issue until after the lease packet came back from the department, after the hearing.

Since working for NNGE, I have been able to articulate an argument to the Navajo Nation Department of Justice (NNDJ) which requires no land relinquishment, no Navajo Nation telecom lease and the ability of NNGE to enter into subleases. (See attached memo). The NNDJ has been receptive to this analysis and has advised me of the steps needed to obtain a sublease. With a sublease authorizing NTUA to operate the tower and permit co-locations on the tower, the sublease will show companies who desire to co-locate on the tower the legal authority to do so. I know that this was the main concern with Verizon and not the fee structure, as negotiations never made it that far and NTUA's rates are within industry standards.

Now, we have this sublease process in front of us and we are making strides to accomplish this. I have sat down with NTUA to negotiate the specifics in the sublease and after we agree to the terms, it will need the Navajo Nation Department of Economic Development's approval, ONHIR's and NNDJ's. I know it seems like it is a lot of approvals, but I anticipate this being done within approximately 2-3 months, given that now we have a clear path forward with minimal obstructions.

Please let me know if you have any questions, I know some of this can get a little complex, I wish it was a fast and easy process but we are making progress.

Respectfully,

Grant R. Birtcher, Staff Attorney  
Navajo Nation Gaming Enterprise  
Fire Rock Navajo Casino  
P.O Box 1800  
Church Rock, N.M. 87311

Tel: (505) 905-7137

Fax: (505) 213-5793

[GrantBirtcher@nngc.org](mailto:GrantBirtcher@nngc.org)

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DEC 23 2019



COCONINO COUNTY  
COMMUNITY DEVELOPMENT

NAVAJO TRIBAL UTILITY AUTHORITY  
AN ENTERPRISE OF THE NAVAJO NATION

December 13, 2019

Bob Short  
Principal Planner, Community Development  
Coconino County Arizona  
2500 N. Ft. Valley Road  
Building 1  
Flagstaff, AZ 86504

Re: NTUA's Response to Sun State LLC., Application for CUP-19-049

Dear Mr. Short:

The Navajo Tribal Utility Authority ("NTUA") is deeply concerned on Sun State Towers LLC., recent request for a conditional use permit for a 154 foot wireless telecommunication facility ("CUP-19-049"). The proposed site is located at 100 Toonerville Road on the south side of Interstate 40 approximately one-half mile east of the Twin Arrows Exit and is identified as Assessor's Parcel No. 30338002B.

Based on our review of the record and our reading of the Coconino County Zoning Ordinance we believe that the approval of CUP-19-049 would not protect the visual corridors, scenic byways, vistas, overlooks and viewsheds of northern Arizona.

This Board denied Sun State's original application for a conditional use permit on grounds that collocation is preferable to the construction of a new tower and the proposed Tower would significantly impact the visual corridors of the San Francisco Peaks. Section 3.9.C provides that,

"New facilities shall use the most preferred facility type and location 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 a lesser visual impact or is more technically necessary than the use of a more preferred facility. New facilities shall be designed to accommodate co-location to the extent possible."

Collocation on an existing tower is the most preferred facility type. Any site within a visual corridor or scenic vista and specifically in the view of the San Francisco Peak is highly disfavored



Mr. Bob Short  
Page 02  
December 13, 2019

under the Ordinance. As mentioned above, this Board has deemed the proposed site located at 100 Toonerville Road is a disfavored facility type.

Pursuant to Section 3.9.C, a lesser preferred facility type may be permitted only if the applicant presents substantial evidence to show: 1 the less preferred facility type will have a lesser visual impact or 2. the less preferred facility type is more technically necessary than the use of a more preferred facility. If Sun State meets one of these threshold requirements then the Board may permit a lesser preferred facility type.

Sun State's justification are insufficient. Sun State assumes that the NTUA site was not available on commercially feasible terms, including excessive lease rates, very short one-year termination provision and significant delay in approval and implementation. Sun State does not argue that the proposed site located at 100 Toonerville Road will have a lesser impact on the visual corridors of the San Francisco Peaks. Nor does Sun State indicate that the site located at 100 Toonerville Road is more technically necessary than the NTUA Twin Arrows Tower Site. NTUA encourages this Board to deny Sun State's recent request for a condition use permit in a less preferred facility type because Sun State failed to meet the requirements as set forth under Section 3.9.C.

Contrary to Sun State's assumptions, NTUA has been working persistently on obtaining approvals from the Navajo Nation and related entities for the Twin Arrows Tower Site. NTUA has worked with the Navajo Nation Department of Justice, Navajo Land Department and Navajo Nation Gaming Enterprise on developing a path forward. Once approvals are secured then NTUA will negotiate a collocation agreement.

Approval of CUP-19-049 would not be in accord with the objectives of the Coconino County Zoning Ordinance. Although NTUA is in the process of obtaining the required approvals from the Navajo Nation, this short term inconvenience is minimal compared to the irreparable damage to the visual corridor of the San Francisco Peaks. The Ordinance was carefully crafted to identify and protect visual corridors and scenic vistas by encouraging responsible growth and environmental stewardship. The Navajo Tribal Utility Authority prays the Coconino County Board of Supervisors will conserve and protect our visual and scenic resources for current and future generations.

Sincerely,

NAVAJO TRIBAL UTILITY AUTHORITY



Neil Broyles  
Communication Systems Manager  
(928) 729-6516  
[NeilB@ntua.com](mailto:NeilB@ntua.com)

**Exhibit 3:**  
**NNGE Memorandum dated 10/03/19**



P.O. Box 1700  
Church Rock, NM 87311


P (505) 905.7100  
F (928) 213.5793


NavajoGaming.com

## MEMORANDUM

To: Veronica Blackhat, Assistant Attorney General  
Navajo Nation Department of Justice, Natural Resources Unit

Harrison Karr, Attorney  
Navajo Nation Department of Justice, Natural Resources Unit

From:   
Raymond Etcitty, General Counsel  
Navajo Nation Gaming Enterprise

  
Grant Birtcher, Staff Attorney  
Navajo Nation Gaming Enterprise

Date: November 4<sup>th</sup>, 2019

Re: Twin Arrows Navajo Casino Resort Telecommunications Tower

As you are aware, the Navajo Nation Division of Natural Resources, Navajo Land Department is requiring that in order for the Navajo Nation to issue a General Site Lease for the existing telecommunication tower at the Twin Arrows Navajo Casino Resort location, there must first be a relinquishment by the Navajo Nation Gaming Enterprise (NNGE) of the land the tower resides upon.

As background information, in 2016, Sun State Towers was in the process of obtaining a Conditional Use Permit from the Coconino County Planning and Zoning Commission to build a telecommunication tower near the existing Twin Arrows telecommunication tower site location. On March 21, 2017, Navajo Tribal Utility Authority (NTUA) successfully prevented the tower from being built mainly because there was a viable telecommunication tower in the area that Verizon could co-locate on (Twin Arrows Tower). *Appeal of CUP-16-006.*



Enhance the Quality of Life of the Navajo People by Growing a Successful Gaming Economy

As part of Sun State Towers' main arguments during the appeal, it was emphasized that Verizon could not co-locate on NTUA's tower because they could not obtain a sublease from the Navajo Nation. A sublease could not be obtained because NTUA did not have a lease from the Navajo Nation. NTUA asserted that it could obtain a lease within one (1) month. As of today's date, NTUA has not obtained a lease for the telecommunication tower because the Director of the Navajo Land Department has asserted that the section of land the tower is on, must be relinquished first. Verizon is again interested in co-locating on the tower, but is unwilling absent documentation that they can validly utilize the tower.

After further review of the issue, NNGE is proposing that a Navajo Nation Telecommunications Site Lease is inapplicable to the land at issue at Twin Arrows and a sublease between NTUA and NNGE can be entered into to further each of their interests in the telecommunication tower. Below outlines NNGE's analysis.

### **Land Status of the Twin Arrows Business Site Lease**

The trust land status for the Twin Arrows land (i.e. the location of the Twin Arrows Navajo Casino Resort that comprises 405 acres) is different from other Navajo trust lands within the Navajo Nation. The Twin Arrows land was placed into trust status around December 2010 using the Navajo-Hopi Land Settlement Act (NHLSA) that provides for a *mandatory acquisition*. Part of the fee-to-trust process under the NHLSA, requires the Office of Navajo Hopi Indian Relocation (ONHIR) to select and oversee the lands:

The lands transferred or acquired pursuant to this section shall be administered by the Commissioner until relocation under the Commission's plan is complete and such lands shall be used solely for the benefit of Navajo families residing on Hopi-partitioned lands as of December 22, 1974: *Provided*, That the sole authority for final planning decisions regarding the development of lands acquired pursuant to this subchapter shall rest with the Commissioner until such time as the Commissioner has discharged his statutory responsibility under this subchapter.

