

1. Agenda

Documents: [AGENDA JANUARY 15.PDF](#)

2. Packet

Documents: [PACKET JANUARY 15.PDF](#)

3. Action Taken

Documents: [ACTION TAKEN JANUARY 15.PDF](#)



NOTICE OF THE REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION

January 15, 2013 6 p.m.

Pursuant to ARS 38-431-02, notice is hereby given to the members of the Chino Valley Planning and Zoning Commission and the general public that the Chino Valley Planning and Zoning Commission will hold a regular meeting open to the public on Tuesday, January 15, 2013 at 6:00 p.m. in the new Chino Valley South Campus building, located at 202 N. State Route 89, Chino Valley, Arizona 86323.

The Agenda for the meeting is as follows:

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL OF MINUTES**
 - 4A. **December 4, 2012**
5. **STAFF REPORT**
6. **PUBLIC HEARING**
 - 6A. **For consideration, discussion and possible recommendation to the Town Council regarding a requested zone change from "AR-5" Agricultural/Residential (5 Acre Minimum) to "SR-1" Single Family Residential (1 Acre Minimum). The location of the proposed zone change is 801 E. Center Street, Assessor's Parcel Number's 306-29-002M (Approximately 2 Acres). Applicant/Owner: Ronnie L. Bunker**
7. **DISCUSSION ITEM**
 - 7A. **Possible revisions to Section 4.25, Wireless Communication Tower, of the Unified Development Ordinance (UDO).**
8. **PUBLIC COMMENTS**
9. **ADJOURN**

A copy of the agenda and background material provided to the Commissioners is available for public inspection at the Marion Lassa/Chino Valley Library, 1020 W. Palomino Road, Chino Valley, Arizona.

Further details may be obtained by contacting Development Services Department at 1982 Voss, Chino Valley, Arizona (928) 636-4427. The Town endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call 636-2646 (voice), 636-1787 (TDD) or use the AZ Statewide Relay Service at 1-800-367-8939 (TDD) to request an accommodation to participate in this meeting.



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TOWN OF CHINO VALLEY
PLANNING AND ZONING COMMISSION
Regular Meeting Minutes
Chino Valley South Campus
202 N. State Route 89
December 4, 2012
6:00 p.m.

1. CALL TO ORDER

2. ROLL CALL

Meeting was called to order at 6:00 p.m.

Members Present: Phil Rice, Chairperson
Garland Miner, Vice Chairperson
Jack Owen, Commissioner
Florence Sloan, Commissioner
Gwen Rowitsch, Commissioner

Staff Absent: Charles Merritt, Commissioner
Michael Edmonds, Commissioner

Staff Present: David Nicolella, Associate Planner
Robert Smith, Town Manager
Mary Brasher, Administrative Technician

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

4A. For consideration, discussion, and possible action regarding the regular meeting minutes of November 6, 2012.

Commissioner Sloan MOVED, seconded by Commissioner Miner to approve the regular meeting minutes of November 6, 2012.

MOTION CARRIED 5-0

5. STAFF REPORT: David Nicolella, Associate Planner informed the commission that many of the survey's that were generated to registered voters within the Town limits have been returned and Cecilia Watts, General Services Director will give them an update on the results they have so far.

Ms. Watts explained what the survey was, the reason for the study and then shared the preliminary results of this study, stating they hope to have the final results at the next Council meeting. There were approximately 1200 surveys received but her preliminary results only consisted of about 600 at this point. Citizens were asked how many times they typically used a particular Town Department and which services they felt were most important. It turned out that the Library was the one department that was used the most; however, when rating the importance of the different departments the library didn't score very high. Public Safety was believed to be the most important with the remaining departments in the following order; Public Works, General Government, Facilities, Municipal Court, Development Services, Park Maintenance, Recreation, Library, Senior Center and last the pool. When citizens were asked on the survey what funding sources the Town should consider the results in order of importance as follows; increased sales tax, combination of sales tax and property tax, and finally initiate property tax. The order in which citizens felt services should be funded was as follows; Public Safety, Community Services and Utilities, and several people didn't answer this question. The last question pertained to support for selling relevant bonds to pay for economic development as follows; 47.6% said yes to water and sewer infrastructure, for the Industrial Part at Old Home Manor 32.6% supported.

Mr. Nicolella gave the Commission an update on what the General Plan Committee has accomplished at this point. Mr. Nicolella highlighted each meeting from February 2012 to present and informed the Commission that Dava Hoffman plans a joint Commission/Council study session next month. He explained that the entire process will last about two and a half years and is broken down into three phases, the first being focused on Land Use, Growth Areas, Circulation, Transportation and Economic Development Elements; the second phase will consist of Open Space, Environmental Planning, Water Resources, Cost of Development, and the third phase will consist of the Recommendation and Review of the Public Hearing.

6. DISCUSSION ITEM: Chairman Rice opened the public hearing.

6A: This hearing will be conducted as a workshop to discuss and review possible revisions to Section 4.25, Wireless Communication Tower, of the Unified Development Ordinance (UDO).

Robert Smith, Town Manager gave a brief presentation to educate the Commission on Wireless Communication Infrastructure. He commented that the Town's codes were a little dated and felt that some information might be helpful as the Commission considers the text amendment that has been proposed. Mr. Smith explained how wireless communications work, why sites look the way they do, why these sites are located where they are, who benefits from these structures, and what elements should be present in a

wireless proposal. He commented that if the applications don't contain the information that the Commission would like to see then the Town needs to revise those applications. Wireless towers provide data access to geography which allows people to communicate, these towers need to be located as far up in the air they can go in order to get the signal to the next tower across the area it needs to cover. These tower signals need to overlap; if they don't overlap then calls get dropped. Each of these towers has a different frequency, but the entire area is serviced with three frequencies. Maps were utilized to show how geographical areas are covered with towers and the frequencies and how these towers can be modified for visual aesthetics. Mr. Smith commented that these towers can and should be modified to be visually appealing and match the surrounding area. Carriers would rather build these towers on top of something that is already established because it is cheaper for them. However, these towers are also needed in remote areas to support transportation, and carriers are required by federal laws to serve a certain amount of their market with a certain amount of service for voice but he wasn't sure if that applied to data. When these towers are proposed the carrier already know exactly what they need and where they need these towers for coverage. These towers benefit many communities' especially health care providers, telemetry devices, analysis equipment, emergency personnel, security, state agencies, public and private organizations, and even farmers are using GPS. These towers do not produce noise, dust, chemicals or traffic. There is usually a technician once a month that goes out to check on the equipment and the most they will bring with them is a weed eater. The footprint is usually about 50 to 100 sq ft, and the only utility needed is electricity. These towers are beneficial for communities because they allow a myriad of uses to take place. He mentioned that there are some things that local government cannot regulate in regards to sites that are regulated for RF safety that have already been approved through the FCC, the Town can talk about the visual impact and the necessity of the site. He stated the elements the Commission should look for when an applicant comes before them are a map showing all of the network sites within the region, this map should also show which one they intend to build, a parcel zoning map that includes any buildings in the proposed area, and the applicant should be able to demonstrate the gap in coverage must be filled and how they will fill that gap, there should be a statement for the necessity of the site, and certification. He stated that staff would bring them some suggested amendments to this section of the code for their consideration.

Commissioner Rowitsch commented she noticed that many of these facilities have been approved administratively rather than going through the public process.

Mr. Smith commented that the Town would probably not see enough applications to overwhelm the Commission. The Commission may want to do that for applicants that are planning to utilize existing sites, but for new sites the public hearing process allows for more control on visual impact.

Chairman Rice opened this item for public comment

Citizens that spoke were concerned that allowing a 100 ft tower would be setting precedence and was also concerned that providers are making money at the expense of the appearance of the Town. Can the Town force providers to share towers rather than installing more. Concerns were; entire structure not being contained on the property, opposed to ninety foot height, skyline pollution, permanently scar view, eye sore for travelers, and thought that allowing a ninety nine foot tower would be irresponsible stewardship of the Town. It was also thought that two sixty five foot towers would give the same degree of service as one ninety nine foot tower.

