

NC BOS nixes cell tower east of Snowflake

By Toni Gibbons Staff writer Nov 19, 2024 Updated Nov 22, 2024 0



Kerry Dunn, a maintenance man for the Snowflake EI Community, speaks in opposition of the proposed cell tower at the Nov. 12 Navajo County Board of Supervisors meeting.

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After two public hearings, the Navajo County Board of Supervisors denied the application for the White Antelope Wireless Communication Facility, a proposed 120-foot cell tower east of Snowflake, during their Nov. 12 meeting. The decision followed hours of public comments and extensive research presented by the applicant and residents, both those with multiple chemical sensitivity and those that live nearby, with deliberations weighing the rights and well-being of all involved parties.

EI community background

At the heart of the debate is a one-of-a-kind MCS community east of Snowflake, known as the Environmentally Ill Community, and approximately 2 miles north of the proposed cell tower site. This rural area, which started with the building of four housing units by the State of Arizona in partnership with Old Concho Community Assistance Center about three decades ago, is a haven for people with severe multiple chemical or electrical sensitivities. More than 35 households live in specially built or modified homes in this area.

In an email submitted to Navajo County by Nicole Riggs, a former case manager for OCCAC, she wrote that residents chose the area for its distance from urban centers and lack of electromagnetic frequencies, which can exacerbate their health conditions.

"These individuals moved here to escape toxic chemicals and EMF exposure," Riggs wrote. "Building this tower essentially in their backyard could be life-threatening. While I understand the need for improved connectivity, people's lives depend on reconsidering this location."

County and applicant presentation

During his presentation, Navajo County Planning Manager Cody Cooper said, "The information requested specifically from staff was related to whether or not we could justify that this was a completed application." For staff, there were two items in question: the photo simulations and whether there was a more suitable site. Cooper said staff deemed that the photo requirements were met, and turned the meeting over to Reg Destree with SBA Communications to cover the suitability of the site and other concerns.

Destree covered the five questions posed by the BOS: Moving the mailboxes, providing actual traffic data, an appraisal for reduced property values to the north, public safety, information on RF need and within that, the suitability of the site.

"I reached out to Regine Muller at the Snowflake Post Office; to move the mailboxes would require them to completely change their route and have to redo the contract with the mail carrier. Moving up to 20 of the boxes was not feasible either," said Destree.

The only recent traffic data available was from the Arizona Department of Transportation, which had completed a test two miles west of the site on Concho Highway in August, and they found approximately 850 vehicles traveled the road per day going both directions.

After contacting three local appraisers, Destree said he found that there was very little comparable data due to the distance between the proposed homes and the subject property. "We were unable to get appraisal data, and we don't think there is much to back up that anecdotal claim that this pole will decrease property values," said Destree.

Concerning the issues of public safety, Destree received a letter from the Navajo County Sheriff's Office supporting the project. Supervisor Daryl Seymore asked if Sheriff David Clouse had been made aware of the homes involved, to which Destree replied that he had.

Destree then turned the floor over to Steve Kennedy, RF engineer with SBA, who continued the presentation by showing the drive test reports. According to those reports, Kennedy said, "East of Snowflake things fall off pretty fast. Active call testing with Verizon was not good." In his conclusion, Kennedy noted that the existing sites do not provide the level of service needed in the area and there is a significant gap of service for at least two miles around the proposed area.

In response to Kennedy's presentation, Seymore said, "If I were to poll other areas of the county or state, would we get the same conclusion? We have issues in Show Low where we have dead spots; Verizon has done very little to address those issues."

Public opposition

Despite these arguments, public opposition was overwhelming. Sixteen residents spoke against the tower during the hearing, 10 in person and six online, while the county received 38 letters opposing the project compared to just three in support.

Residents pointed to the unique nature of the community. Kevin Dunn, a local realtor who has been working in the area for 23 years, said, "In my professional assessment of their property values, they will decrease by 30 to 40% if this pole goes in. These are specialty-built homes. They are not smart homes, but very basic and difficult to sell to the average person. I can guarantee that their lives will be destroyed with that tower."

Anna Parascando, another resident who lives south of the proposed site, criticized the Federal Communications Commission for failing to update health guidelines for cell towers since 1996. "One person representing a corporation shouldn't dictate what happens to our community," she said. "We don't need this tower. We already have adequate cell service."

Scott Killingsworth echoed the loss of value for the homes when sold, "which is real material harm." Killingsworth also said that Kennedy failed to mention "that Verizon has been approved for a new tower at Black Mesa, which is four miles east on Concho Highway. They are also planning to add a transmitter to the existing tower in Snowflake Heights, four miles west. I feel like SBA and Verizon are pretending these towers do not exist and will not exist in order to justify the need for a tower at White Antelope Road."

JoAnne Guderian, another local realtor who sells real estate in the area and is the vice mayor of Snowflake, agreed with Dunn that the real estate values for the EI Community would decrease.

Dianna Suslo, in her online presentation, noted, "We need solutions that benefit all residents, not just the bottom line of the telecommunication company. The application contains a lack of adherence to requirements and legislative intent as noted in the brief submitted by our attorney. In rural areas, the 5G tower is effective in a radius of up to 10 miles. So there is no question that reliable 911 services can be provided. SBA did not submit electrical drawings, so public safety has not been ensured in the most basic way."

In her appeal to the board, Nina Beatty, who phoned in, said, "Consideration of the White Antelope tower is fundamentally a civil rights issue and a disabled rights issue. I request that you deny the project on the basis that it would discriminate against members of a protected class, whose civil rights are protected by the State of Arizona and federal laws. The Telecommunications Act does not void or invalidate those civil rights."

Beatty continued, "This facility would block the only access road to essential services and federal facilities, which are their mailboxes. The Americans with Disabilities Act, the Fair Housing Act, state rules and issues of discrimination were not considered by the board or mentioned by the county staff at the Sept. 24 hearing, even though the county accepted the disabled status of a number of these individuals who asked for and were granted disabled accommodations so they could testify remotely."

Supervisors' deliberations

When the public hearing closed, Seymore acknowledged the public's efforts in shaping his decision. "I want to thank the public for the effort they put forth in research and what they shared," he said. "The civil rights and ADA rights, the economic impact it could have on the residents, and the health and safety concerns are all critical. I think it is important that the government works together to provide a safe haven for these people. With Black Mesa and Snowflake Heights improvements still pending, I cannot in good

conscience support this application."

Navajo County Attorney Brad Carlyon said, "The board needs to make a determination that any adverse decision is not discrimination. To determine that a person under the ADA are in fact a person protected under that statute, the reasonableness and necessity of accommodation that should be granted. A determination as to whether the requested relief would make a fundamental change in those are the areas that will be looked at in a judicial review of the ADA."

Supervisor Dawnafe Whitesinger said, "I am in agreement where the community disabilities need to be considered. They have moved here exclusively for the environment. I believe that those things need to be considered when we make those decisions."

Chairman Jason Whiting said, "I want to thank those that took the time to come to speak. For me, we have a landowner who has rights to their land and wants to put a cell tower on that land. We have other property owners that would impact them and those two things lie in conflict."

Cooper said, "The shot clock will expire on November 28 for this project. If the decision is not rendered, then the FCC deems the application approved without the board. Any challenging or contesting would be out of our purview."

Whiting asked what would happen if the board voted to deny the permit. To which, Cooper said, "You have 30 days to put out a written determination of how you came to that decision. "

Carlyon said, "Some people stated they have disability and the nature of disability that denying a tower in this area is a reasonable and necessary accommodation. The FCC would appreciate understanding why you are denying the cell tower."

The board unanimously denied the application.