(Emphasis added). 25 U.S.C. §640d-10(h).

In order to select and jointly manage the Twin Arrows lands, the Navajo Nation and ONHIR in 2010 entered into a Memorandum of Agreement (MOA). The MOA provides the authorities for the Navajo Nation and ONHIR concerning Twin Arrows lands. Neither the Navajo Nation nor ONHIR has sole authority over activities upon the Twin Arrows lands. For example, ONHIR approves the development plan for Twin Arrows, the business site lease to the Navajo Nation Gaming Enterprise was jointly processed within the Navajo Nation and concurred by ONHIR. The lease rentals are not deposited into the Navajo Nation General Funds but, instead, to the Navajo Rehabilitation Fund.

Given the unique status of the Twin Arrows lands, the existing authorities of ONHIR, and the MOA between the Navajo Nation and ONHIR; relinquishment of lands at Twin Arrows does

not allow the Navajo Nation to solely issue a General Lease to NTUA. The Navajo Nation must adhere to the NHLSA and the MOA.

**NNGE's Twin Arrows Business Site Lease is Exempt from Navajo Nation  
Telecommunication Leases**

Pursuant to the Navajo Nation Trust Leasing Act of 2000, the Bureau of Indian Affairs (BIA) approved the Navajo Nation Business Site Leasing Regulations of 2005 and the Navajo Nation General Leasing Regulations of 2013. With this federal approval, the Navajo Nation is authorized to enter into specified leases without BIA approval. Both Navajo regulations and processes stem from the same federal statute, 25 U.S.C. §415 (e).

In accordance with the General Leasing Regulations, the Navajo Nation's authority to issue telecommunication site leases does not extend to business site leases authorized pursuant to the Navajo Nation Business Leasing Regulations of 2005. See *Navajo General Leasing Regulations 2013, Sec. 2305*. The Twin Arrows Business Site Lease was issued pursuant to the Navajo Nation Business Leasing Regulations of 2005. *Lease No. NNTC-11-0047, pg. 3*. Therefore, telecommunication site leases from the Navajo Nation cannot be entered into on the Twin Arrows business site lease area.

**NNGE may enter into a Telecommunication Sublease and related Service Line Agreements**

NNGE's business site lease upon the Twin Arrow lands provides for a telecommunications tower. In accordance with its amended lease, the lease provides for the development of multiple facilities, all other related development and all required utilities and infrastructure. *Sec. 3.1 – Amended Twin Arrows Lease, PURPOSE, UNLAWFUL USES, pursuant to DEDD-118-2017 Lease Modification*. The Twin Arrows Navajo Casino Resort utilizes the telecommunication tower in order to operate in accordance with its lease. Without internet and data services provided from the telecommunication tower all hotel, casino and other operations would cease or be hindered.

NNGE may enter into subleases without the consent of the Navajo Nation. *Sec. 5.6 and 50.1 – Amended Twin Arrows Lease, RENTAL, SUBLEASES, pursuant to DEDD-118-2017, Lease Modification*. This provides for the ability of NNGE and NTUA to negotiate a sublease for the telecommunication tower.

NNGE may also enter into service line agreements for utility services to the leased premises, including gas, water, sewer, electricity, telephone, television, internet, and other utilities, without further consent by Lessor or ONHIR. *Sec. 14.2 – Twin Arrows Lease, UTILITY SERVICE LINE AGREEMENTS, Lease No. NNTC-11-004*. This ability to enter into service line agreements provides for the connection of electricity and fiber optics to the telecommunication tower in order for the tower to operate.

## Conclusion

The Navajo Nation's Telecommunication Site Lease is not applicable to the telecommunication tower built at the Twin Arrows Navajo Casino Resort location because of the unique land status and the exception for business site leases provided in the Navajo Nation General Leasing Regulations of 2013. Pursuant to NNGE's business site lease, NNGE has the authority to enter into a telecommunication sublease and is authorized to enter into the appropriate service line agreements to ensure the telecommunication tower's operation. Although the Navajo Land Department may desire a relinquishment of land, withdrawal of such lands, and approval of a General Lease upon the Twin Arrows lands; such actions are not within its sole authority.

### Attachments:

1. Memorandum of Agreement with Amendment No. 1 between the Navajo Nation and the Office of Navajo and Hopi Indian Relocation for the proposed Twin Arrows Development
2. Business Site Lease from the Navajo Nation to The Navajo Nation Gaming Enterprise for the business site in Leupp Chapter, Navajo Nation (AZ)—Lease No. NNTC-11-0047
3. Lease Modification Business Site Lease No: NNTC-11-0047

**Exhibit 4:  
Applicant's Narrative**

**NARRATIVE REPORT**

Sun State Towers Name: AZ10-028-Toonerville  
Site Address: 100 Toonerville Road  
Flagstaff, AZ 86004  
APN: 303-38-002-B



Submitted by:  
Michelle Lamoureux  
Sun State Towers  
1426 N Marvin Street, Suite #101  
Gilbert, AZ 85233  
480-664-9588 ext. 230 or 480-907-4265



## **Purpose of Request**

Verizon Wireless is requesting a Conditional Use Permit to install a Wireless Communication Facility (WCF). The proposed facility will provide expanded wireless broadband internet and voice services, as required by Verizon Wireless' Federal Communications Commission license. This facility is being proposed to improve coverage and capacity. Every WCF has a maximum capacity for the amount of data it can transmit or number of callers it can handle at a single moment in time. The addition of the proposed facility is due to the growing demand in this area and increased travels along AZ Highway 40. With the evolution of wireless technology including current 4G LTE and future 5G technology network densification will continue into the future.

## **Description of Proposal**

Sun State Towers is proposing to develop a new multi carrier monopole structure, on the south side of I-40E. This WCF has been designed to limit the visual impact to the surrounding area by blending in with the desert colors. Verizon's objective is to provide high quality and reliable wireless services to their customers. This site will provide improved voice and data services to the area including improvements for E911 and emergency services.

This proposal consists of (i) a 50' x 50' enclosed lease area, containing (ii) a 150' self-collapsing monopole, and (iii) a 10' x 14' steel equipment platform supporting associated radio cabinetry. The antenna centerline height proposed is 146' AGL. The ground equipment will be secured and enclosed by an 8' chain link fence. The monopole will not significantly detract from the vistas in the area. Any existing landscape that is disturbed by this proposal will be replaced. At the request of the Zuni Tribe a monopole is being requested instead of a lattice tower.

Initial research into collectable sites with tower companies such as Crown Castle International, American Tower Company and SBA Communications were found to be not viable. The nearest collectable site was over nine miles from the proposed coverage objective. Several property owners in the vicinity were contacted from March through April of 2015. The properties on both sides of the selected parcel were owned by the Richman Family at the time. They were not interested in entering a lease as they were in escrow. The parcel owned by the Arizona State Land Department was not viable because the state does not want to be encumbered by a tower in the event of future sale. The NTUA tower is not a viable site for Verizon to meet their coverage objective. If Verizon were to locate on the NTUA tower they would not have the capability to cover the east and westbound I-40.

After extensive research the proposed site is the least intrusive method to fill the gap in coverage.

## **Relationship to Surrounding Properties and Neighborhood Impact**

This proposed WCF will not be detrimental to persons residing or working in the vicinity, properties adjacent to the site, nearby residential, or to the public welfare in general. This proposal is in full compliance with the conditions, requirements, and standards, set forth by Coconino County's Code of Ordinances. The proposed WCF is located on a parcel zoned G – General Agricultural and is located approximately 2000' from the closest residential property. From the site, the respective property lines are approximately 481' to the north, approximately 214' to the west, approximately 30' to the south and approximately 447' to the east. The surrounding properties along I-40 including Twin Arrows Casino and travelers will be the primary beneficiaries

of the improved wireless service. This site will also provide improved services to local consumers, commuters, businesses, and first responders.

### **Hours of Operation**

This proposed WCF will operate 24 hours per day, 7 days per week with no personnel onsite. The site will be connected to and monitored by a central switching center. The site will not be open or accessible to the public and will be periodically visited by a Verizon technician for routine maintenance. Typically on-site maintenance is expected to occur approximately once per month. Tech parking available on site.

### **Noise, Light, Nuisances, and Other Environmental Considerations**

This site will not use any water or generate any wastewater or solid waste. Tech lighting has full cut off fixtures on a four hour timer and will only turn on during periodic servicing. The proposed facility will not generate any noxious odors, sounds, or vibrations. Extra noises are limited to small cooling fans within the equipment cabinets and a backup power generator, in case of emergency services.

### **Alternative Site Review**

Research was completed to find all WCFs within a 15 mile radius and all vertical structures within a 1 mile radius. Within a 5 mile search area, no existing WCF's of sufficient verticality exists. None of the structures within this area are close enough or tall enough to this area to satisfy Verizon's coverage objective. The NTUA tower is 1.20 miles away from the proposed location of the tower. In addition, the NTUA tower is located on Sovereign land where certain land rights are not established and / or maintained.