Mr. Smith commented that Mr. Klein has brought some valid thoughts to the discussion and stated that it would not be good to set a precedent, but that is why a CUP would be required for such a request. A CUP would allow neighborhood, Commission, and Council involvement and have a say in the design of the facility. He addressed all of their concerns and also commented that a provider would prefer to use existing facilities than to construct a new one, so if they are proposing a new tower then they have already done the research and determined this is what they need to do. He also commented the Town can force them to co-locate if other towers are available and carriers don't want to go through the expense of constructing a new tower unless they have to. He stated that aesthetics are important and the industry has gotten very creative in ways of hiding these sites. These towers are created so the pole folds in half but won't fall down and in terms of safety, the engineered structures are engineered to state and federal standards and are proven and in use across the US in environments that are much more difficult than ours.

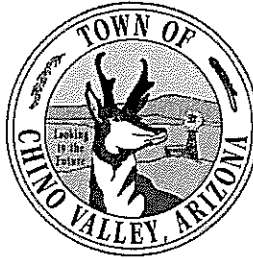
7. **PUBLIC COMMENTS:** None

8. **ADJOURN:** 7:40 p.m.

Phil Rice Chairperson Date:

ITEM

6A



PLANNING COMMISSION OF THE TOWN OF CHINO VALLEY, ARIZONA

Staff Report

January 15, 2013

PUBLIC NOTICE LEGAL AD

ZC-12-003: NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Planning and Zoning Commission at the Town's South Campus Building located at 202 N. State Route 89, at 6:00 p.m. on Tuesday, January 15, 2013. This hearing will be conducted for consideration, discussion and possible recommendation to the Town Council regarding a requested zone change from "AR-5" Agricultural/Residential (5 Acre Minimum) to "SR-1" Single Family Residential (1 Acre Minimum). The location of the proposed zone change is 801 E. Center Street, Assessor's Parcel Number's 306-29-002M (Approximately 2 Acres). Applicant/Owner: Ronnie L. Bunker

A. LOCATION: Please see Location Maps. (On the south side of Center Street approximately 950 feet east of SR-89)

B. FACTS:

1. Owner/Applicant:Ronnie L. Bunker
2. Engineer:.....N/A
3. Site Dimensions and Area:.....Approximately 277' x 315' 1/2 Acres
4. Existing Zoning:....."AR-5"
5. Requested Zoning:....."SR-1"
6. Adjacent Zoning and Use:
North....."CL/AR-5" Chino Valley School District
South....."SR-2.5" and "AR-5"
East....."SR-2.5"
West....."AR-5"
7. Water Source:Private Well
8. Waste Water:Town of Chino Valley
9. General Plan Conformance: ...The Future Land Use Designation is "Commercial".

C. NOTIFICATION LETTERS: The Citizen Participation protocol as required by the Unified Development Ordinance (UDO) resulted in approximately seven (7)) letters noticing the request being mailed out. To date the Town has not received responses from the mail-out.

D. NEIGHBORHOOD MEETING: On January 3, 2013, a neighborhood meeting was held by Ronnie Bunker, the property owner to discuss the proposed zone change with residents surrounding the property. The meeting was held at the Council Chambers and allowed adjacent landowners or other affected citizens, an opportunity to discuss or express their views concerning the zone change. In addition to the Applicant family, two neighborhood people attended the meeting. The Applicant explained the intended use of the property for a single





family home on a one-acre lot split adjacent to the existing Bunker home. The neighbors in attendance noted that they had no objections to the rezoning and intended use.

E. ANALYSIS: The Applicant has requested a rezoning from the existing AR-5 classification to the SR-1 zoning classification for permitting a new home on approximately half of the existing property; and to provide better compliance with the Town of Chino Valley General Plan Future Land Use "Commercial" designation.

Existing Conditions: This two-acre parcel currently has a double wide trailer located on the west side. The east side of the parcel (approximately an acre) is vacant.

Adjacent Land Uses: Most of the adjacent uses are residential; directly across Center Street is the Chino Valley High School.

General Plan Conformance: The proposed zone change to "SR-1" will bring the property closer to conformance to the "Commercial" Future Land Use Designation since it permits a smaller lot size of one acre rather than the current 5-acre requirement of the "AR-5" zoning classification. Therefore the requested change merits positive consideration and recommendation to the Town Council from the Planning Commission.

Access and On-Site Circulation: The existing parcel and the proposed adjacent parcel both have access to Center Street.

F. RECOMMENDATION:

With the Findings and Stipulations indicated below staff endorses the following requests and suggests that the Commission forward the items to the Town Council with a recommendation for approval.

FINDINGS:

1. That the requested rezone from "AR-5" to "SR-1" will bring the property closer to conformance to the "Commercial" Future Land Use Designation and the goals of the "Town of Chino Valley 2003 General Plan".
2. That approval of the recommended rezone will not be adverse to the health, safety, convenience, and general welfare of the residents of the Town of Chino Valley, Arizona.

ZONING STIPULATIONS:

1. That the property owner agrees that the approval of this rezone confers no additional entitlements or rights to the owner or applicant other than those that are vested with the "SR-1" zoning district.
2. That the Property Owner/Applicant agrees to comply with the codified procedures set forth in the Town of Chino Valley's Unified Development Ordinance.
3. That prior to any division of the property the owner shall submit a Land Split Application to the Town's Planning Division for review and approval.



DEVELOPMENT SERVICES DEPARTMENT
1982 N. VOSS DR. #203
CHINO VALLEY, AZ 86323



TOWN HALL (928) 636-2646
DEVELOPMENT SERVICES (928) 636-4427
FAX (928) 636-6937

ENGINEERING STIPULATIONS:

1. That a connection to the Town of Chino Valley's Waste Water System shall be provided for the newly created lot by the builder/contractor concurrently with the building permit process.
2. Section 4.23 E of the UDO requires the standard street dedications, and Sec 5.3.2 of the UDO Subdivision Regulations requires a 100 ft right-of-way dedication for principal and minor arterial streets; i.e. fifty (50) foot wide $\frac{1}{2}$ street from centerline of Center Street right-of-way is required along the property's Center Street frontage, as required by staff; however,
3. Based on the applicant's request and existing street dedications, staff supports a waiver from the standard dedication of a fifty (50) foot wide $\frac{1}{2}$ street from centerline of right-of-way along the property's Center Street frontage; staff finds that the existing dedication is in alignment with the adjacent properties on the south side of Center Street. Said waiver of additional dedication shall be considered with the Ordinance for the rezoning by the Town Council.

Attachments:

Rezoning/Planned Area Development Application
Property Location/Existing Zoning Map
Citizen Participation/Neighborhood Meeting Letter
Parcel 306-29-002M Survey Map showing existing structures
The General Plan Future Land Use Map
Applicant's Letter Requesting Street Dedication Waiver





REZONING APPLICATION

1.	PROPERTY OWNER NAME MAILING ADDRESS TELEPHONE NUMBER FAX NUMBER	Ronnie L. Bunker P.O. Box 880 Chino Valley AZ 86323 N/A
2.	APPLICANT NAME MAILING ADDRESS TELEPHONE NUMBER FAX NUMBER	Ronnie L. Bunker P.O. Box 880 Chino Valley AZ 86323 N/A
3.	ENGINEER NAME MAILING ADDRESS TELEPHONE NUMBER FAX NUMBER	N/A
4.	ARCHITECT/DESIGNER ADDRESS TELEPHONE NUMBER FAX NUMBER	N/A
5.	SITE LOCATION (Major Cross Streets)	Center Street between 1 East & Highway
6.	ASSESSORS PARCEL NUMBER(S)	306-29-002M
7.	SITE DIMENSIONS	2 Acres, 276.62' x 314.95'
8.	SITE AREA (GROSS)	2 Acres
9.	EXISTING STRUCTURES	double wide Trailer w/deck, pump house
10.	DESCRIBE ACCESS TO THE SITE (STREET FRONTAGE OR EASEMENT)	Street Frontage
11.	UTILITIES PROVIDED BY	ELECTRIC: APS GAS: UNS WATER: private exempt well SEWER: Town of Chino Valley
12.	FLOOD ZONE DESIGNATION	Unshaded Zone X
13.	EXISTING ZONING	Agricultural AR-5
14.	REQUESTED ZONING	Single family residential -SR-1
15.	ADJACENT ZONING NORTH: SOUTH: EAST: WEST:	ADJACENT LAND USE NORTH: CL/AR SOUTH: AR-5 EAST: SR 2.5 WEST: AR-5
16.	TOPOGRAPHY	Map Attached from Yavapai County



17. INTENT OF THE REZONE REQUEST:

to divide the property in 2 one Acre parcels
So home can be built on 2nd parcel.

OWNER'S SIGNATURE: *Dominic Gunko* DATE: 11-27-12

APPLICANT'S SIGNATURE: *Dominic Gunko* DATE: 11-27-12

(Office Use Only):

Date of Meeting: _____ Time of Meeting: _____

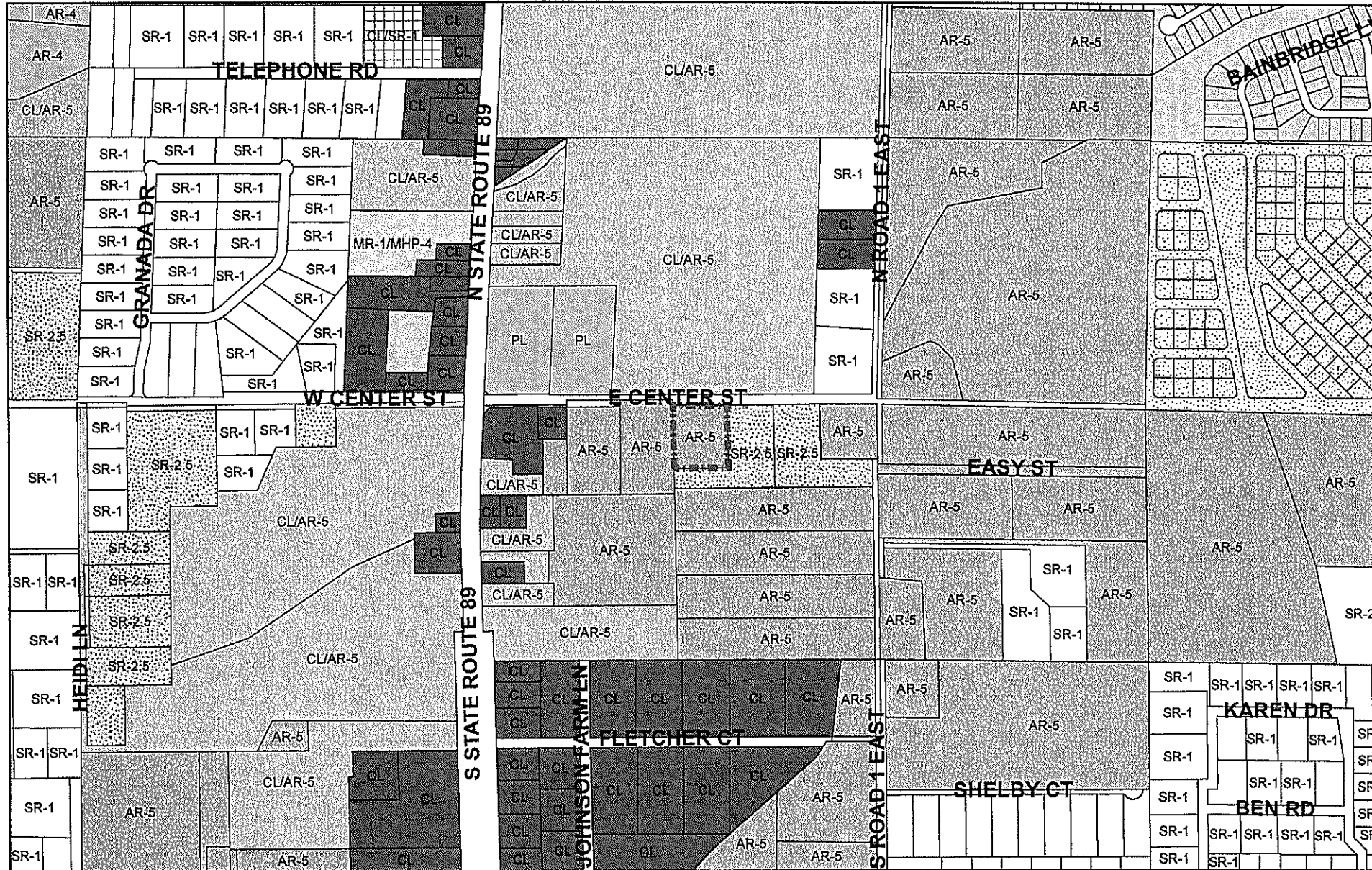
Agency's Notified: _____

Log #: _____

BUNKER APN 306-29-002M

Rezone from AR-5 to SR-1

RZ# 12-003



Town of
Chino Valley
1000 West Palmdale Road
Chino Valley, AZ 86329
(928) 938-2446 FAX (928) 938-2144

Chino_Parcels110512
306-29-002M
Streets

Zoning
AR-5
CL
CL/AR-5

CL/SR-1
CH
CH/AR-5
I

PL
SR-2.5
SR-1
SR-2
AR-4

SR-0.16
MR-1/MHP-4
Slate
AR-5

AR-38
SR-1.6
OS
MR1/CL

MR1
MHP-4
I/CH

1 inch = 700 feet



The Town of Chino Valley assumes no responsibility for errors, omissions, and/or inaccuracies in this mapping product.

Ronnie L. Bunker
801 East Center Street
Chino Valley, Arizona 86323

December 6, 2012

RE ; Assessors Parcel Number 306-29-002M
801 East Center Street, Chino Valley, AZ 86323

Change of Zoning application from Agriculture (AR-5)
To Single Family Residential (SR-1)

I am proposing a change from Agriculture (AR-5) zoning to Single Family Residential (SR-1) for Assessors Parcel Number 306-29-002M. This parcel is located at 801 East Center Street, Chino Valley, Arizona.

The Town of Chino Valley Unified Development Ordinance (UDO) requires that prior to any public hearing, as required under the UDO, the Zoning Administrator (ZA) shall require the applicant to conduct a neighborhood meeting or an acceptable alternative prior to holding a public hearing. For the above mentioned request, the AZ required a neighborhood meeting, therefore a written notice was mailed to all landowners within three hundred (300) feet of the subject property. The meeting is designed to allow adjacent landowners(s) or those other potentially affected citizens, a reasonable opportunity to discuss and express their respective views concerning the application.

A neighborhood meeting will be held at 400 p.m. on January 3, 2013, at the council chambers at 201 N. Highway 89 in Chino Valley. The applicant will describe the proposal. and answer any questions. The AZ, or his designee, shall attend the meeting and shall report the results of the neighborhood meeting to the Commission and Town Council at such time as they take action on the application. All interested parties are invited to attend. If you are unable to attend the meeting and would like more information please contact David Nicolella with the Town of Chino Valley Development Services Department at 928-636-4427 or email dnicolella@chinoaz.net.

Thank you for your consideration in this matter.