### **Location and Accessibility/ Circulation System**

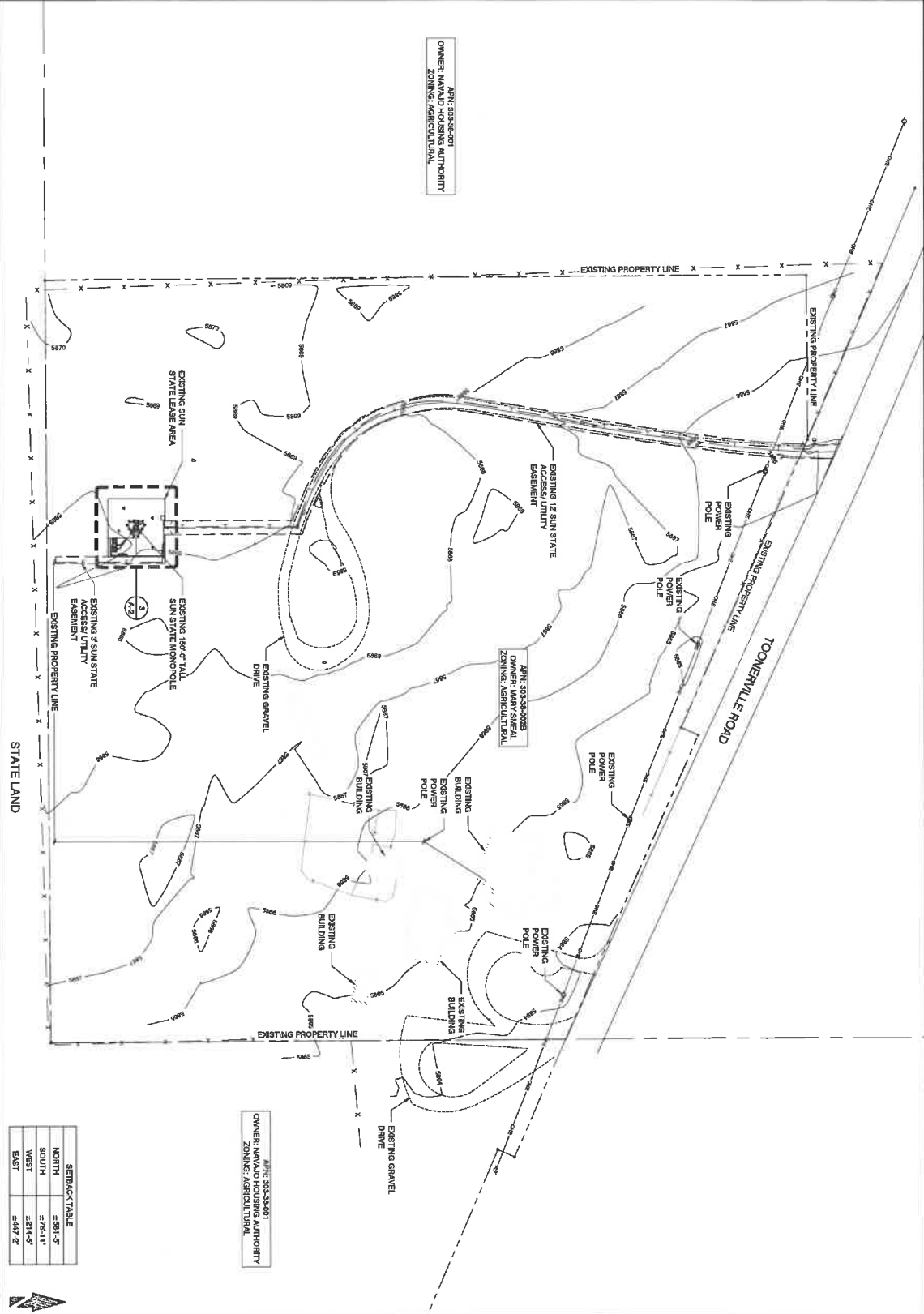
The proposed development will be accessible from the existing paved ROW at Toonerville Rd. and due to the nature of the parcel should qualify for a paving waiver. Ingress to the facility through proposed access easements along the length of the parcel. As an unmanned facility, the development will not increase traffic. This facility will not have a dedicated space for parking; however abundant open space is available within the compound.

### **Development Schedule**

The overall development of this site will take approximately 45 days, with the bulk of work being accomplished in the first 4 weeks. The work will be accomplished during regular business hours and will require the use of standard grading equipment. During this time, there may be multiple vehicles and laborers performing the work. After completion of development, this facility will only require periodic maintenance. Typical maintenance requires one vehicle and can be accomplished in less than an hour approximately once a month.

**Exhibit 5:  
Site Plan and Elevations**

**SITE PLAN**



APN: 303-34-001  
OWNER: MAWALO HOUSING AUTHORITY  
ZONING: AGRICULTURAL

APN: 303-34-003  
OWNER: MARY SMITH  
ZONING: AGRICULTURAL

APN: 303-34-001  
OWNER: MAWALO HOUSING AUTHORITY  
ZONING: AGRICULTURAL

SETBACK TABLE	
NORTH	2501'-5"
SOUTH	278'-11"
WEST	2214'-5"
EAST	2447'-2"

2000' SCALE 1" = 40'  
1100' SCALE 1" = 60'