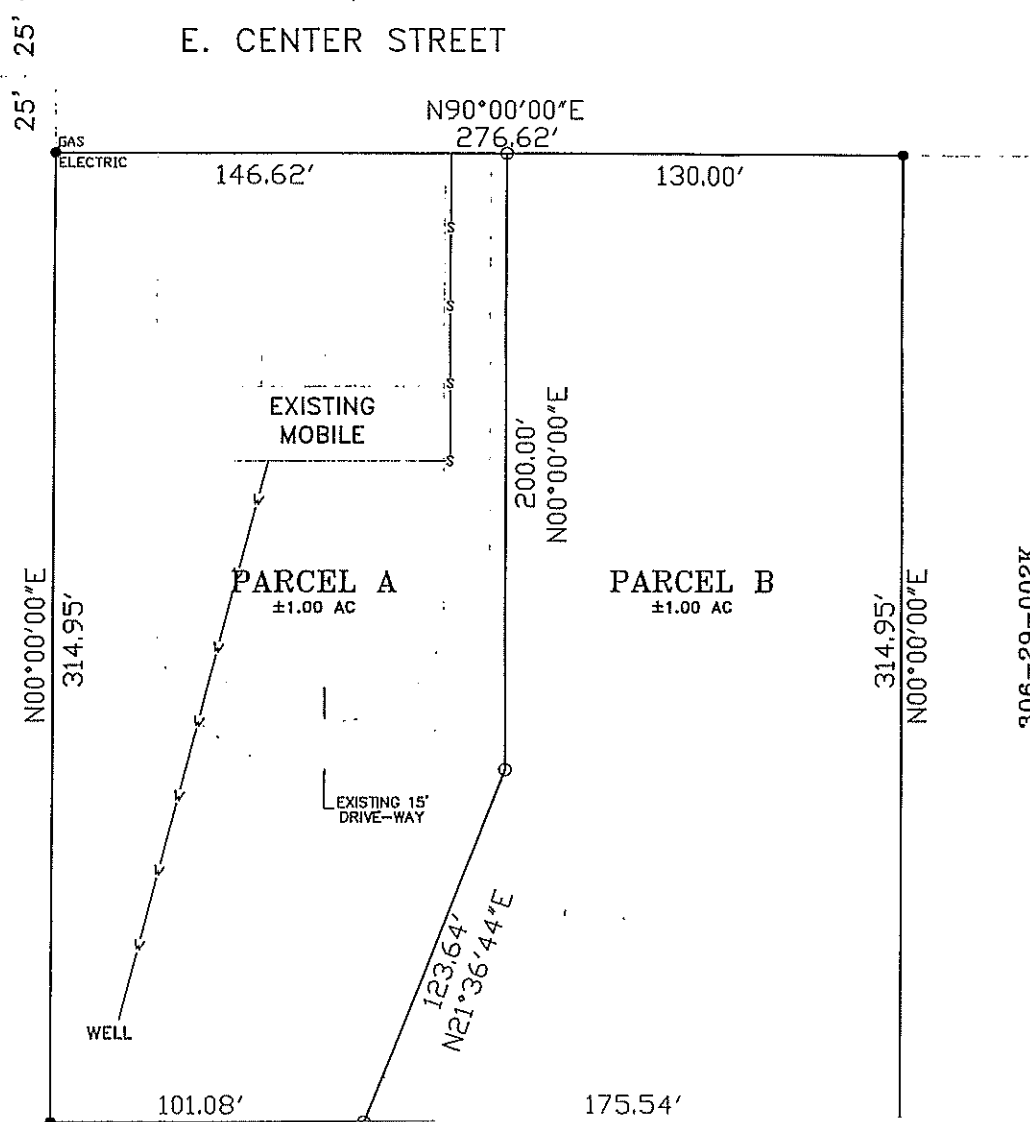
Sincerely,

Ronnie L. Bunker

306-23-063F

E. CENTER STREET

306-29-003A



SITE PLAN
PROPOSED SPLIT
PARCEL 306-29-002M
BUNKER PROPERTY
801 E. CENTER ST. CHINO VALLEY, AZ
SECTION 27, T16N, R2W
YAVAPAI COUNTY, ARIZONA



LEGEND

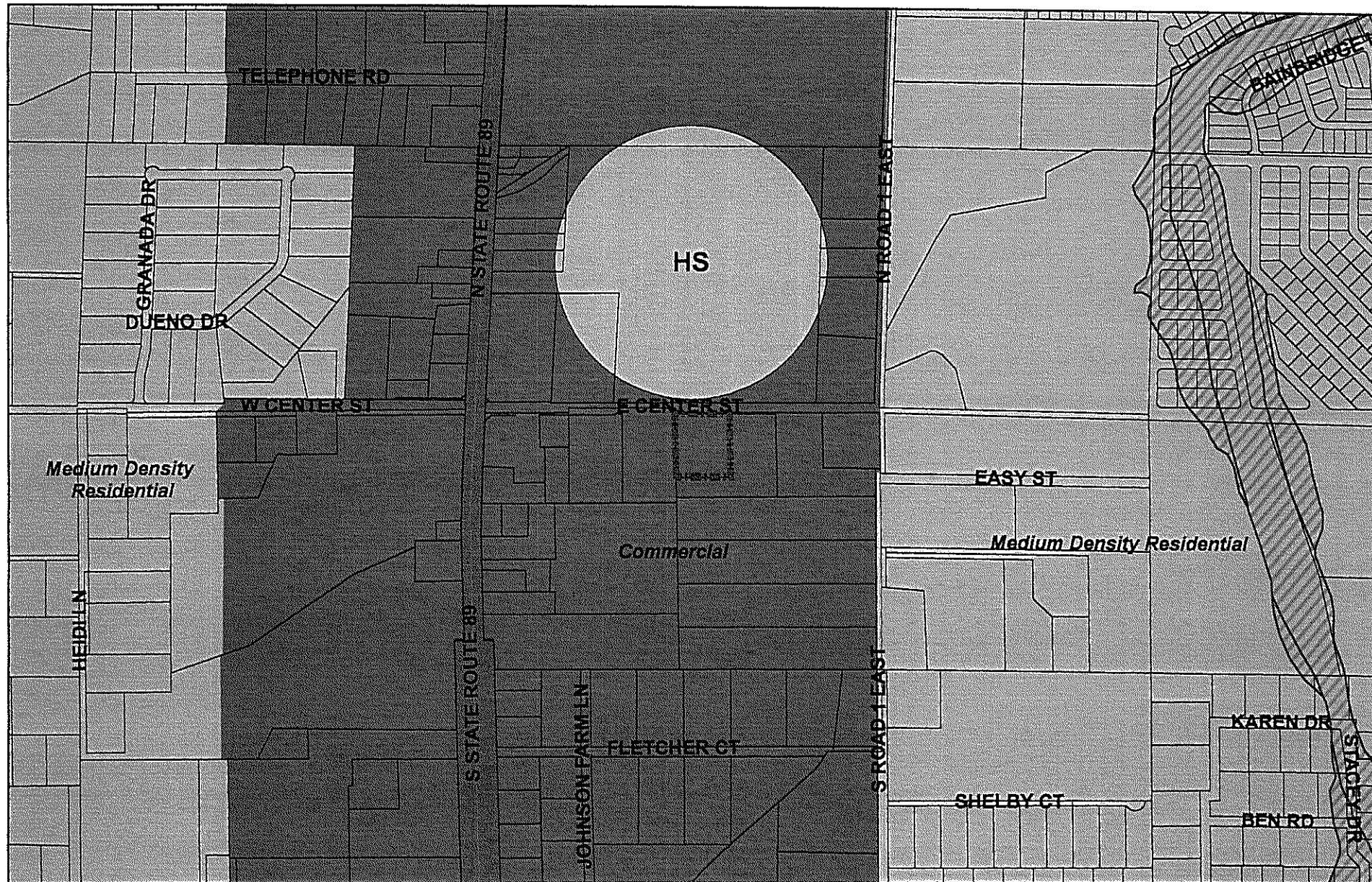
- = PROPERTY CORNER
- = PROPOSED SPLIT CORNER

BUNKER APN 306-29-002M

REZONE AR-5 to SR-1

RZ 12-003

GENERAL PLAN - AMENDED
FUTURE LAND USE MAP



Chino_Parcels110512	Schools	Flood Plain	Public Land
306-29-002M	Existing Schools	Highway 89	Special Development Area
Streets	Future Schools	Zoning_GeneralPlan	State Land

1 inch = 700 feet

The Town of Chino Valley assumes no responsibility for errors, omissions, and/or inaccuracies in this mapping product.

From: RONNIE BUNKER [bunkers@cableone.net]

Sent: Friday, January 04, 2013 4:36 PM

To: DavaH@DavaCivil.com

Subject: Bunker property proposed zoning change

Dava, per your request in last night's neighborhood meeting, consider this a request that we not be required to dedicate an additional easement on Center Street as a condition of the zoning change. We have already dedicated 30 feet from the center of the street at the Town's request, and any additional footage would severely cut into our front yard and remove all the trees in front. At the time of the last dedication of five feet, we spent quite a lot of time negotiating with the Town about which trees they wanted removed, and I actually moved one of the trees at their request. They assured me that the other trees were ok to be left in place. Now, of course, the trees are too large to move. The additional 20 feet would take most of the front yard and quite a lot of the parking space in the driveway also, as well as all the trees. The house is set back about 75 feet from the center of Center Street, as well as I can measure. Depending on what the setback requirement is, my house would possibly be out of compliance, which would impact my ability to sell the house in the future.

I realize the Town needs the easement to be the same all down the street, but perhaps they would consider taking extra frontage from the High School instead of so severely impacting my property.

Thanks for your consideration of my request.

Ronnie Bunker

ITEM

7A

4.25 WIRELESS TELECOMMUNICATIONS FACILITIES

A. PURPOSE The purpose of this section is to establish general guidelines for the siting of **wireless communications** towers and **antennas**. The goals of this section are to:

1. Ensure access to reliable wireless communications services throughout all areas of the Town of Chino Valley.
- ~~1.2.~~ Protect residential areas and land uses from potential adverse impacts of towers and antennas.
- ~~2.3.~~ Encourage the location of towers in non-residential areas.
- ~~3.4.~~ Minimize the total number of towers throughout the community.
- ~~4.5.~~ Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers.
- ~~5.6.~~ Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal.
- ~~6.7.~~ Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques.
- ~~7.8.~~ Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.
- ~~8.9.~~ Consider the public health and safety of communication towers. Ensure public health, safety, welfare and convenience.
- ~~9.10.~~ Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the Town shall give due consideration to the **General Plan**, other provisions of this Ordinance, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

Comment [RS1]: Important Objective to state, establishes positive motivation for regulating the land use and tighter alignment with FCC objectives as expressed in the Telecommunications Act

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Comment [RS2]: More consistent with legal basis for zoning's use of the police power

B. DEFINITIONS. As used in this section, the following terms shall have the meanings set forth below:

ALTERNATIVE TOWER STRUCTURE means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of **antennas** or towers.

ANTENNA means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

BACKHAUL NETWORK means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

CO-LOCATION means the use by two or more **wireless communications** providers of the same support structure or the same site, as defined in subsection "I" below.

EXISTING STRUCTURE means light poles, power poles, chimneys, billboards, and other similar structures that are placed within the Town at the time of adoption of this Ordinance, except existing buildings.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

HEIGHT means, when referring to a tower or other structure, the vertical distance measured from the natural grade level to the highest point of the structure directly above the natural grade when such structure is not located in a platted subdivision. If the structure is located in a platted subdivision, the height shall be the vertical distance measured from the finished grade as shown on the subdivision grading plans or finished grade as shown on the individual lot's grading plans (whichever is lower), to the highest point of the structure directly above the finished grade. In the event that terrain problems prevent an accurate determination of height, the Development Services Director shall rule as to height and appeal from that decision shall be to the **Board** of Adjustment.

PREEXISTING TOWERS AND PREEXISTING ANTENNAS means any tower or antenna for which a building permit has been properly issued prior to the effective date of this Ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

SITE means the physical location upon which wireless telecommunications facilities are located. Unless otherwise stated in this Section, "site" shall be limited to the area occupied by a single tower and its accompanying ground or roof-mounted equipment.

TOWER means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term also includes the structure and any support thereto.

WIRELESS COMMUNICATION means any technology for transmitting communication through the air.

WIRELESS COMMUNICATIONS FACILITIES means any combination of one or more antennae, towers and/or structures or equipment used for the transmission of wireless communication.

C. APPLICABILITY

1. New towers and antennas. All new towers or antennas in the Town shall be subject to these regulations.

2. Exceptions.

- a. Amateur radio station operators and/or receive only operations. This Section shall not govern any tower, or the installation of any **antenna**, that is under the maximum building height of the **zoning district** in which such structure is located and which is solely used by a federally-licensed amateur radio station operator or is used exclusively for receive only operations, including devices necessary for individual subscriptions to commercial wireless services.
- b. **Preexisting towers or antennas**. Legally established **preexisting towers** and **preexisting antennas** shall not be required to meet the requirements of this Section, other than the requirements of subsections D.f and D.g below.
- c. AM array. For purposes of implementing this **Ordinance**, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting **antenna**, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

D. GENERAL REQUIREMENTS

1. Principal or accessory. **Antennas** and towers may be considered either principal or accessory uses. A different existing use of an **existing structure** on the same lot shall not preclude the installation of an **antenna** or tower on such lot.
2. Lot size. For purposes of determining whether the installation of a tower or **antenna** complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the **antennas** or towers may be located on leased parcels within such lot.
3. Inventory of existing sites. Each applicant for an **antenna** and/or tower shall provide to the **Development Services Director** an inventory of its existing towers, **antennas**, or sites approved for towers or **antennas**, that are either within the jurisdiction of the **Town** or within one mile of the border thereof, including specific information about the location, height, and design of each tower. Each applicant shall also provide a one-year build out plan for all other proposed **wireless communications facilities** within the Town. The **Development Services Director** may share such information with other applicants applying for administrative approvals or **conditional use permits** under this Section or with other organizations seeking to locate **antennas** within the jurisdiction of the **Town**, provided, however that the **Development Services Director** is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
4. Aesthetics. Towers and **antennas** shall meet the following requirements:
 - a. Towers shall either maintain a galvanized steel finish or ~~subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.~~
 - b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

Comment [RS3]: We don't want any towers in town that would be required to be lit by the FAA, so remove this-- the FAA will only require paint schemes on towers that are high enough to warrant lighting.

c. If an **antenna** is installed on a structure other than a tower, the **antenna** and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the **antenna** and related equipment as visually unobtrusive as possible.

5. Lighting. Towers shall not be artificially lighted, ~~unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.~~

Comment [RS4]: We Don't want lit towers in town, and we can work around that by offering more open ended regulations that empower P&Z to impose conditions of approval on the projects.

6. State of Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and **antennas**. If such standards and regulations are changed, the owners of the towers and **antennas** governed by this chapter shall bring such towers and **antennas** into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and **antennas** into compliance with such revised standards and regulations shall constitute grounds for the revocation of the standing permit (if applicable) and removal of the tower or antenna at the owner's expense. State or federal requirements.

Comment [RS5]: This should be spelled out in the ordinance and on the permit itself

7. Building Codes; Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association (EIA) and by the Telecommunications Industries Association (TIA), as amended from time to time. If, upon inspection, the **Town** concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within thirty (30) days shall constitute grounds for the revocation of the standing permit (if applicable) and removal of the tower or antenna at the owner's expense. Building codes; safety standards.

Comment [RS6]: Same as above

8. Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the **Town** irrespective of municipal and county jurisdictional boundaries. Measurement.

9. Not essential services. Towers and **antennas** shall be regulated and permitted pursuant to this Section and shall not be regulated or permitted as essential services, public utilities or private utilities.

10. Franchises. Owners and/or operators of towers or **antennas** shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the **Town** have been obtained and shall file a copy of all required franchises with the **Development Services Director**.

11. Public notice. For purposes of this Section, any **Conditional Use Permit** request shall be pursuant to Section 1.9.3 of this **Ordinance** except that the notice required shall include posting of the property, and mailing to all property owners within 1,000 feet of the proposed **wireless communications facility**, and publication in a newspaper of general circulation regardless of any expression to the contrary in Section 1.9.2.

12. Signs. No signs shall be allowed on an **antenna**, on a tower, or on any portion of the premises leased for wireless telecommunication use.
13. Buildings and support equipment. Buildings and support equipment associated with **antennas** or towers shall comply with the requirements of Section 4.25.H of this Ordinance.
14. **Co-location** and multiple **antenna**/tower plan. The **Town** encourages tower and **antenna** users to submit a single application for approval of multiple towers and/or **antenna sites** and to submit applications that utilize co-location with an existing wireless telecommunications provider. Applications for approval of multiple sites or for co-location with an existing provider shall be given priority in the review process.
15. Security fencing. Towers shall be enclosed by security fencing not less than six (6) feet in height and no more than eight (8) feet in height and shall be constructed of block or masonry, and shall be equipped with an appropriate anti-climbing device; provided however, that the **Town Council** may waive such requirements as it deems appropriate.
16. Landscaping. The following requirements shall govern the landscaping surrounding towers; provided, however, that the **Town Council** may waive such requirements if the goals of this Section would be better served thereby.
- Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from residentially zoned property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound. Survivability shall be guaranteed and certified by the applicant for any and all plantings associated with the proposed facility.
 - In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
 - Existing mature plant growth and natural landforms on the site shall be preserved to the maximum extent possible.

Comment [RS7]: Precludes a nonconforming residential use from forcing screening to be provided at a legitimate location where it should not be required.