**FOR REVIEW  
ONLY NOT  
FOR  
CONSTRUCTION**

**APZ CANYON DIABLO**

150 TONERILLE ROAD  
FLAUSTIFF, AZ 85604  
COCONINO COUNTY

SHEET TITLE  
**SITE PLAN**

SHEET NUMBER  
**A-1**

**verizon**

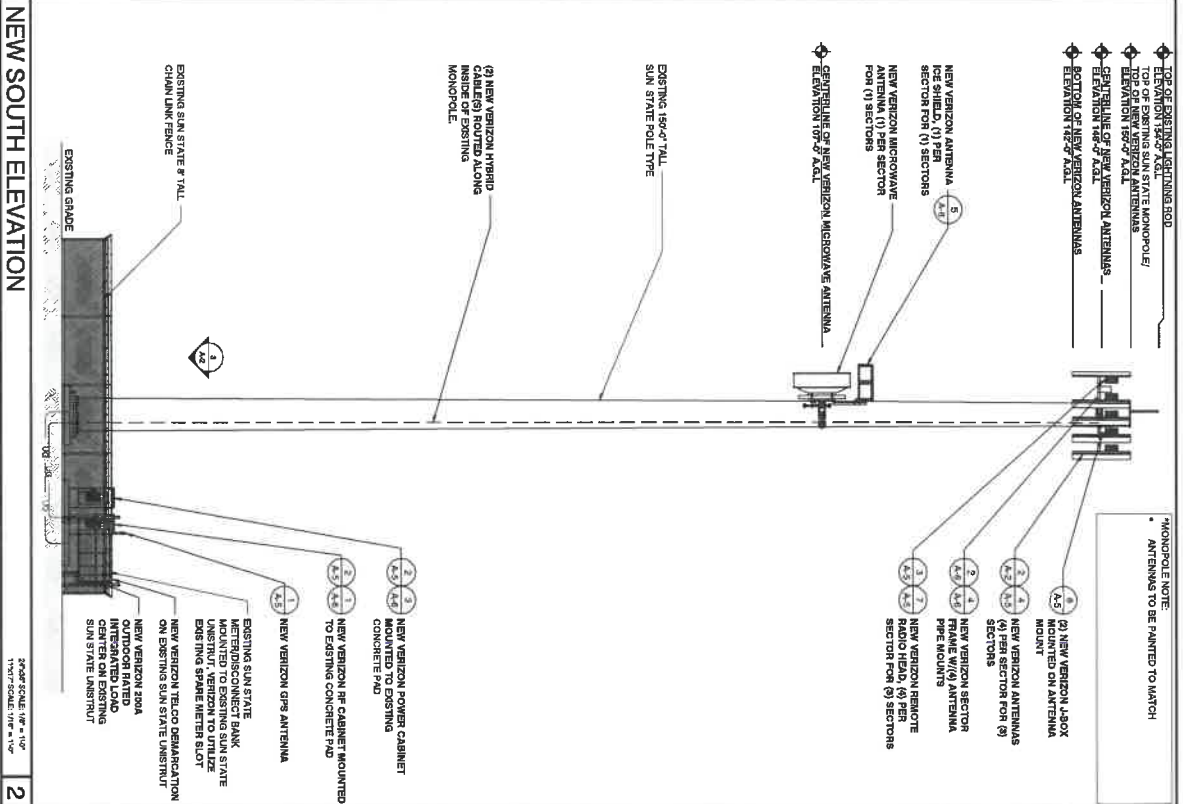
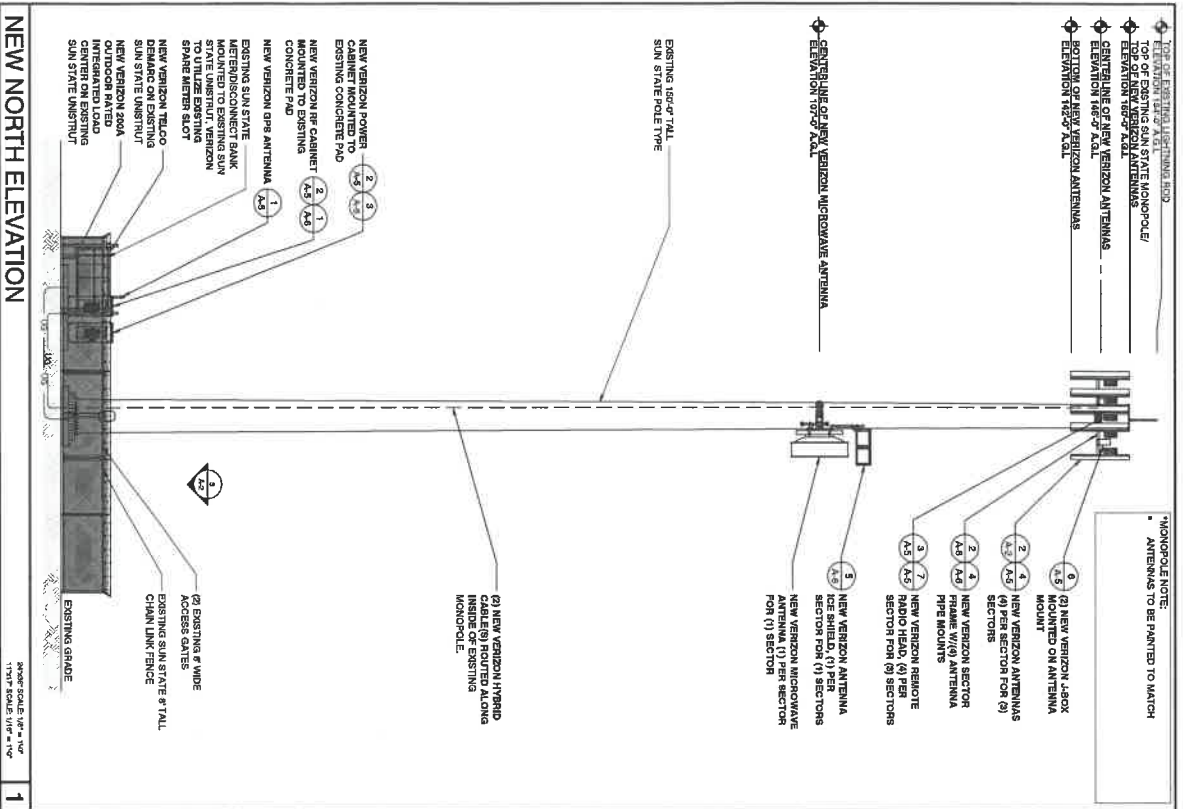
150 N. GARDEN STREET, AZ 85003  
PHONE: 602-777-2400  
FAX: 602-777-2000

**PINNACLE CONSULTING, INC.**  
Construction Project Management & Site Development

1481 N. WILSON STREET # 101  
GILBERT, AZ 85233

PROJECT NO.: APZ CANYON DIABLO  
DRAWN BY: CMA  
CHECKED BY: JP

REV	DATE	DESCRIPTION	BY
A	12/01/15	ISSUED FOR REVIEW	COA
0	02/02/17	FOR SUBMITTAL	MJC



PROJECT NO. AZZ CANYON DIABLO  
DRAWN BY: CMA  
CHECKED BY: MFD

1429 N. LAMBDA STREET # 101  
GLENNVILLE, AZ 85535

150' N. GLENDA DR. TULSA, AZ 74109  
PHONE: (918) 772-4200  
FAX: (918) 772-1951

REVISION TABLE

REV	DATE	DESCRIPTION	BY
1	1/20/18	ISSUE FOR PERMITS	CMC
0	01/01/17	PRELIMINARY	CMC

**FOR REVIEW ONLY NOT FOR CONSTRUCTION**

**AZZ CANYON DIABLO**

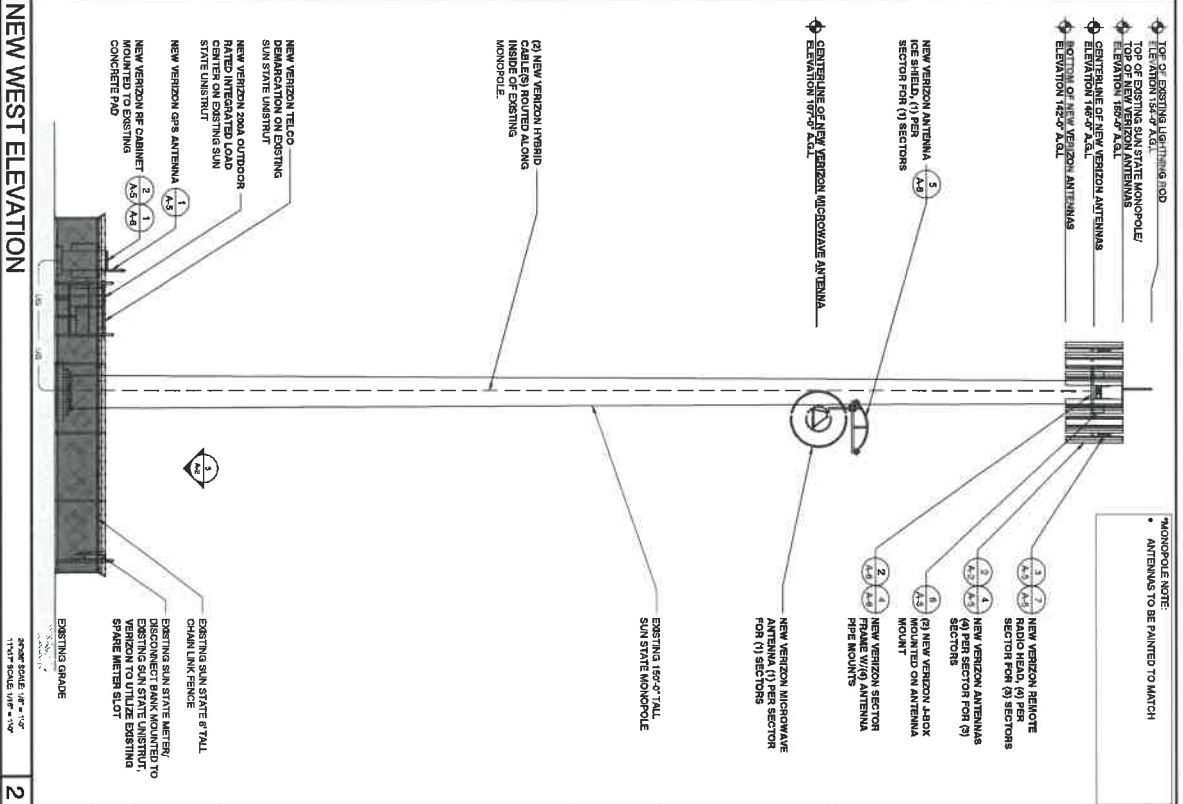
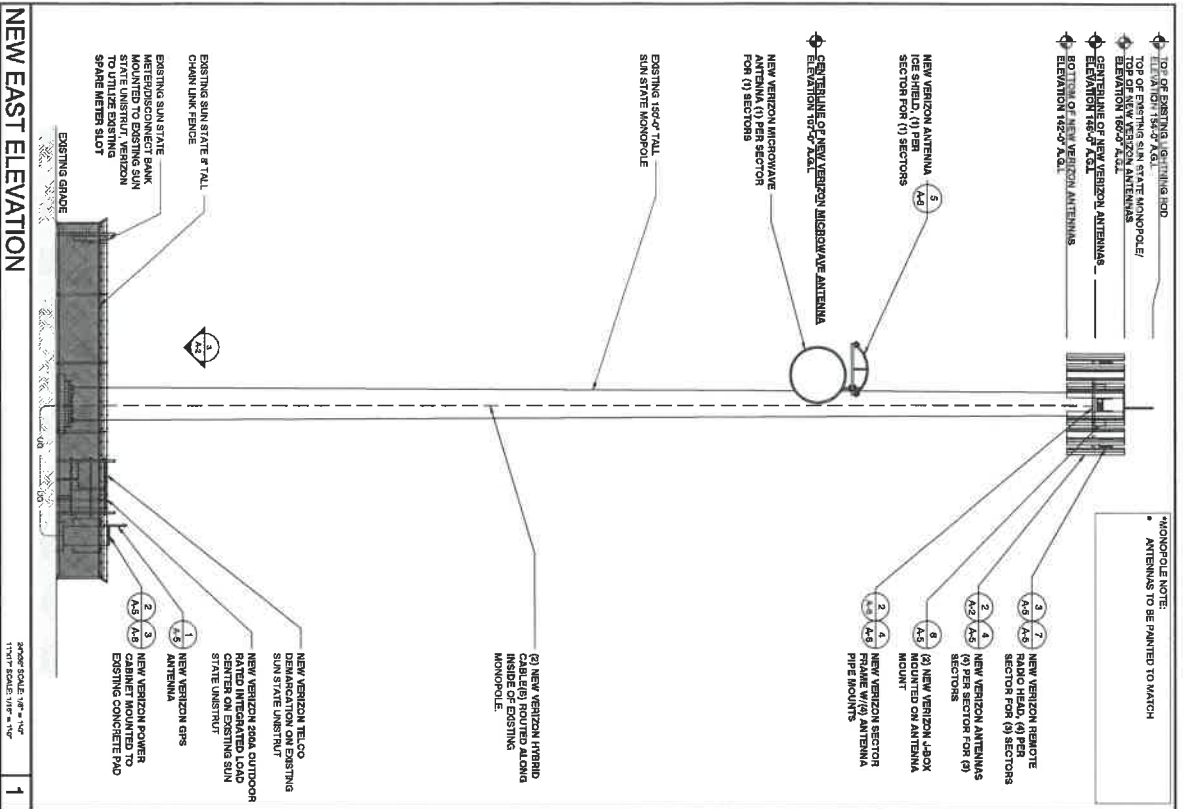
140 TOWNSENDE ROAD  
FLAUSTAR, AZ 85604  
COCHISE COUNTY