Comment [RS8]: Applicant should ensure the vegetative buffer remains effective and maintained for the life of the use

E. PERMITTED USES

1. General. The uses listed in this subsection are deemed to be permitted uses and shall not require a **conditional use permit**.
2. Permitted uses. The following uses are specifically permitted via administrative review:

a. ~~a.~~ **Antennas** or towers located on property owned, leased, or otherwise ~~controlled~~ ~~controlled or managed~~ by the **Town**; provided, however, a license or lease authorizing such **antenna** or tower has been approved by the **Council**. No such license or lease shall be issued for a tower located within three hundred (300) feet of any residentially zoned property until an informational hearing has been held at a regular or special **Town Council** meeting and notice of such hearing has been advertised according to subsection 4.25.D.11 at least seven (7) days but not earlier than fourteen (14) days prior to such hearing.

~~2.b.~~ ~~b.~~ **Antennas** or towers located in any Industrial Zoning district (IND), provided, however, that freestanding towers or **antennas** shall not exceed forty ~~sixty-five~~ (40~~65~~) feet in height without a **conditional use permit**, and that roof mounted **antennas** shall not extend more than ten (10) feet above the tallest point on such roof and in no case shall the total combined height of the building and the roof mounted **antenna** exceed ~~fifty~~ (50) feet in height.

Comment [RS9]: Will be working on the UDO to more specifically spell out what permits are administrative/ministerial and which are not – this language helps ensure the point is made that certain permit applications can be approved by staff.

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Comment [RS10]: Changes introduced because restrictions as written make this section virtually un-usuable. 40' will not get a facility above the vegetative canopies and existing structures – and in an industrial zone it's not feasible to put a 50' height limit on a rooftop when some industrial structures may be that high or higher...

F. CONDITIONAL USE PERMITS

1. General. There is hereby created for this section only a **Conditional use permit** for Wireless Towers and **Antennas** which may be granted by the **Town Council** as follows:

a. If the tower or **antenna** is not a permitted use under subsection 4.25.E of this **Ordinance**, a **conditional use permit** shall be required for the construction of a tower or the placement of an **antenna** in all **zoning districts**. ~~The maximum height of any such tower shall be sixty-five (65) feet.~~

b. Applications for **conditional use permits** under this Section shall be subject to the procedures and requirements of Section B of this **Ordinance**, except as modified in this Section.

c. In granting a **conditional use permit**, the **Town Council** may impose conditions to the extent such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties. Such Conditions of Approval (COAs) shall be incorporated into the Building Permit Process and made a part of the final building inspection process and records. Final Inspection and/or Certificate of Occupancy will not be provided unless all COAs required in the zoning process are satisfied.

d. Any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical, shall be certified by an Arizona licensed professional engineer.

e. An applicant for a **conditional use permit** shall submit the information described in this section and a non-refundable fee established pursuant to a Resolution of the **Town Council**.

Comment [RS11]: If we state that we don't want any towers to be lit, that forces a 199' height limit. Every new tower structure goes to the public, P&Z AND the Council as a CUP – where height limitation can be imposed on a project by project basis...leaving the opportunity for some flexibility – where you also ensure the public, P&Z AND Council are involved in the decision making process is a good balance.

Comment [RS12]: This ensures that the COAs become part of the bidding process (if the contractor is smart he'll make them part of the drawings for bid) and that the contractor has an entity to fall back on for performance, should a COA not be met. It also empowers the Town to with-hold final approval until all COAs are met. Permit language in the UDO should also contain this language for all CUPs and should also contain revocation language, should COAs not be satisfied within a certain time frame.

- f. A **Conditional use permit** issued under this Section shall be conditioned upon verification by the Town Engineer or his/her designee that such tower structure is structurally sound. Such verification shall be received by the applicant prior to submission and shall be reviewed annually.

2. Towers.

- a. Information required. In addition to any information required for applications for **conditional use permits** pursuant to this **Ordinance**, applicants for a **conditional use permit** for a tower shall submit the following information:
- i. A scaled Site Plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), **General Plan** classification of the site and all properties within the applicable separation distances set forth in subsection 4.25.G.2, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, and other information deemed by the **Development Services Director** to be necessary to assess compliance with this article.
 - ii. The setback distance between the proposed tower and the nearest residential unit and residentially zoned properties.
 - iii. The separation distance from other towers described in the inventory of existing sites submitted pursuant to subsection 4.25.D.3 shall be shown on an updated Site Plan or map. The applicant shall also identify the type of construction and height of the existing tower(s) and the owner/operator of the existing tower(s), if known.
 - iv. Method of fencing and finished color and, if applicable, the method of camouflage and illumination.
 - v. A description of compliance with subsections 4.25.D.3, 4, 5, 6, 7, 10, 12, 13, 14, 15 and 16, subsections 4.25.G.1 and 2 and all applicable federal, state or local laws.
 - vi. A notarized statement by the applicant as to whether construction of the tower will accommodate **co-location** of additional **antennas** for future users.
 - vii. ~~Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality. Two photosimulations from the 2 nearest public rights of way or public lands.~~
 - viii. ~~A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower. An alternate site analysis report, detailing all potential sites investigated by the applicant, and reasons why said alternate sites will not meet the applicant's RF and service objectives.~~
 - ix. ~~A description of the feasible alternative location(s) of future towers or antennas within the Town based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.~~

Comment [RS13]: Useful to subsequent wireless applicants as they search for collocation opportunities.

Comment [RS14]: Not useful in the permit analysis and deliberation process – and could be used against the town as evidence that we're discriminating against other providers not present in the Town

Comment [RS15]: This requirement should always be included in a CUP application

Comment [RS16]: To be clear, the Town wants the applicant to demonstrate why other, seemingly appropriate structures or locations, won't work and why the proffered site is the effective answer for their needs.

Comment [RS17]: Pragmatically, the applicants don't know this in advance, and if they did they wouldn't share it...for the purposes of considering a current land use application, this has little or no bearing on the questions at hand.

~~*IX.~~ A statement of compliance with Federal Communications Commission (FCC) Radio Frequency (RF) exposure standards. ~~b. Noise. No permit shall be issued for any facility which generates a noise level greater than fifty decibels (50 db) as measured at the edge of the property upon which such facility is sited.~~

b. Factors considered in granting **conditional use permits** for towers ~~(not in any particular order or priority)~~. In addition to any standards for consideration of applications pursuant to Section 4.25 of this **Ordinance**, the **Town Council** shall consider the following factors in determining whether to issue a **conditional use permit**, although the **Town Council** may waive or reduce the burden on the applicant of one or more of these criteria if the **Town Council** concludes that the goals of this **Ordinance** are better served thereby:

- i. Height of the proposed tower.
- ii. Proximity of the tower to residential structures and residentially zoned district boundaries.
- iii. Nature of uses on adjacent and nearby properties.
- iv. Surrounding topography.
- v. Surrounding tree coverage and vegetation.
- vi. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- vii. Proposed ingress and egress.
- viii. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in subsection 4.25.F.2.d of this **Ordinance**.

Availability of suitable existing towers, other structures, or alternative technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the **Town Council** that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed **antenna**. An applicant shall submit information requested by the **Town Council** related to the availability of suitable existing towers, other structures or alternative technology. ~~Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:~~

~~No existing towers or structures are located within the geographic area which meets applicant's engineering requirements.~~

~~Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.~~

~~Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.~~

~~The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.~~

~~The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure~~

Comment [RS18]: We have a noise nuisance code on the books that governs this, and should be good enough for wireless facilities too.

Comment [RS19]: We want the ability to consider all of these factors in any order of priority we deem appropriate for the proposal

for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable micro-cell network using multiple low-powered transmitters/receivers attached to a wire line system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

Comment [RS20]: It is not helpful to restrict or dictate to the applicant how they must craft an alternate site analysis...if they don't cover what staff or the Town believes important, we can ask for additional information.

G. MINIMUM SETBACKS AND SEPARATION

1. Setbacks. The following setback requirements shall apply to all towers and antennas; provided, however, that the Town Council may reduce the standard setback requirements if the goals of this Section would be better served thereby.

a. Towers must be set back a distance equal to at least one hundred percent (100%) of the height of the tower from any adjoining lot line, unless engineered to fold and remain standing on site in the event of a critical failure. If engineered to fold, tower structures may be set back from property lines per the minimum zoning district setback requirement for that zone; provided, however, that separation distances from residential uses shall be in accordance with Table 4.25.G.1 as set forth below.

b. Accessory buildings must satisfy the minimum zoning district setback requirements.

Comment [RS21]: Recognition that there are accepted design standards that would mitigate safety issues associated with critical failure is practical.

Separation. The following separation requirements shall apply to all towers and antennas; provided, however, that the Town Council may reduce the standard separation requirements if the goals of this Section would be better served thereby. a. Separation from off-site uses/designated areas.

Tower separation shall be measured from the base of the tower to the lot line of the offsite uses and/or designated areas as specified in 4.25.G.1, except as otherwise provided thereto.

Separation requirements for towers shall comply with the minimum standards established in Table 4.25.G.1.

Comment [RS22]: Separation was a hot strategy in the beginning when it was thought that the number of facilities could be managed by controlling the placement and density of facilities...this has not proven effective and can often result in additional towers being created when collocations or creative installations on existing structures would have been preferable – or when development patterns change and create different market conditions. This approach can impose an impractical restriction on network design resulting in more towers than are actually necessary to service a market – a practical approach where the applicant is tasked with demonstrating why the proposed location is the best location for meeting service demand would result in a more effective deployment.

Separation from particular uses also has the same effect – and since it is highly likely that health impacts won't even be a possibility in the discussion, there's not much reason to push for the separation distances – especially since, through stealthing or camouflage, the visual impacts can be designed out of the project or mitigated.

Table 4.25.G.1 SEPARATION REQUIREMENTS FROM OFF-SITE USES/AREAS	
USE/DESIGNATED AREA	SEPARATION DISTANCE
1, 2 & 3-Family Dwelling Units	200' or 300% of the tower height, whichever is greater.
Modular or Manufactured Homes	200' or 300% of the tower height, whichever is greater.
Vacant residentially-zoned land that has been previously platted	200' or 300% of the tower height, whichever is greater.
Vacant un-platted residentially-zoned land	100' or 140% of tower height, whichever is greater.

Existing Multi-Family residential units (4 or more units)	100' or 110% of tower height, whichever is greater.
Non-residential land/use	110% of the tower height.

3. Separation distances between towers.

- a. Separation distances between towers shall be applicable for and measured between the proposed tower and ~~preexisting towers~~. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a Site Plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 4.25.G.2 below.
- b. Exception. The minimum separation requirements of this section shall not apply to towers, which are co-located on a single site.

Table 4.25.G.2 MINIMUM SEPARATION BETWEEN TOWERS			
	Structure 65' or greater	Structure less than 65' and greater than 40'	Structure less than 40'
Structure 65' or greater	2,000'	1,500'	1,000'
Structure less than 65' and greater than 40'	1,500'	1,500'	1,000'
Structure less than 40'	1,000'	1,000'	750'

H. BUILDINGS OR OTHER EQUIPMENT STORAGE

3. The equipment cabinet or structure used in association with **antennas** shall comply with the following:
 - a. The cabinet or structure shall not contain more than one hundred twenty (120) square feet of gross floor area or be more than eight (8) feet in height and shall be located on the ground.
 - b. Equipment storage buildings or cabinets shall comply with all applicable building codes.
4. ~~Antennas mounted on utility poles, light poles, or towers. The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:~~
 - ~~a. In residential districts, the equipment cabinet or structure may be located:~~
 - ~~a. In a required front yard or required street side yard provided the cabinet structure is no greater than three and one-half (3.5) feet in height or twenty (20) square feet of gross floor area and the cabinet/structure is located a minimum of three (3) feet from all lot lines. The cabinet/structure shall be screened by sight obscuring landscaping which obscures at least ninety-five percent (95%) of the structure at planting and throughout the duration of the cabinet or structure's existence with an ultimate height not to exceed forty-two (42) inches.~~

Comment [RS23]: How does this restriction help the purposes set out in the preamble of the ordinance if the unintended effect is to create the need for additional equipment structures?

Many carriers now use state approved shelters that are provided in standard layouts...why would the town object to that and force the carrier to custom build an enclosure?

b. ~~In a required rear yard, provided the cabinet or structure is no greater than five (5) feet in height or one hundred twenty (120) square feet in gross floor area. The cabinet/structure shall be screened by sight-obscuring landscaping which obscures at least ninety-five percent (95%) of the structure at planting and throughout the duration of the cabinet or structure's existence with an ultimate height of six (6) feet.~~

c. ~~The entry or access side of a cabinet or structure shall be gated by a solid, sight-obscuring gate that is separate from the cabinet or structure.~~

5.4 ~~In Commercial or Industrial Districts the equipment cabinet or structure shall be no greater than fourteen (14) feet in height or three hundred (300) square feet in gross floor area. The structure or cabinet shall be screened by sight-obscuring landscaping with an ultimate height of sixteen (16) feet and a planted height of at least six (6) feet. The entry or access side of a cabinet or structure shall be gated by a solid, sight-obscuring gate that is separate from the cabinet or structure. Such access way shall not face residentially zoned property.~~

6.5 ~~Modification of building size requirements. The requirements of subsections 4.25.H.1 through 3 may be modified by the Town Council in the case of uses permitted by special use to encourage co-location.~~

Comment [RS24]: We should discourage the use in all residential areas, then, this level of complexity is not needed and secures little if any benefit for the Town. Besides, the project will be in a CUP process, with the highest scrutiny possible in the Town's permitting track -

Comment [RS25]: Not helpful or an incentive...

I. CO-LOCATION

4. ~~Required. Any new tower constructed in connection with an application under this Section shall be suitable for co-location. The applicant shall accept for co-location an FCC-licensed wireless communication provider (hereinafter "additional user") using any compatible technology on commercially reasonable terms. Any additional user seeking co-location shall submit specifications for its equipment and use to the applicant and the applicant shall, within thirty (30) days from receipt, respond to the additional user in writing, furnishing all technical requirements which must be resolved before co-location.~~

2.1 ~~Good faith. Applicants, additional users and permittees shall cooperate and exercise good faith in co-locating wireless telecommunications facilities on the same support structures or site. For the purposes of this section only, a "site" may accommodate more than one tower and its accompanying equipment; provided, however, that no "site" shall exceed ten (10) acres. Good faith shall include sharing technical information to evaluate the feasibility of co-location, and may include negotiations for erection of a replacement support structure to accommodate co-location. A competitive conflict to co-location or financial burden caused by sharing such information normally will not be considered as an excuse to the duty of good faith.~~

Comment [RS26]: The Town has no place in the private business decisions made between two private business parties. How would we enforce this?

3.2 ~~Third party technical review. In the event a dispute arises as to whether an applicant or permittee has exercised good faith in accommodating other users, the Town may require the applicant or additional user to obtain a third party technical study at the applicant's or additional user's expense. The Town may review any information submitted by the applicant and permittee(s) in determining whether good faith has been exercised.~~

Comment [RS27]: The Town has no place in the private business decisions made between two private business parties. How would we enforce this?

4.3 ~~Exceptions. No co-location may be required where the shared use would or does result in significant interference in the broadcast or reception capabilities of the~~

~~existing wireless telecommunications facilities or failure of the existing wireless telecommunications facilities to meet federal standards for emissions. The Town Council may, upon a determination that the Town's citizens would be better served, waive any portion of the requirements of this subsection.~~

Comment [RS28]: The Carriers and the FCC do a pretty good job of managing this themselves...how would we enforce this?

~~5.4. Violation; penalty. Failure to comply with co-location requirements may result in denial of a permit request or revocation of an existing permit.~~

J. REMOVAL OF ABANDONED **ANTENNAS** AND TOWERS Any **antenna** or tower that is not operated for a continuous period of ninety (90) days shall be considered abandoned, and the owner of such **antenna** or tower shall remove the same within ninety (90) days of receipt of notice from the **Town** notifying the owner of such abandonment. Failure to remove an abandoned **antenna** or tower within said ninety (90) day period shall be grounds to remove the tower or **antenna** at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower for the prescribed period.

K. NONCONFORMING USES

1. Not expansion of nonconforming use. Towers that are constructed and **antennas** that are installed, in accordance with the provisions of this chapter shall not be deemed to constitute the expansion of a nonconforming use or structure.

2. Preexisting towers. Preexisting towers shall be allowed to continue their usage as they presently exist and shall be allowed to accommodate additional collocations to the tower site. Routine maintenance shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this chapter.