SHEET TITLE

**ELEVATIONS**

SHEET NUMBER

**A-3**



151 N. GARDEN ON 133RD, AZ 85009  
PH: 602.777.2400  
FAX: 602.777.2400

CONSULTING FIRM

1408 N. WARDEN STREET # 101  
GLAZIER, AZ 85003

PROJECT NO: AZZ CANYON DWLDO  
DRAWN BY: CDM  
CHECKED BY: VJ

REV	DATE	DESCRIPTION	BY
1	7/20/15	ISSUED FOR REVIEW	CDM
0		FOR SUBMITTAL	AKC

**FOR REVIEW  
ONLY NOT  
FOR  
CONSTRUCTION**

AZZ CANYON DWLDO  
160 TOWNSENDE ROAD  
FLASHER, AZ 85004  
COCONINO COUNTY

SHEET TITLE  
**ELEVATIONS**

SHEET NUMBER  
**A-4**

**Exhibit 6:  
Photo Simulations**

**AZ10-028**

**100 Toonerville Road ~ Flagstaff, AZ 86004**



View 1



Location Map



Existing



Proposed

Notes: Looking south west at proposed project

Applicant

Contact

**Verizon Wireless**  
126 W. Gemini Drive  
Tempe, AZ 85283



**SUN STATE**  
TOWERS  
1426 North Marvin Street, Suite 101  
Gilbert, AZ 85233

Photographic Visualizations Provided By:  
**SoCal**  
SCDC LLC  
10603 North Lake  
Ave, Suite 100  
Tempe, AZ 85288  
www.socal.com  
(851) 255-5421  
sdc@scdcllc.com  
SCDC Design Group

This photo simulation is being provided as a conceptual representation of the proposed facility. Actual appearance may vary due to site conditions, weather, and other factors. For more information, please contact the provider of this visualization. © 2016 SCDC LLC. All Rights Reserved. 10/16/2016 11:00 AM

Revision Date: Jun. 20, 2016 08:42:14



# AZ10-028

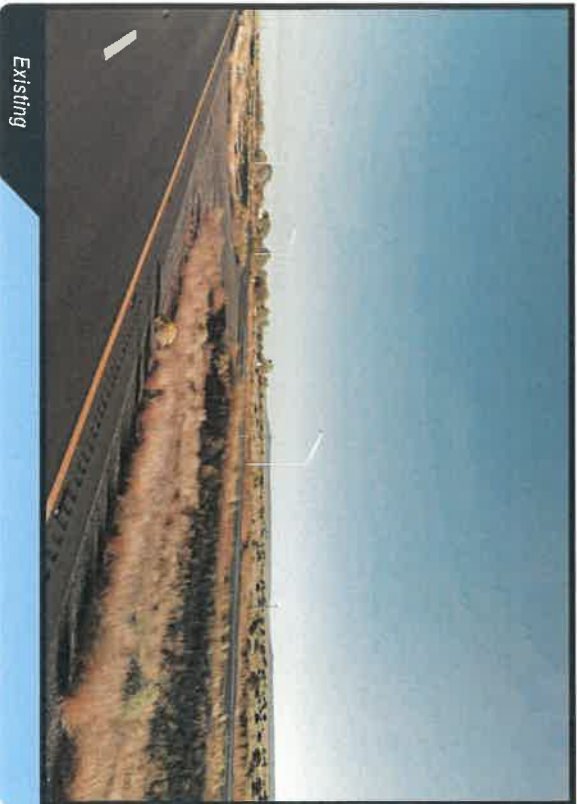
100 Toonerville Road – Flagstaff, AZ 86004



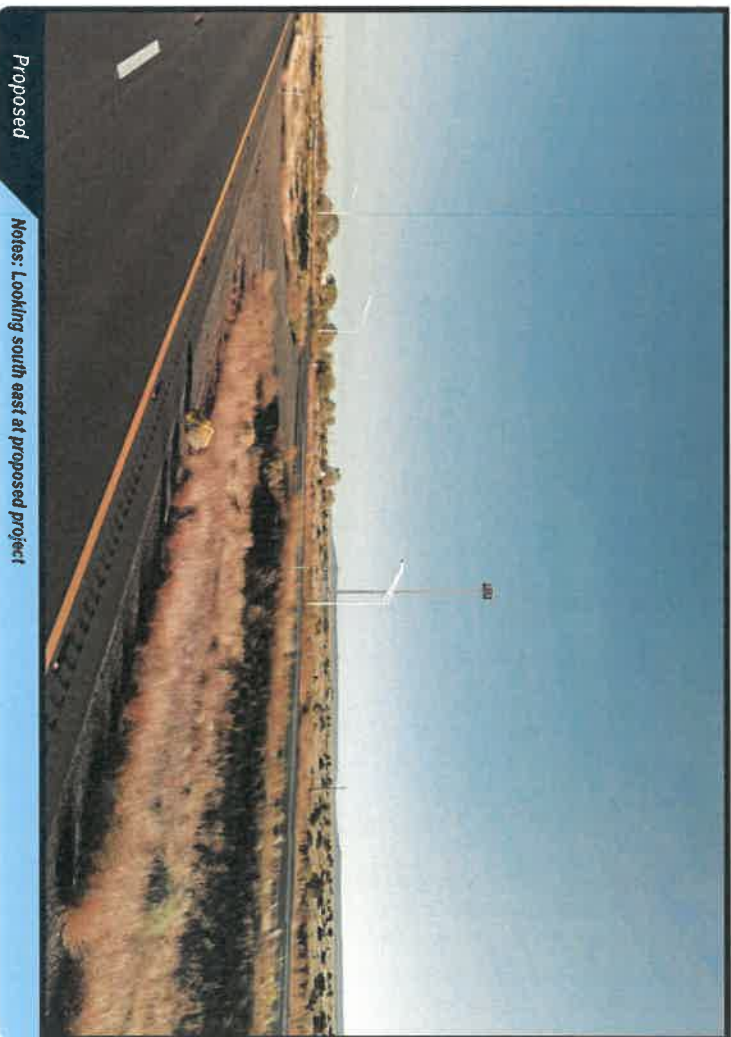
View 2



Location Map



Existing



Proposed

Notes: Looking south east at proposed project

Applicant

Contact

**Verizon Wireless**  
126 W. Gemini Drive  
Tempe, AZ 85283

**SUN STATE**  
TOWERS  
1426 North Marvin Street, Suite 101  
Gilbert, AZ 85233

Photographic Visualizations Provided By:  
**SoCal**  
10800 Camel Lake  
Phoenix, AZ 85038  
www.socalvis.com  
602.972.5427  
SOCAL Design Group edward@soflag.com

The above information is being provided as a general representation of the proposed project. It does not constitute a guarantee, warranty, or an endorsement of the quality, accuracy, or completeness of the information. For more information on the project, please contact the applicant or the provider of the information.

Revision Date: Jun. 20, 2016 08:42:14

# AZ10-028

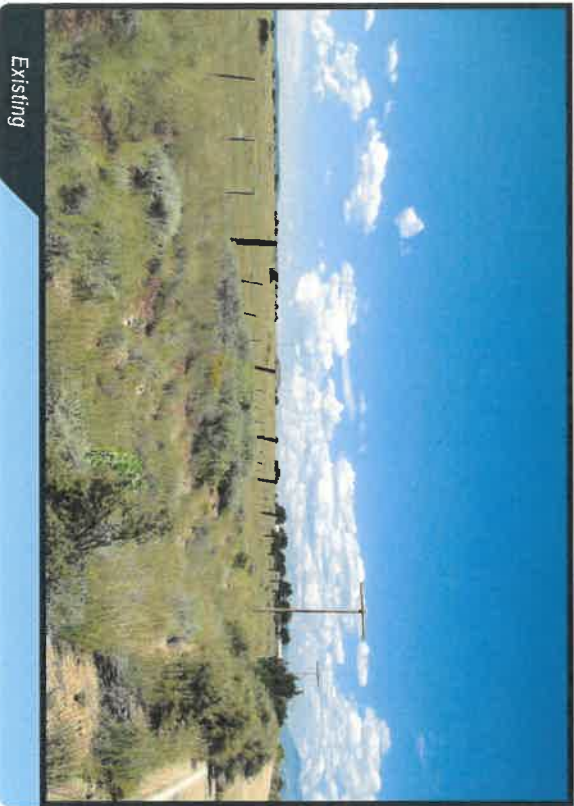
100 Toonerville Road ~ Flagstaff, AZ 86004



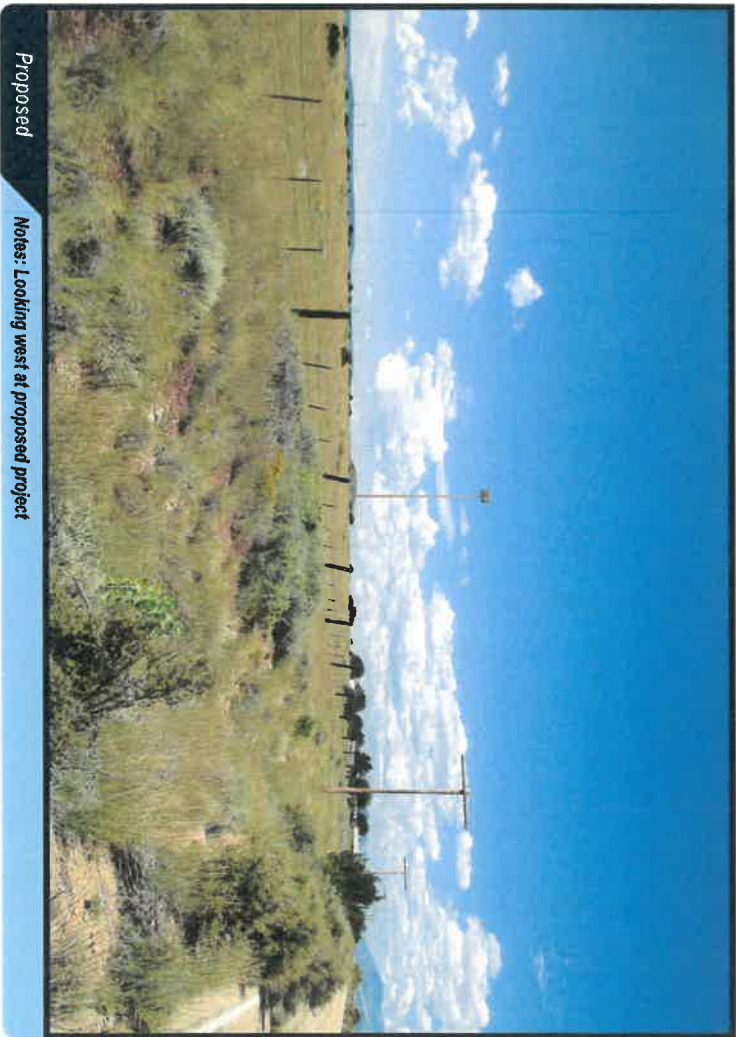
View 3



Location Map



Existing



Proposed

Notes: Looking west at proposed project

Applicant

Contact

**Verizon Wireless**  
126 W. Gemini Drive  
Tempe, AZ 85283

**SUN STATE**  
TOWERS  
1426 North Marvin Street, Suite 101  
Gilbert, AZ 85233

Photographic Visualizations Provided By:  
**SoReal**  
SCDC LLC  
SOCAL Design Group  
10835 Faber Lane  
Phoenix, AZ 85238  
www.so-real.com  
(851) 225-5421  
edward@so-real.com  
edward@socialdesign.com

The above rendering is a computer-generated visualization of the proposed subject matter. It is not intended to represent an actual photograph of the subject matter. It is not intended to represent an actual photograph of the subject matter. It is not intended to represent an actual photograph of the subject matter.

Revision Date: Jun. 20, 2016 08:42:14

# AZ10-028

100 Toonerville Road ~ Flagstaff, AZ 86004



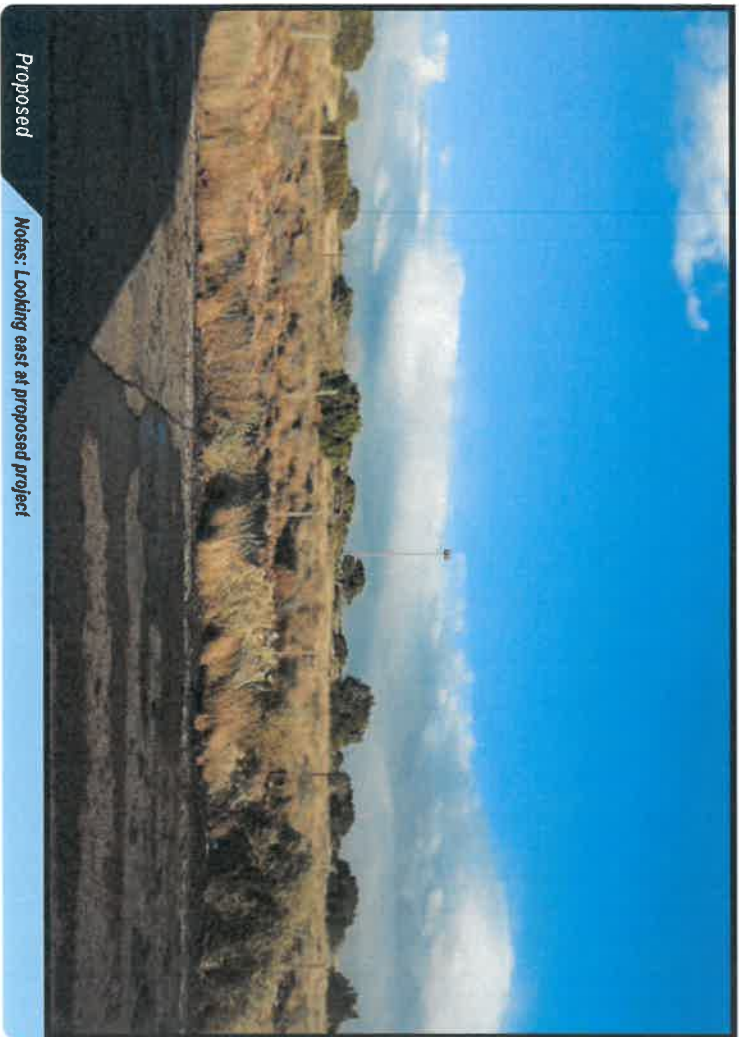
View 4



Location Map



Existing



Proposed

Notes: Looking east at proposed project

Applicant

Contact

**Verizon Wireless**  
126 W. Gemini Drive  
Tempe, AZ 85283

**SUN STATE**  
TOWERS  
1426 North Marvin Street, Suite 101  
Gilbert, AZ 85233

Photographic Visualizations Provided By:  
**SoRed**  
10663 Desert Lane  
www.sored.com  
85288  
SCDC LLC  
9811 25th Ave  
Phoenix, AZ 85042  
info@so-red.com

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Revision Date: Jun. 20 2016 08:42:14

AZ10-028

100 Toonerville Road ~ Flagstaff, AZ 86004



View 5



Location Map



Existing



Proposed

Notes: Looking west at proposed project

Applicant

Contact

**Verizon Wireless**  
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Tempe, AZ 85283

**SUN STATE**  
TOWERS  
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Photographic Visualizations Provided By:  
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This photo is a digital rendering of a proposed project and does not represent an actual project. The rendering is for informational purposes only and is not intended to be used for any other purpose. The rendering is not a guarantee of any project. The rendering is not a guarantee of any project. The rendering is not a guarantee of any project. The rendering is not a guarantee of any project.

Revision Date: Jun. 20, 2016 09:42:14

**AZ10-028**

100 Toonerville Road ~ Flagstaff, AZ 86004



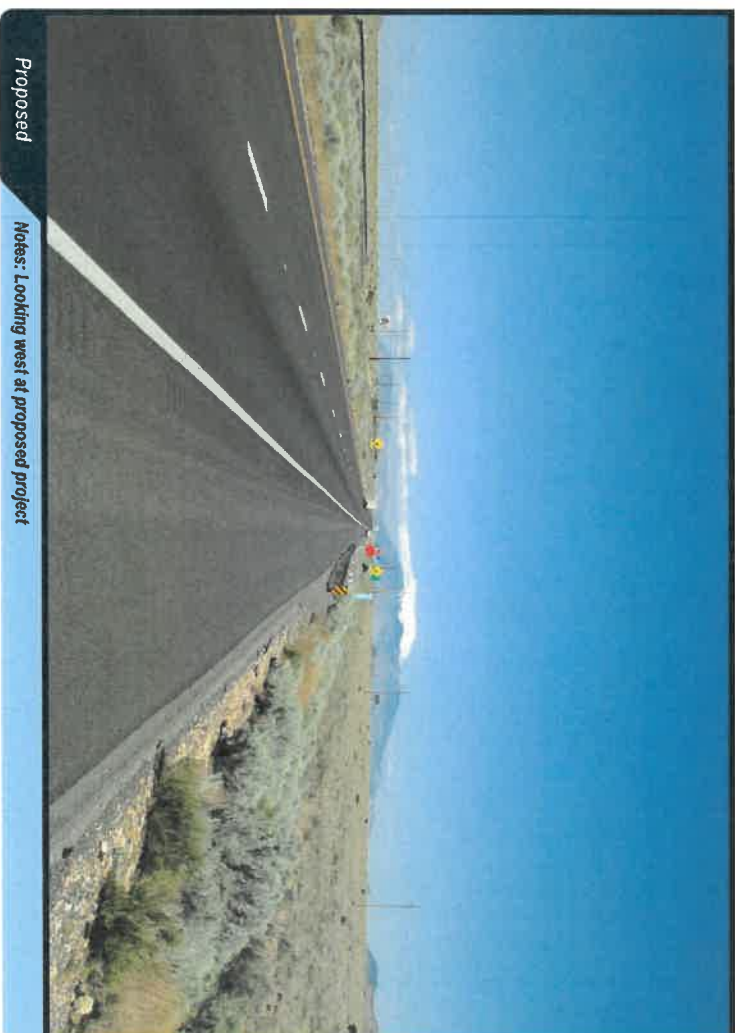
View 6



Location Map



Existing



Proposed

Notes: Looking west at proposed project

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## **Exhibit 7: Site Justification**



# AZ22 CANYON DIABLO

## Site Justification

**Nikhil Jadhav & Scott Sanchez**

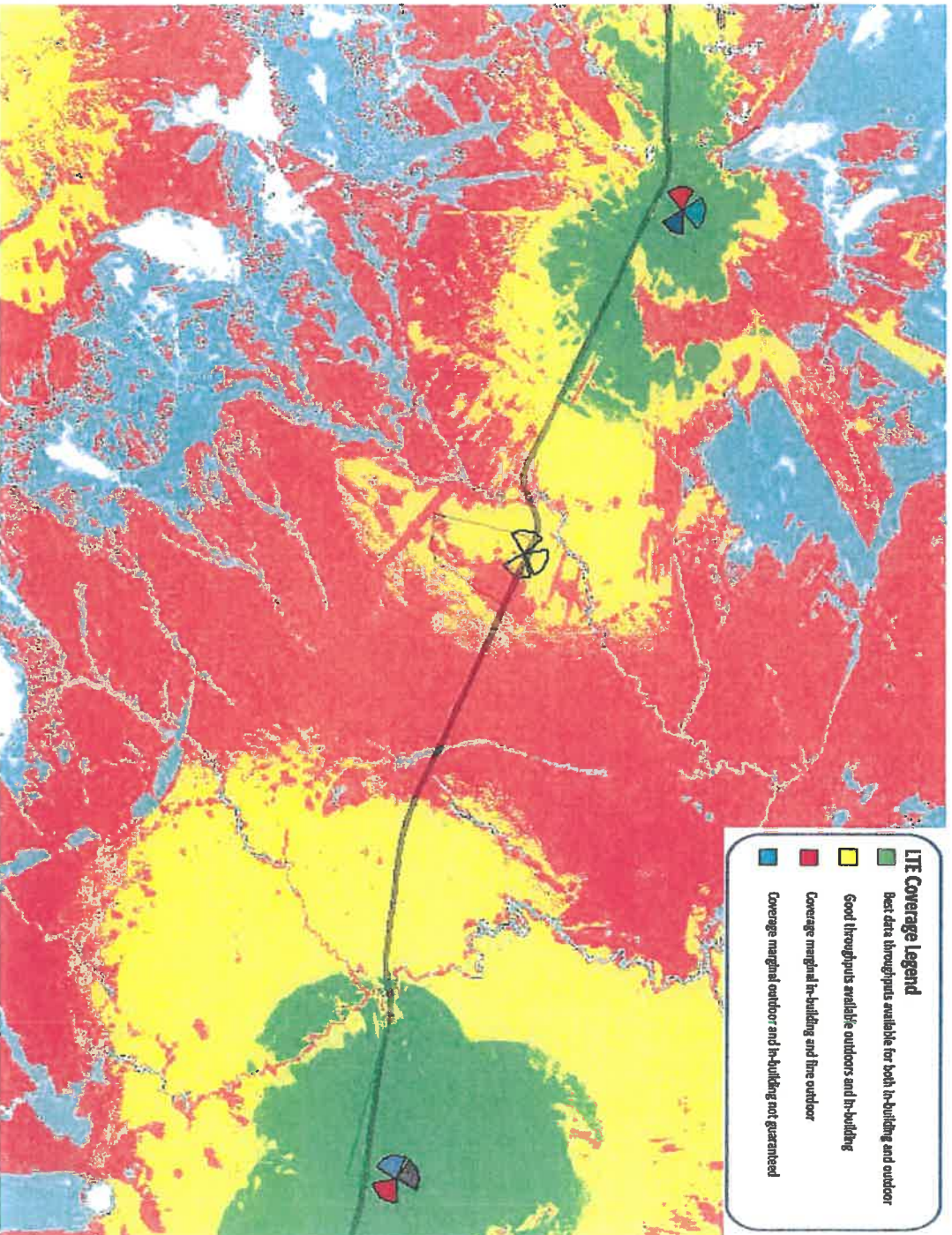
VZW South Central - RF Design

September 16, 2016



# LTE RSRP Coverage Maps

## Current Coverage

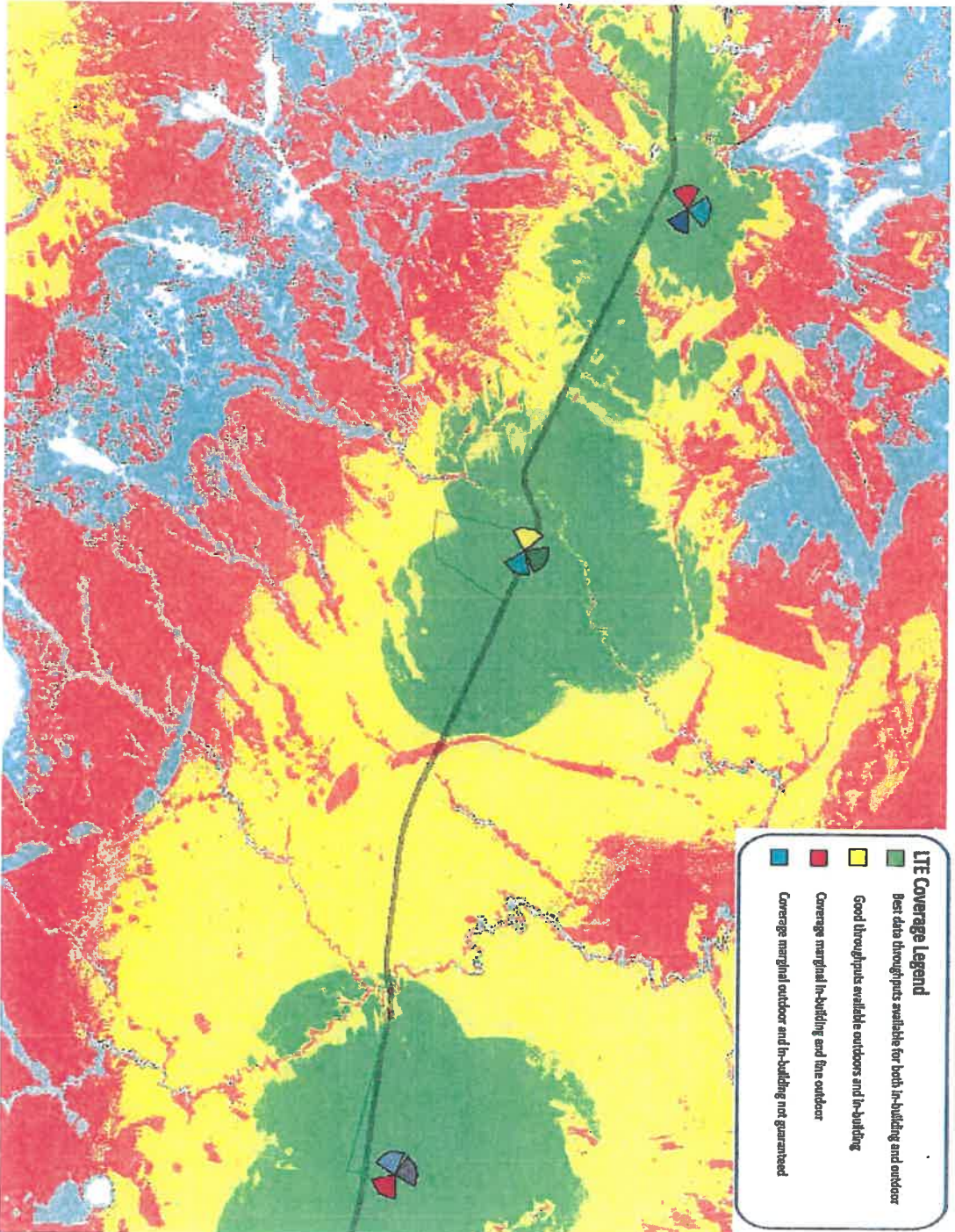


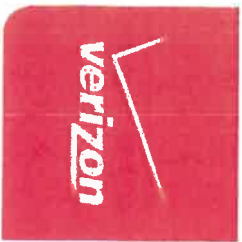




# LTE RSRP Coverage Maps

## Coverage with AZ2 CANYON DIABLO





## **AZ22 CANYON DIABLO**

### **Need for the site**

82

- The current coverage in the intended area of the site is marginal to acceptable in terms of LTE Data throughput
- Increased traffic in the area around proposed site due to the recent opening of the Twin Arrows resort.
- By EOY 2018 the following sectors will be exhausted on FVD Data Capacity
  - AZ22 Darling Sector 2



## AZ2 CANYON DIABLO

What will it improve....

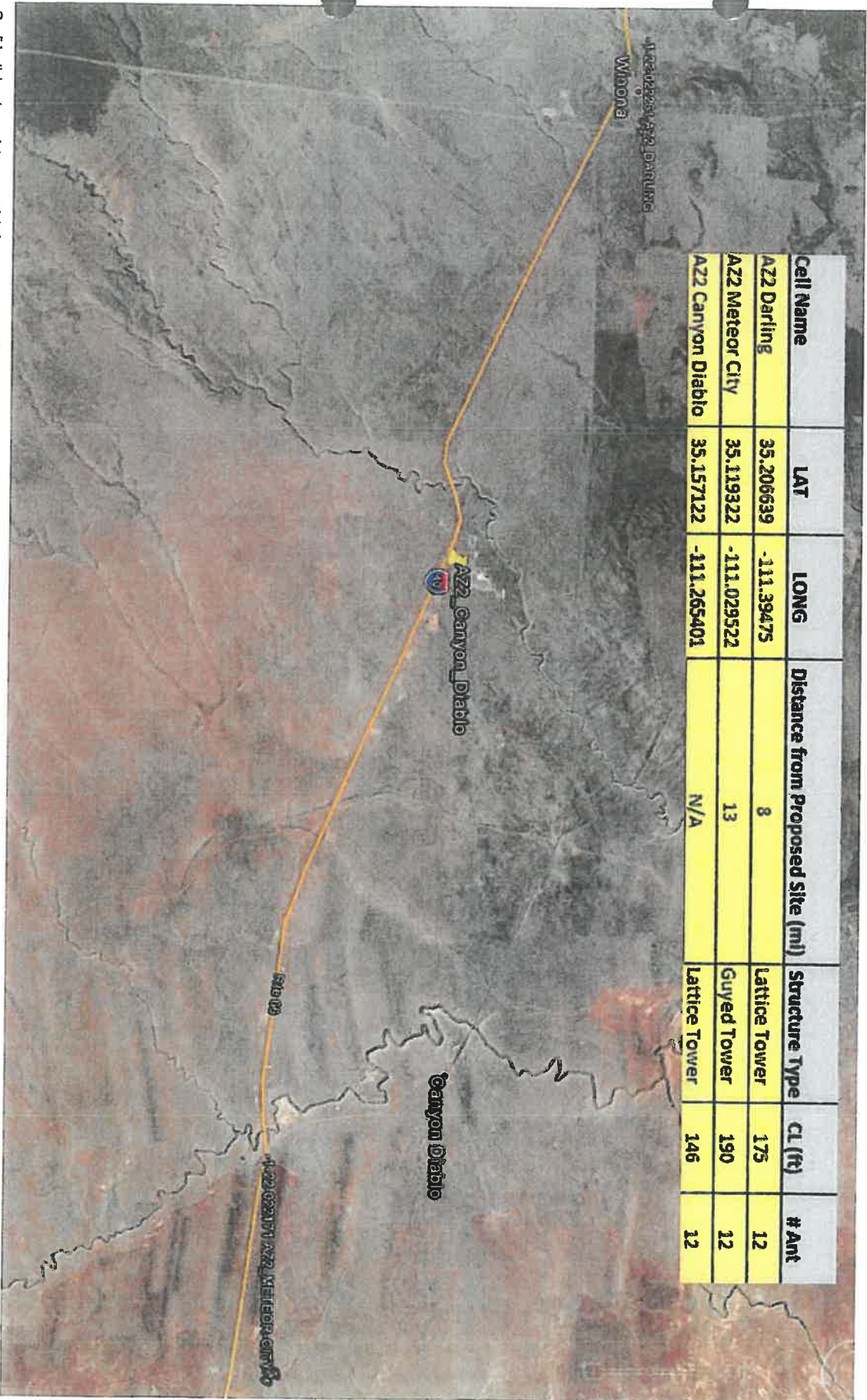
- The new macro site AZ2 CANYON DIABLO, activated @ 146 ft. with 700 & AWS Band carriers, will provide enhanced data throughput with improved user experience along the Interstate 40 corridor and the Twin Arrows resort.
- This new macro site will also act as capacity offload to sectors of AZ2 Darling (listed on the previous slide), so that it won't be exhausted on FVD Data Capacity and VZW can continue to provide their users with reliable UPTP as advertised
- The addition of this macro site will enable the area (the existing sites and the new additional site) to handle the user growth up to 2018/2019, while continuing to provide VZW customers with robust coverage and data throughputs



# Site List

## AZ22 CANYON DIABLO

Cell Name	LAT	LONG	Distance from Proposed Site (mi)	Structure Type	CL (ft)	# Ant
AZ22 Darling	35.206639	-111.39475	8	Lattice Tower	175	12
AZ22 Meteor City	35.119322	-111.029522	13	Guyed Tower	190	12
AZ22 Canyon Diablo	35.157122	-111.265401	N/A	Lattice Tower	146	12



## **Exhibit 8: Neighborhood Meeting Report**

To: Coconino County  
Planning and Development Department  
From: Michelle Lamoureux  
Pinnacle Consulting, Inc. a representative for Verizon Wireless  
Subject: Neighborhood Meeting  
Date: 11/1/2019

A Neighborhood meeting/Open House was held at Hampton Inn & Suites East located at 990 North Country Club Drive, Flagstaff, AZ on October 23, 2019 from 6:00pm – 7:00pm. The meeting was held at this location instead of the proposed site location at 100 Toonerville Road due to the horrific crimes that occurred on the property resulting in the previous owner Mary Smeal being murdered.

**Attendees:**

Michelle Lamoureux, Pinnacle Consulting, Inc.  
Dino Pergola, Pinnacle Consulting, Inc.  
Danielle Grigsby, Pinnacle Consulting, Inc.  
Darla Jurrens – New Homeowner

We noticed residents by mail within a 1 Mile radius of the site. At the open house we had photo sims of the proposed tower available for residents to view. We had several copies of the site plans and elevations available.

Only attendee was the new homeowner Darla Jurrens, whom inherited from her aunt, the previous owner Mary Smeal. Furthermore, I have not been contacted by phone or email by any other parties.

Respectively submitted,



Michelle Lamoureux