Comment [RS29]: There are many reasons you'd want a nonconforming tower to be able to accept collocations, and possibly to extend its height to do so – this would be a CUP process.

3. Rebuilding damaged or destroyed nonconforming towers or **antennas**. Notwithstanding other provisions of this Section, bona fide nonconforming towers or **antennas** that are damaged or destroyed may be rebuilt without having to first obtain a **conditional use permit** and without having to meet the separation requirements specified in subsections 4.25.G.1 and 2. The type, height, and location of the tower on-site shall be of the same type and intensity as the original facility approval; ~~provided, however, that any destroyed lattice or guyed tower shall be replaced with a monopole structure only.~~ Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within ninety (90) days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or **antenna** shall be deemed abandoned as specified in subsection 4.25.J.

Comment [RS30]: It's better not to dictate the tower design – lattice towers are more flexible for accepting collocations, and can generally support more weight...they have a use in the right places.

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L. NOTICE

1. Permit/Entitlement holders operating wireless facilities within the Locality shall be required to provide updated notice and contact information to the Locality if/when ownership of the facility changes. Such notice and information shall be provided to the Locality within 60 days of change of ownership.

a. 2. Wireless facilities within the locality shall display informational signage on the gate of the wireless facility. Sign shall be 4' x 4' in size and shall indicate the site name/number and emergency contact information (phone number) of the facility owner

Comment [RS31]: The Town should get notice on changes of ownership

or party responsible for the operation and maintenance of the facility. Such signage and information shall be present in order for final inspection and certificate of occupancy to be approved.

Comment [RS32]: There needs to be emergency contact information on the facility should the need arise.

TOWN OF CHINO VALLEY
PLANNING AND ZONING COMMISSION
Regular Meeting Minutes
Chino Valley South Campus
202 N. State Route 89
January 15, 2013
6:00 p.m.

1. CALL TO ORDER

2. ROLL CALL

Meeting was called to order at 6:00 p.m.

Members Present: Phil Rice, Chairperson
Garland Miner, Vice Chairperson
Jack Owen, Commissioner
Charles Merritt, Commissioner
Gwen Rowitsch, Commissioner
Florence Sloan, Commissioner

Staff Absent: Michael Edmonds, Commissioner

Staff Present: Robert Smith, Town Manager
Dava Hoffman, Planning Consultant
Mary Brasher, Administrative Technician

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

4A. For consideration, discussion, and possible action regarding the regular meeting minutes of December 4, 2012.

Commissioner Sloan MOVED, seconded by Vice Chair Miner to approve the regular meeting minutes of December 4, 2012.

MOTION CARRIED 5-0 Commissioners Merritt abstained

5. STAFF REPORT: Dava Hoffman introduced herself as the Planning Consultant who will be filling in due to the departure of the previous Planner. Dava informed the Commission that she would be going over all the General Plan Committee (GPC) activities at the Joint Study Session on January 31, 2013.

6. PUBLIC HEARING: Chairman Rice opened the public hearing.

6A: For consideration, discussion and possible recommendation to the Town Council regarding a requested zone change from AR-5 Agricultural Residential 5 Acre minimum to SR-1 Single Family Residential 1 Acre minimum. The property is located at 801 E. Center Street, Chino Valley, Arizona APN: 306-29-002M and consists of approximately 2 Acres. Applicant/Owners: Ronnie L. Bunker.

Dava Hoffman gave a brief overview of the request for a zone change from AR-5 Agricultural Residential 5 Acre minimum to SR-1 Single Family Residential 1 Acre minimum. Ms. Hoffman described the zoning of the neighboring properties, and stated that this request complies with the Future Land Use Map of Commercial. The applicant intends to split the property and the new lot would be utilized for residential use. The neighborhood meeting met with no objections, and support was voiced by one neighbor; additionally staff has received three letters in support of this application. Ms. Hoffman noted that staff recommends approval of this zone change and stated for the record the findings and stipulations as they apply to this request. Ms. Hoffman explained that staff supports a waiver from the standard dedication of a fifty foot wide half street due to the existing dedication and its alignment with the adjacent properties on the South side of Center St.

Chairman Rice opened the meeting for public comment. No comments heard. Chairman Rice closed the public comment section of the hearing.

Commissioner Rowitsch MOVED, seconded by Commissioner Miner to recommend to the Town Council approval of the request to rezone the property from AR-5 Agricultural Residential 5 Acre minimum to SR-1 Single Family Residential 1 Acre minimum with the findings and stipulations as noted in the staff report.

MOTION CARRIED: 6-0

7A. Discussion of possible revisions to Section 4.25, Wireless Communication Tower, of the Unified Development Ordinance (UDO).

Town Manager Robert Smith, gave a brief presentation illustrating the need for revising the telecommunications section of the Unified Development Ordinance (UDO). Mr. Smith stated that the current text in this section is old and needs to be updated. Mr. Smith gave the Commission information about the Communications Industry and the need for this infrastructure and how this industry tries to get the maximum amount of margin they can from the towers they own; meaning the fewer towers they own, and the more tenants they have on each tower, the more margin they make. Mr. Smith stated that he has worked in this industry and knows there are specific goals as to how many tenants they have on one tower and promote that rather than building new towers.

Mr. Smith commented on the importance for communication access throughout the Town. This service helps power the public emergency response, public meter reading, and to be consistent with the FCC's mandate that this service be ubiquitous across the country. Considering the health and safety of Communications Towers and the wording on that, has a little focus on public health and towers and how there is a need to go back to the original legal basis for our execution of the police power. The legal basis for that is the public safety welfare and convenience rather than going outside the limits of that.

Mr. Smith commented that the Town also did not want towers that would require lighting, but have to offer the opportunity to build more towers to cover the service area. Preserving our "Dark Sky" ordinance is a priority. He briefly went through some other areas of the current text in the UDO and gave his suggestions for wording. He discussed non-conforming properties and ways to pursue uses on those properties that would comply with the Future Land Use Map.

Mr. Smith also talked about projects that can be processed by staff if the project complies with all requirements. Developers who wish to develop something that is one hundred percent consistent with the codes, they should not have to go to a discretionary process when they are doing what the Town wants them to do. If a developer wants something that is not in line with the code, they would then need to come to the Commission and Council for approval. Items that comply with the Towns code can be approved through an administrative tract.

Mr. Smith then talked about the different heights that could be allowed in the different zoning districts, how to regulate them so they don't impact residential, and how to create an incentive to have towers in the areas that the Town wants. He commented that the Town will be building a database of where Communications Towers are located, so that the Town can stay informed.

Discussion continued with Commissioners about requiring applicants who wish to build these towers to submit alternative site analysis report detailing potential sites that have been investigated by the applicant and the reason why those alternative sites won't work. The Town code has something similar, but it's not put together well. Mr. Smith also suggested that the Town currently has a nuisance abatement code and felt that should be applied equally throughout the Town rather than having a separate noise code.

Mr. Smith continued his presentation explaining that height was not the only priority in revising this section of the UDO. He went on to inform the Commission about towers that are engineered to fold onto themselves rather than fall over, and felt that the current setback requirements were more aggressive than it needs to be, and there needs to be more flexibility in this requirement. He didn't feel it was appropriate for the Town to dictate floor space for equipment shelters since they are already state approved and come in standard sizes. He also commented on the text in the Co-Location section of the UDO,

and didn't feel it was appropriate for the Town to get involved in the private business decisions made between two private business parties and thinks that wording should be removed.

Mr. Smith concluded his presentation in talking about current non-conforming towers and how it would be better to intensify the use of those towers rather than building new. He explained the difference between a mono pole and a lattice tower and the efficiency of each. He also felt it was important for the Town to be kept up to date on ownership of these towers in the event of an emergency.

The Commissioners felt more flexibility for administrative approval was needed in the code for these towers. Commission members also thought a one hundred foot (100') height was not unreasonable. They agreed to have a special session on January 29, 2013 to vote on an amendment to this section of the UDO. (Note: The January 29, 2013 meeting was cancelled due to advertisement requirements).

Chairman Rice closed the public portion of the meeting.

7. **PUBLIC COMMENTS:** One citizen spoke that he didn't agree with allowing a 100' tower, and felt that these should come to the Commission for approval.
8. **ADJOURN:** 7:10 p.m.

Phil Rice Chairperson Date: